

**YUBA ENVIRONMENTAL SCIENCE CHARTER ACADEMY  
REGULAR MEETING  
COUNCIL OF DIRECTORS  
AGENDA**

**9841 Texas Hill Road  
Oregon House, CA**

**January 30, 2025  
3:30pm  
In Person**

**9841 Texas Hill Road, Oregon House, CA 95962**

**INSTRUCTIONS FOR PRESENTATIONS TO  
THE COUNCIL BY PARENTS AND CITIZENS**

The Yuba Environmental Science Charter Academy (“YES Charter Academy”) welcomes your participation at the School’s Council meetings. The purpose of a public meeting of the Council of Directors (“Council”) is to conduct the affairs of the school in public. We are pleased that you are in attendance and hope that you will visit these meetings often. Your participation assures us of continuing community interest in our School. To assist you in the ease of speaking/participating in our meetings, the following guidelines are provided:

1. Agendas are available to all audience members at the door to the meeting.
2. Blue “Request to Speak” forms are available to all audience members who wish to speak on any agenda items or under the general category of “Oral Communications.”
3. “Oral Communications” is set aside for members of the audience to raise issues that are not specifically on the agenda. However, due to public meeting laws, the Council can only listen to your issue, not respond or take action. These presentations are limited to three (3) minutes and total time allotted to non-agenda items will not exceed fifteen (15) minutes. The Council may give direction to staff to respond to your concern or you may be offered the option of returning with a citizen-requested item.
4. With regard to items that are on the agenda, you may specify that agenda item on your blue request form and you will be given an opportunity to speak for up to five (5) minutes when the Council discusses that item. Non-English speakers will be allowed twice the time limit for non-English speaker translation.
5. When addressing the Council, speakers are requested to state their name and address from the podium and adhere to the time limits set forth.
6. Citizens may request that a topic related to school business be placed on a future agenda in accordance with the guidelines in the School’s Council BP. Once such an item is properly agendized and publicly noticed, the Council can respond, interact, and act upon the item.
7. Requests for disability-related modifications or accommodations to participate in this public meeting should be made 24 hours prior to the meeting by calling 530-692-2210 or [lmiller@yescharteracademy.org](mailto:lmiller@yescharteracademy.org). All efforts will be made for reasonable accommodations. The agenda and public documents can be modified upon request as required by Section 202 of the Americans with Disabilities Act.

**I. PRELIMINARY**

**A. CALL TO ORDER:**

**B. ROLL CALL/ESTABLISH QUORUM**

<b>President/Chair</b>	<b>Pam Cook</b>	
<b>Vice President</b>	<b>Linda Cohee</b>	
<b>Chief Financial Officer</b>	<b>Paul McGovern</b>	
<b>Secretary</b>	<b>Jamie Hyatt</b>	
<b>Staff Representative</b>	<b>Lance Haliday</b>	
<b>Principal/Director</b>	<b>Louise Miller</b>	
<b>Director</b>	<b>Lisa Thompson</b>	
<b>Director</b>	<b>Yvette Rodriguez</b>	

**Guests:**

**C. Adopt Minutes from Previous Meetings: (October 24, 2024 , November 21, 2024, December 12, 2024)**

**D. Reading of Vision/Mission/Core Values:**

Mission: YES CHARTER ACADEMY educates K-9 students in a school culture that values the scientific method and a curricular focus on environmental studies. The highest Common Core State Standards, as well as high standards of moral conduct, are emphasized.

The vision of the YES CHARTER ACADEMY is to educate K–9 students of the Sierra Foothills through a self-motivating, individualized, and comprehensive curriculum that connects learners with learning via a program, teaching staff, and school culture that value scientific methods of inquiry.

YES Charter Academy Students Are: Environmental Stewards, Positive Team Members, Academic Masters, Resourceful, Responsible Citizens, Kind!

**II. PUBLIC SESSION**

**A. Public Comment: For Information**

**B. Teacher Presentation: For Information**

**C. Consent Agenda (Approved in its entirety)**

**1. Board Policy Manual**

BP 3231 Impact Aide

BP 3513.3 Tobacco Free Schools, AR 3513.3 Tobacco Free Schools

AR 4030 Non-Discrimination in Employment

BP 4033 Lactation Accommodation  
 AR Cellular Telephones and/or equipment (Employee Manual Addition)  
 AR 4112.23 Special Education Staff  
 BP 4112.42 Drug & Alcohol Testing for School Bus Drivers, AR 4112.42 Drug  
 & Alcohol Testing for School Bus Drivers  
 BP 5030 Student Wellness  
 BP 5112.3 Student Leave of Absence  
 AR 5113.1 Chronic Absence & Truancy  
 BP 5131.2 Bullying AR 5131.2 Bullying  
 Policy 5131.8: Mobile Communication Devices- Student Cellphone Policy  
 BP 5141.21 Administering Medication & Monitoring Health  
 BP 5141.4 Child Abuse Prevention & Reporting  
 BP 5144.1 Suspension & Expulsion/Due Process, AR 5144.1 Suspension &  
 Expulsion Due Process  
 AR 544.2 Suspension & Expulsion/Due Process (students with Disabilities)  
 BP 5144.4 Required Parental Attendance AR 5144.4 Required Parental  
 Attendance  
 BP 5145.13 Response to Immigration Enforcement AR 5145.13 Response to  
 Immigration Enforcement  
 BP 5148.2 Before & After School Programs  
 BP 5148.3 Preschool/ Early Childhood Education  
 BP 6171 Title 1 Programs  
 BP 6173 Education for Homeless Children, AR 6173 Education for Homeless  
 Children  
 BP 6173.4 Education for American Indian Children

**2. California School Board Administration (CSBA) - Gamut Updated December BP Packet (Approved in its entirety)**

BP 0460 Local Control & Accountability Plan, AR 0460 Local Control &  
 Accountability Plan  
 BP 1250 Visitors/Outsiders, AR 1250 Visitors/ Outsiders  
 BP 3100 Budget, AR Budget 3100  
 BP 3280 Sale of Lease of District Owned Real Property AR 3280 Sale of Lease  
 of District Owned Real Property  
 BP 3320 Claims and Actions Against District AR 3320 Claims and Actions  
 Against District  
 BP 3515.5 Sex Offender Notification AR 3515.5 Sex Offender Notification  
 BP 3540 Transportation  
 BP 5113.1 Chronic Absence & Truancy AR 5113.1 Chronic Absence &  
 Truancy  
 BP 5148.2 Before/After School Programs AR 5148.2 Before/After School  
 Programs  
 BP Preschool/Early Childhood Education AR 5148.3 Preschool/Early  
 Childhood Education  
 BP 6170.1 Transitional Kindergarten  
 BP 6174 Education for English Learners AR 6174 Education for English  
 Learners  
 BB 9420 Board Training  
 BB 9270 Conflict of Interest E (1) 9270 Conflict of Interest

The above items are self-explanatory. All items on the Consent Agenda are considered a routine item or one that has been previously discussed. Any Board Member may request that an item be pulled for further discussion.

- D. Review School Accountability Report Card: **For Action**
- E. Consider electing Deb Horner onto the COD: **For Action**
- F. The Student Representative will address the COD: **For Information**
- G. The Staff Representative will address the COD: **For Information**
- H. The COD will receive a report from staff to review current enrollment: **For Information**
- I. Regular Review of Committees: **For Information/Action**

**Facilities and Safety:** Pam Cook/Deb Campbell/Dawn Kaundart/Sara Hedrick

**Academic:** Louise Miller/Linda Cohee/Eve Domingo/Paul McGovern/Jamie Hyatt

**Outreach:** Lisa Thompson//Louise Miller/Jamie Hyatt/Frances Akers

**Finance:** Paul McGovern/Pam Cook

**Transportation:** Deb Campbell/Dawn Kaundart

**Wellness:** Louise Miller/ Sheila Rolfer/Yvette Rodriquez/Michelle Rodriquez

**BP & Procedure:** Michele Goldberg/Pam Cook/

### III. **ADJOURNMENT**

### IV. **CLOSED SESSION:**

Facilities: The COD will consider facilities for the 2025-2026 school year: **For Information**

### **ADJOURNMENT**



Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Policy 0460: Local Control And Accountability Plan

Status: ADOPTED

Original Adopted Date: 10/01/2017 | Last Revised Date: 12/01/2023~~2024~~ | Last Revi ewed

Date: 12/01/2023~~2024~~

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

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

CSBA NOTE: Pursuant to Education Code 52064, the State Board of Education (SBE) has adopted a template that districts must use to complete the LCAP and the annual update, which, as amended by SB 114 (Ch. 48, Statutes of 2023), provides for numerous changes which are required to be adopted by SBE for use in the 2024-25 school year. Additionally, Education Code 52064.4, as added by SB 153 (Ch. 38, Statutes of 2024), requires, for the period July 1, 2025 to June 30, 2028, all Learning Recovery Emergency Funds received to be included, as specified, in the LCAP or annual update. This requirement will be reflected in the template and instructions that accompany the template adopted by SBE at its November 2024 meeting. Districts should ensure that they are using the most up-to-date template, an electronic version of which is available on the California Department of Education's (CDE) website.

The Board shall adopt a districtwide local control and accountability plan (LCAP) and an annual update to the LCAP, based on the most up-to-date template adopted by the State Board of Education (SBE), that addresses the state priorities in Education Code 52060 and any local priorities adopted by the Board. The LCAP and the annual update shall be adopted or updated, as required, on or before July 1 of each year. (Education Code 52060, 52064; 5 CCR 15494-15497)

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

The LCAP and the annual update shall focus on improving outcomes for all students, particularly those who are "unduplicated students" or are part of any numerically significant student subgroup that is at risk of or is underperforming. (Education Code 52060, 52064)

An "unduplicated student" is a student who is eligible for free or reduced-price meals, who is an English learner, or who is a foster youth, as defined in Education Code 42238.01. (Education Code 42238.02)

CSBA NOTE: Education Code 52052, as amended by SB 114, has been expanded to include long-term English learners as a numerically significant subgroup, separate from English learners. Pursuant to Education Code 52052, as amended by SB 141 (Ch. 194, Statutes of 2023), a "long-term English learner" is defined as a student who has not attained English language proficiency within seven years of initial classification as an English learner.

Numerically significant student subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, and students experiencing homelessness, when there are at least 30 students in the subgroup or at least 15 foster youth, students experiencing homelessness, or long-term English learners. (Education Code 52052)

CSBA NOTE: The following paragraph is for use by districts that receive LCFF equity multiplier funding. Pursuant to Education Code 42238.024 and 52064, as added and amended by SB 114, districts that receive LCFF equity multiplier funding are required to include specific goals in the LCAP for each school generating such funding. Pursuant to Education Code 42238.024, as amended by SB 153, if a school which is otherwise eligible to receive LCFF equity multiplier funds is closed in the year in which the funds are to be allocated, that school is instead deemed to be ineligible, and any unspent funds provided are required to be returned to CDE.

The LCAP shall also include focused goals, as specified in Education Code 52064, for each school generating local control funding formula (LCFF) equity multiplier funds.

CSBA NOTE: Pursuant to Education Code 52064.3, ~~by January 31, 2025,~~ as amended by SB 153, the date upon which an Individuals with Disabilities Education Act (IDEA) Addendum ~~adopted by SBE relating to improvements in services for students with disabilities~~ is required to be completed by districts that are identified by CDE as needing an improvement plan pursuant to 34 CFR 300.600-300.647. ~~-has been extended to July 1, 2027.~~ Such identified districts must comply with the requirements specified in the following paragraph.

Beginning July 1, ~~2025~~2027, if the district is identified by the California Department of Education (CDE) as needing an improvement plan pursuant to 34 CFR 300.600-300.647, the Board shall adopt, and update on an annual basis, an Individual with Disabilities Education Act (IDEA) Addendum, based on the template adopted by SBE. However, if the district adopts an improvement plan after being identified, but before July 1, ~~2025~~2027, the IDEA Addendum shall be developed upon expiration of the adopted improvement plan, but no later than July 1, ~~2028~~2030, whichever occurs first. The IDEA ~~addendum~~Addendum shall be developed, reviewed, and approved in conjunction with and in the same manner as the LCAP and the annual update, and shall be submitted to CDE within 15 days of adoption by the Board. (Education Code 52064.3)

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

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

CSBA NOTE: Except for the IDEA Addendum, the LCFF budget overview for parents/guardians, and the school plan for student achievement, districts are not required to align the LCAP with any other district strategic documents (e.g., ~~such as the~~ District Strategic Plan, English Learner Master Plan, or Facilities Master Plan). However, districts are encouraged to align their LCAPs with other district strategic documents to ensure consistent implementation.

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

CSBA NOTE: Pursuant to Education Code 52064.1, districts are required to develop an LCFF budget overview for parents/guardians in conjunction with, and attached as a cover to, the LCAP and the annual update. The budget overview is subject to the requirements of Education Code 52062 and 52070 pertaining to the adoption, review, and approval of the LCAP and the annual update.

As part of the adoption of the LCAP and the annual update, the Board shall separately adopt a ~~local control funding formula~~ LCFF budget overview for parents/guardians, based on the template developed by SBE, which includes specified information relating to the district's budget. The budget overview shall be adopted, reviewed, and approved in the same manner as the LCAP and the annual update. (Education Code 52064.1)

## Advisory Committees

CSBA NOTE: Pursuant to Education Code 52063 and 5 CCR 15495, the Board is required to establish a parent advisory committee and, if district enrollment includes at least 15 percent English learners, an English learner parent advisory committee to review and comment on the LCAP and the annual update. The district may use existing parent advisory committees for these purposes if the committee composition complies with Education Code 52063 and 5 CCR 15495. However, the district should consider whether such opportunities need to be expanded to achieve significant levels of stakeholder involvement in the planning process as intended by law.

Education Code 52063 requires the LCAP parent advisory committee to include parents/guardians of currently enrolled students with disabilities.

The Board shall establish a parent advisory committee, which shall be composed of a majority of parents/guardians and shall include parents/guardians of unduplicated students and parents/guardians of students with disabilities. (Education Code 52063; 5 CCR 15495)

Whenever district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, the Board shall establish an English learner parent advisory

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

~~committee~~ Learner Parent Advisory Committee, which shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 15495)

The District English Learner Advisory Committee (DELAC) may serve as the district's LCAP English Learner Parent Advisory Committee, as specified in Administrative Regulation 6174 – Education for English Learners.

CSBA NOTE: The following paragraph is for districts serving middle and/or high school students. Education Code 52063, ~~as amended by SB 997 (Ch. 922, Statutes of 2022), requires, beginning July 1, 2024,~~ **52063 requires** districts serving middle or high school students to include two students as full members of the existing parent advisory committee or establish a student advisory committee to provide advice to the Board and the Superintendent or designee. Student members of the parent advisory committee or the student advisory committee shall represent the diversity of the district's students, as described below. Districts that do not serve middle or high school students may delete the following paragraphs relating to student advisory members.

~~Beginning July 1, 2024, unless~~ **Unless** a student advisory committee is established to provide advice to the Board and Superintendent, two students shall be included as full members of the parent advisory committee. The students shall serve for a renewable term of one full school year. (Education Code 52063)

Student members of the parent advisory committee or the student advisory committee shall represent the diversity of the district's students, including geographical, socioeconomic, cultural, physical, and educational diversity, and particular effort shall be made to reach out to at-risk or disadvantaged students to serve as members of such committees. (Education Code 52063)

The Superintendent or designee shall present the LCAP and the annual update to each of these committee(s) before they are submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s).

### **LCAP Development and Consultation**

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

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

5 CCR 15495 defines what it means to consult with students, including unduplicated students and other numerically significant student subgroups, and gives examples of methods that may be used for this consultation. State regulations do not provide examples of consultation with groups other

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

than students, but consultations might include surveys, the use of existing advisory committees, solicitation of feedback from the groups after drafts of the LCAP and annual update are available, discussion of the LCAP and the annual update at staff meetings, and communication with parent organizations, student councils, school site councils, or other established committees or organizations. The district may expand the list with whom the district seeks consultation.

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

CSBA NOTE: Pursuant to Education Code 305, the LCAP parent/guardian and community engagement process must include solicitation of input on language acquisition programs. See BP/AR 6174 - Education for English Learners for further information regarding the types of language acquisition programs that may be offered.

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

The Superintendent or designee shall consult with the administrator(s) of the special education local plan area of which the district is a member to ensure that specific actions for students with disabilities are included in the LCAP and are consistent with strategies included in the annual assurances support plan for the education of students with disabilities. (Education Code 52062)

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

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

CSBA NOTE: Pursuant to Education Code 42127, the Board must not adopt a district budget until the LCAP is in place for the budget year; see BP 3100 - Budget. The budget must include the

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

expenditures necessary to implement the plan that will be effective during the subsequent fiscal year. If it does not, the County Superintendent of Schools will disapprove the district's budget.

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

### **Adoption and Submission**

The Board shall adopt the LCAP and the annual update prior to adopting the district budget, but at the same public meeting. This meeting shall be held after the public hearing described above, but not on the same day as the hearing. (Education Code 52062)

CSBA NOTE: Education Code 52070 requires the district to submit the LCAP and the annual update to the County Superintendent, who may seek written clarification of the contents and may submit recommendations for amendments as provided below. The County Superintendent is required to approve the LCAP and the annual update on or before October 8 if it is determined that (1) the LCAP and the annual update adhere to the template adopted by SBE and follows any SBE instructions or directions for completing the template, (2) the district budget includes expenditures sufficient to implement the specific actions and strategies in the LCAP, and (3) the LCAP adheres to supplemental and concentration grant expenditure requirements specified in Education Code 42238.07 for unduplicated students. In determining whether the district has fully demonstrated that it will use supplemental and concentration funds to increase or improve services for unduplicated students, 5 CCR 15497 requires the County Superintendent to review any descriptions of districtwide or schoolwide services provided.

Not later than five days after adoption of the LCAP, the annual update, the district budget, and the budget overview for parents/guardians, the Board shall file the LCAP, the annual update, the budget, and the budget overview with the County Superintendent of Schools. (Education Code 42127, 52064.1, 52070)

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

If the County Superintendent does not approve the district's LCAP and the annual update, the Board shall accept technical assistance from the County Superintendent focused on revising the LCAP and the annual update so that they can be approved. (Education Code 52071)

CSBA NOTE: Pursuant to Education Code 52064.5, as amended by SB 153, if the Board is unable to review local indicator data (data adopted by SBE to measure district and school site performance in regard to specified state priorities), due to any emergency specified in Education Code 46392, the

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

Board is required to review such data at its next Board meeting, adopt a resolution describing the emergency event and the date on which the local indicator data was reviewed, and submit the resolution to CDE.

If the Board is unable to review local indicator data due to any emergency specified in Education Code 46392, the local indicator data shall be reviewed at the next Board meeting, and a resolution describing the emergency event and the date on which the local indicator data was reviewed shall be adopted and submitted to CDE. (Education Code 52064.5)

## **Revisions**

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

## **Monitoring Progress and Complaints**

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

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

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

## **Technical Assistance**

CSBA NOTE: Pursuant to Education Code 52071, if the County Superintendent does not approve a district's LCAP and annual update, including the annual update and the budget overview for parents/guardians, then technical assistance is required to be provided. For more information regarding intervention and technical assistance, see BP 0500 - Accountability and BP 0520 - Intervention in Underperforming Schools.

If the district's LCAP and the annual update are not approved, the district shall accept technical assistance or other intervention that may be required pursuant to Education Code 52071.

## **Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691  
All rights reserved.

Anything crossed out in black will be omitted if COD adopts and approves.  
Red font is additions to policy that will be adopted if COD approves.  
CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Regulation 0460: Local Control And Accountability Plan

Status: ADOPTED

Original Adopted Date: 10/01/2017 | Last Revised Date: 12/01/2023~~2023~~2024 | Last Revised Date: 12/01/2023~~2023~~2024

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

#### Goals and Actions Addressing State and Local Priorities

CSBA NOTE: Education Code 52060 requires that the LCAP include annual goals, aligned with specified state priorities, to be achieved for all students and for each numerically significant subgroup as defined in Education Code 52052. Pursuant to Education Code 52052, a numerically significant subgroup includes ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, students experiencing homelessness, and, as amended by SB 114 (Ch. 48, Statutes of 2023), long-term English learners when there are at least 30 students in the subgroup (or at least 15 foster youth, students experiencing homelessness, or long-term English learners) in the school or district. Pursuant to Education Code 52052, as amended by SB 141 (Ch. 194, Statutes of 2023), a "long-term English learner" is defined as a student who has not attained English language proficiency within seven years of initial classification as an English learner.

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

1. A description of the annual goals established for all students and for each numerically significant subgroup as defined in Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, and students experiencing homelessness.

The LCAP shall identify goals for each of the following state priorities:

- a. The degree to which district teachers are appropriately assigned in accordance with Education Code 44258.9 and fully credentialed in the subject areas and for the students they are teaching; every district student has sufficient access to standards-aligned instructional materials as determined pursuant to Education Code 60119; and school facilities are maintained in good repair as specified in Education Code 17002
- b. Implementation of the academic content and performance standards adopted by the State Board of Education (SBE), including how the programs and services will enable English learners to access the Common Core State Standards and the English language development standards for purposes of gaining academic content knowledge and English language proficiency

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: Education Code 52060 provides that family engagement may include, but not be limited to, efforts by the district and schools to apply research-based practices, such as welcoming all families into the school community, engaging in effective two-way communication, supporting student success, and empowering families to advocate for equity and access. It may also include partnering with families to inform, influence, and create practices and programs that support student success and collaboration with families and the broader community, expand student learning opportunities, and promote civic participation.

- c. Parent/guardian involvement and family engagement, including efforts the district makes to seek parent/guardian input in district and school site decision making and how the district will promote parent/guardian participation in programs for unduplicated students, as defined in Education Code 42238.02 and ~~Board policy~~, and students with disabilities
- d. Student achievement, as measured by all of the following, as applicable:
  - i. Statewide assessments of student achievement
  - ii. The percentage of students who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University; have successfully completed career technical education (CTE) sequences or programs of study that align with SBE-approved ~~career technical education~~ CTE standards and frameworks, including, but not limited to, those described in Education Code 52302, 52372.5, or 54692; and have successfully completed both college entrance courses and CTE sequences or programs
  - iii. The percentage of English learners who make progress toward English proficiency as measured by the SBE-certified assessment of English proficiency
  - iv. The English learner reclassification rate
  - v. The percentage of students who have passed an Advanced Placement examination with a score of 3 or higher
  - vi. The percentage of students who demonstrate college preparedness in the Early Assessment Program pursuant to Education Code 99300-99301
- e. Student engagement, as measured by school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, and high school graduation rates, as applicable
- f. School climate, as measured by student suspension and expulsion rates and other local measures, including surveys of students, parents/guardians, and teachers on the sense of safety and school connectedness, as applicable
- g. The extent to which students have access to and are enrolled in a broad course of study that includes all of the subject areas described in Education Code 51210 and 51220, as applicable, including the programs and services developed and provided to

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

unduplicated students and students with disabilities, and the programs and services that are provided to benefit these students as a result of supplemental and concentration grant funding pursuant to Education Code 42238.02 and 42238.03

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

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

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

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

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

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

To the extent practicable, data reported in the LCAP shall be reported in a manner consistent with how information is reported on the California School Dashboard. (Education Code 52060)

### **Increase or Improvement in Services for Unduplicated Students**

CSBA NOTE: The following section is for use by districts that receive local control funding formula (LCFF) supplemental and/or concentration grant funds. Such districts are required to increase or improve services for unduplicated students in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated students; see BP 3100 - Budget. 5 CCR

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

15494-15496 specify the method for determining the percentage by which services for unduplicated students must be increased or improved above services provided to all students in the fiscal year.

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

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

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

## Timeline

CSBA NOTE: Education Code 52061-52065 only establish a limited number of date-specific requirements. For instance, Education Code 52062, as amended by SB 114, requires the Superintendent to annually report to the Board, at a regular meeting, on the annual update to the LCAP and the local control funding formula budget overview for parents/guardians on or before February 28. However, while Education Code 52062 requires that the LCAP and the annual update be presented to specified committees, it does not specify by when this must occur. Similarly, while Education Code 52062 provides these committees with the right to submit comments and requires the Superintendent to respond in writing to such comments, it does not provide any deadlines by which these actions must occur. Education Code 52062 also requires, without a specific deadline, notification to the public of the opportunity to submit written comments on the proposed LCAP, including notification in the primary language of parents/guardians when required by Education Code 48985.

Pursuant to Education Code 52062, as amended by SB 153 (Ch. 38, Statutes of 2024), the Superintendent is required to present the annual report on the update to the LCAP and budget overview for parents/guardians as a nonconsent item at a regularly scheduled meeting of the Board.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

The following paragraphs include both required dates and recommended dates based on best practice. Districts should review the dates below carefully and modify them, as appropriate and permitted by law, to reflect district practice.

By February 28 of each year, the Superintendent or designee shall provide a report to the Board on the annual update to the LCAP and the budget overview for parents/guardians. The report, which shall be presented to the Board at a regular meeting as a nonconsent item, shall include all available midyear outcome data related to metrics identified in the current year's LCAP and all available midyear expenditure and implementation data on all actions identified in the current year's LCAP. (Education Code 52062)

By May 15, but in no event later than May 31, the Superintendent or designee shall present the drafts of the LCAP and the annual update to the committees listed in the accompanying ~~board~~Board policy for review and comment and shall provide each committee with a reasonable date by which each committee shall provide comments on the drafts. The Superintendent or designee shall respond in writing to comments received from the committee(s) no later than the public hearing on the LCAP and the annual update.

At the same time as the drafts of the LCAP and the annual update are presented to these committees, the Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. The notification shall also provide the deadline by which all written comments must be received, which shall be no later than the deadline for comments from the committee(s). All such written notifications shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

## Availability

CSBA NOTE: Education Code 52065 requires the Superintendent to prominently post ~~its~~the LCAP, including any annual update or revisions to the LCAP and the ~~LCFF~~ budget overview for parents/guardians, on the homepage of its website and, as amended by SB 609 (Ch. 494, Statutes 2023), on the performance overview portion of the California School Dashboard.

~~Beginning~~Pursuant to Education Code 52064.3, as amended by SB 153, beginning July 1, ~~2025~~2027, if the district is identified by SBE as needing an improvement plan pursuant to 34 CFR 300.600-300.647, the Board shall adopt, and update on an annual basis, an Individual with Disabilities Education Act (IDEA) Addendum, based on the template adopted by SBE. However, if the district adopts an improvement plan after being identified, but before July 1, ~~2025~~2027, the IDEA Addendum shall be developed upon expiration of the adopted improvement plan, but no later than July 1, ~~2028~~2030.

The Superintendent or designee shall prominently post the LCAP, any updates or revisions to the LCAP, the annual update, the IDEA Addendum as applicable, and the local control funding formula budget overview for parents/guardians on the homepage of the district's website and the

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

performance overview portion of the Dashboard. (Education Code 52064.1, 52064.3, 52065)

**Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

---

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Policy 1250: Visitors/Outsiders

Status: ADOPTED

Original Adopted Date: 07/01/2010 | Last Revised Date: 12/01/2014~~2024~~ | Last Reviewed Date: 12/01/2014~~2024~~

The Governing Board believes that it is important for parents/guardians and community members to take an active interest in the issues affecting district schools and students. Therefore, the Board encourages interested parents/guardians and community members to visit the schools and participate in the educational program. consistent with this Board policy, the accompanying administrative regulation, and any procedures established by the Superintendent or designee.

CSBA NOTE: In *Reeves v. Rocklin Unified School District*, a California Court of Appeal affirmed districts' the district's authority to establish reasonable regulations for student safety and protection against disruptions on school campuses.

To ensure the safety of students and staff and minimize interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours ~~should~~shall be arranged with the principal or designee. When a visit involves a conference with a teacher or the principal, an appointment should be scheduled during noninstructional time.

CSBA NOTE: Penal Code 627.2 requires "outsiders" to register upon entering school grounds during school hours, and Penal Code 627.1 lists individuals who are not "outsiders" for this purpose; see the accompanying administrative regulation. Additionally, Education Code 32212 authorizes the Governing Board to adopt policy to control classroom interruptions consistent with local circumstances (see AR 6116 - Classroom Interruptions) and. In addition, Education Code 35160 authorizes the Board to act in any manner not inconsistent with law. Therefore, ~~it appears that~~ in order to ensure the safety of students and staff, a district ~~has the authority to~~ may, in accordance with Education Code 32212, 35160 and Penal Code 627.2, require all visitors, including parents/guardians as well as those not defined as "outsiders" in Penal Code 627.1, to register upon entering school campus and to comply with other reasonable requirements. Pursuant to Penal Code 627.1, media representatives are not "outsiders." However, ~~the~~ It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when requiring such registration.

The Attorney General has opined (in 95 Ops.Cal.Atty.Gen. 509 (1996)), that the Board may restrict media representatives' access in the same manner as access by the general public ~~may be limited~~ (e.g., such as by requiring registration or accompaniment by a staff member when on school grounds). Therefore, if a district has developed a policy requiring all visitors ~~or outsiders~~ to register upon entering school grounds, then media may be subject to the same requirements; see BP 1112 - Media Relations.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

The following options may be revised to reflect district practice. Option 1 requires anyone who is not a student or staff member to register. Option 2 requires registration only for individuals who are not listed in Penal Code 627.1 (i.e., individuals who are "outsiders").

**OPTION 1:** Any person who is not a student or staff member shall register immediately as a visitor upon entering any school building or grounds when school is in session.

**END OF OPTION 1**

**OPTION 2:** All outsiders, as defined in law and administrative regulation, shall register immediately upon entering any school building or grounds when school is in session. (Penal Code 627.2)

**END OF OPTION 2**

**CSBA NOTE:** The remainder of this policy may be used by all districts.

The principal or designee ~~may~~shall provide a visible means of identification for all individuals who are not students or staff members while on school premises.

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

**CSBA NOTE:** Pursuant to Education Code 35160, the Board is responsible for maintaining order in schools under its jurisdiction. Therefore, in accordance with law, the district may authorize school administrators to direct disruptive individuals to leave school grounds; see AR 3515.2 - Disruptions. Penal Code 626.7 provides that a person who is directed to leave the campus and fails to leave, or later reenters without following the school's posted registration requirements, may be guilty of a misdemeanor.

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

~~The Board encourages all individuals to assist~~Any visitor who is in maintaining a safe and secure school environment ~~by behaving~~building or on school grounds when school is in session shall behave in an orderly manner while on school grounds and by utilizing the district's complaint ~~processes~~process if they have concerns with any district program or employee. In accordance with Penal Code 626.7 and Administrative Regulation 3515.2 - Disruptions, the principal or designee ~~may~~shall request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

### **Presence of Sex Offender on Campus**

**CSBA NOTE:** Pursuant to Penal Code 626.81, registered sex offenders are prohibited from school buildings and grounds except for lawful business and with written permission. ~~As amended by SB 326 (Ch. 279, Statutes of 2013)~~, Penal Code 626.81 requires that the written permission indicate the date(s) for which permission is granted. It also authorizes the principal to grant permission to a registered sex offender who is not the parent/guardian of a student at the school to volunteer ~~at~~at the school, provided that the principal notify the parent/guardian of each student at the school at least 14 days prior to the first date for which written permission is granted; see AR 1240-Volunteer Assistance and BP/AR 3515.5 – Sex Offender Notification.

Re

CS In addition, pursuant to Education Code 49091.10 and 51101, parents/guardians, including those who are required to register as sex offenders, have a prescribed right to be involved in the education of their children. Thus, the district must adopt measures that are effective in maintaining a safe school environment while avoiding a violation of the statutory rights of such parents/guardians.

Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds. in accordance with Board Policy and Administrative Regulation 3515.5 – Sex Offender Notification. The principal shall report to the Superintendent or designee anytime such a request is received and notify the Superintendent or designee if permission is granted or denied. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. ~~The principal also shall report to the Superintendent or designee anytime he/she gives such written permission.~~

The principal shall indicate on the written permission the date(s) and times for which permission has been granted. (Penal Code 626.81)

**Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

---

Anything crossed out in black will be omitted if COD adopts and approves.  
Red font is additions to policy that will be adopted if COD approves.  
CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Regulation 1250: Visitors/Outsiders

Status: ADOPTED

Original Adopted Date: 06/01/1996 | Last Revised Date: 07~~12~~/01/2010~~2024~~ | Last Re viewed Date: 07~~12~~/01/2010~~2024~~

CSBA NOTE: Penal Code 627.6 requires that the following notice be posted at the entrance to each school and school grounds. In addition, Education Code 32211 requires that the notice include the "school hours," defined as the period from one hour before classes begin to one hour after classes end, unless it is otherwise defined by the Governing Board.

The Superintendent or designee shall post at every entrance to each school and school grounds a notice describing registration requirements, school hours or hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements. (Education Code 32211; Penal Code 627.6)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

Unless otherwise directed by the principal or designee, a staff member shall accompany visitors/outsideers while they are on school grounds.

### Outsider Registration

CSBA NOTE: The following section should be used only by districts that select Option 2 of the accompanying Board policy, which requires registration only for "outsiders" as defined in Penal Code 627.2:

Outsiders Any person who is not a student or staff member shall register immediately upon entering any school premises during building or grounds when school hours. Any person other than the following is considered an outsider: (Evidence Code 1070; Penal Code 627.1, 627.2is in session. (Education Code 35160)

1. ~~A student of the school, unless currently under suspension~~
2. ~~A parent/guardian of a student of the school~~
3. ~~A Governing Board member or district employee~~
4. ~~A public employee whose employment requires being on school grounds, or any person who is on school grounds at the school's request~~
5. ~~A representative of a school employee organization who is engaged in activities related to the representation of school employees~~
6. ~~An elected public official~~

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

- ~~7. A publisher, editor, reporter, or other person connected with or employed by a newspaper, magazine, other periodical publication, press association or wire service, radio station, or television station~~

## Registration Procedure

CSBA NOTE: Registration items listed below are those required by Penal Code 627.3 when "outsiders" register at a school. Pursuant to Education Code 32212 which authorizes districts to adopt a policy to control classroom interruptions, any district choosing Option 1 in the accompanying Board policy may also use the following list. When a district choosing Option 1 wishes to require the same information of all visitors, "outsider" should be changed to "visitor" in the following section.

In order to register, an ~~outsider~~a visitor shall, upon request, furnish the principal or designee with the following information: (Penal Code 627.3)

1. His/her name Name, address, and occupation
2. His/her age Age, if less than 21
3. His/her purpose Purpose for entering school grounds
4. Proof of identity
5. Other information consistent with the provisions of law

## Principal's Registration Authority

CSBA NOTE: Pursuant to Penal Code 627.4, the following section applies to districts that choose Option 2 in the accompanying Board policy. However, pursuant to Education Code 32212, districts that choose Option 1 also may use the section, if consistent with their local circumstances. When a district choosing Option 1 wishes to use this section, "outsider" should be changed to "visitor" throughout the following section.

The principal or designee may refuse to register any ~~outsider~~ if he/she visitor if the principal or designee reasonably concludes that the individual's presence or acts would disrupt the school, students, or employees; would result in damage to property; or would result in the distribution or use of a controlled substance. The principal or designee ~~or school security officer~~ may revoke any ~~outsider's~~ visitor's registration if he/she has there is a reasonable basis for concluding that the individual's presence on school grounds would interfere, or is interfering, with the peaceful conduct of school activities or would disrupt or is disrupting the school, students, or staff. (Penal Code 627.4)

When an ~~outsider~~ a visitor fails to register, or when the principal or designee denies or revokes an ~~outsider's~~ a visitor's registration privileges, the principal or designee ~~may~~ shall request that the individual promptly leave school grounds. If a visitor is shown reasonable cause to believe that the visitor is willfully disrupting the orderly operation of a school the principal or designee may issue a "Stay Away Letter" in accordance with Penal Code 626.4.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

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

### **Appeal Procedure**

Any person who is denied registration or whose registration is revoked may appeal to the Superintendent or principal either of these determinations by submitting, within five days after the person's departure from school, a written request for a hearing. to either the Superintendent or the principal of the school at which the registration was denied or revoked. This request must state why he/she the person believes the denial or revocation was improper and must provide an address to which the hearing notice may be sent. Upon receipt of the request for a hearing, the Superintendent or principal shall promptly mail a notice of the hearing to the person requesting it. A hearing before the Superintendent or principal shall be held within seven days after receipt of the request. (Penal Code 627.5)

### **Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

---

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Policy 3100: Budget

Status: ADOPTED

Original Adopted Date: 10/01/2015 | Last Revised Date: 03~~12~~/01/2019~~2024~~ | Last Re viewed  
Date: 03~~12~~/01/2019~~2024~~

The Governing Board recognizes its critical responsibility for adopting a sound budget each fiscal year which is aligned with and reflects the district's vision, goals, priorities, local control and accountability plan (LCAP), and other comprehensive plans. The district budget shall guide decisions and actions throughout the year and shall serve as a tool for monitoring the fiscal health of the district.

The district budget shall show a complete plan and itemized statement of all proposed expenditures and all estimated revenues for the following fiscal year, together with a comparison of revenues and expenditures for the current fiscal year. The budget shall also include the appropriations limit and the total annual appropriations subject to limitation as determined pursuant to Government Code 7900-7914. (Education Code 42122)

#### Budget Development and Adoption Process

In order to provide guidance in the development of the budget, the Board shall annually establish budget priorities based on identified district needs and goals and on realistic projections of available funds.

The Superintendent or designee shall oversee the preparation of a proposed district budget for approval by the Board and shall involve appropriate staff in the development of budget projections.

CSBA NOTE: Education Code 42103 and 42127 require the district to hold a public hearing prior to adoption of the budget. A public hearing on the district's local control and accountability plan (LCAP) must occur at the same meeting as the public hearing on the proposed budget. See the accompanying administrative regulation and BP 0460 - Local Control and Accountability Plan for requirements pertaining to the public hearing.

Pursuant to Education Code 52064.1, ~~as added by AB 1808 (Ch. 32, Statutes of 2018)~~, districts are required, ~~by July 1, 2019~~, to develop a local control funding formula (LCFF) budget overview for parents/guardians with specified information, based on a template created by the Superintendent of Public Instruction (SPI). The budget overview must be developed in conjunction with, and attached as a cover to, the LCAP and annual update to the LCAP. The adoption, review, approval, and posting of the budget overview are subject to the same requirements as for the LCAP, including the requirement for a public hearing.

The Board shall hold a public hearing on the proposed budget in accordance with Education Code 42103 and 42127. The hearing shall occur at the same meeting as the public hearing on the district's LCAP and the local control funding formula (LCFF) budget overview for parents/guardians. (Education Code 42103, 42127, 52062, 52064.1)

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

The Board shall adopt the district budget at a public meeting held after the date of the public hearing, but on or before July 1 of each year. The Board shall adopt the budget following its adoption of the LCAP, or annual update to the LCAP, and the LCFF budget overview for parents/guardians. The budget shall include the expenditures necessary to implement the LCAP or the annual update to the LCAP. (Education Code 42127, 52062)

CSBA NOTE: Pursuant to Education Code 42126, the district budget must be in a format prescribed by the SPI. The SPI has established a requirement that districts use the Standardized Account Code Structure (SACS). SACS ensures that districts meet state and federal reporting guidelines and comply with generally accepted accounting principles prescribed by the Governmental Accounting Standards Board (GASB). The California Department of Education's (CDE) California School Accounting Manual provides guidance regarding coding of revenues and expenditures.

The budget that is presented at the public hearing as well as the budget formally adopted by the Board shall adhere to the state's Standardized Account Code Structure as prescribed by the Superintendent of Public Instruction (SPI). (Education Code 42126, 42127)

The Superintendent or designee may supplement this format with additional information as necessary to effectively communicate the budget to the Board, staff, and public.

CSBA NOTE: Education Code 42127 requires the district to file the adopted budget with the County Superintendent of Schools as described below. If the district fails to submit a budget by July 1, the County Superintendent will, at district expense, develop a budget by September 15 and transmit that budget to the Governing Board.

No later than five days after the Board adopts the district budget or by July 1, whichever occurs first, the Board shall file the adopted district budget with the County Superintendent of Schools. The budget and supporting data shall be maintained and made available for public review. (Education Code 42127)

CSBA NOTE: Pursuant to Education Code 42127, on or before September 15, the County Superintendent must approve, conditionally approve, or disapprove the district's adopted budget. Education Code 42127 requires that this determination be based on a consideration of whether the district's adopted budget complies with state standards and criteria, will allow the district to meet its current and multiyear financial obligations, includes the expenditures necessary to implement the LCAP or annual update to the LCAP, satisfies all conditions established by the County Superintendent in the case of a conditionally approved budget, and complies with the requirements pertaining to ending fund balances that exceed the state minimum recommended reserve.

Education Code 42127 also requires the County Superintendent to consider other studies, reports, evaluations, or audits that may indicate that the district is in fiscal distress; see the Fiscal Crisis and Management Assistance Team's Fiscal Oversight Guide and BP 3460 - Financial Reports and Accountability.

If the County Superintendent disapproves or conditionally approves the district's budget, the Board shall review and respond to the County Superintendent's recommendations at a regular public

Anything crossed out in black will be omitted if COD adopts and approves.  
Red font is additions to policy that will be adopted if COD approves.  
CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

meeting on or before October 8. The response shall include any revisions to the adopted budget and any other proposed actions to be taken as a result of those recommendations. (Education Code 42127)

### Budget Advisory Committee

CSBA NOTE: The following optional section is for use by districts that choose to establish a budget advisory committee to provide input during the budget development process. The committee may be appointed by the Superintendent or designee (Option 1), by the Board (Option 2), or may be a Board subcommittee composed exclusively of Board members (Option 3). Regardless of whether the district chooses Option 1, 2, or 3, representation of Board members on the committee should be less than a majority of the Board, since having a quorum participate in any committee would in essence create a Board meeting when the committee meets. Committees established by Board action are subject to the Brown Act; see BP/AR 1220 - Citizen Advisory Committees. Districts should delete or modify the following options as appropriate. See the accompanying administrative regulation for optional language regarding the committee's composition and duties.

This committee is different from the budget review committee that is required pursuant to Education Code 42127 and 42127.1 if the County Superintendent disapproves the district's budget; see the accompanying administrative regulation.

**OPTION 1: (Budget advisory committee appointed by the Superintendent) YES Charter choses Option 1**

The Superintendent or designee may appoint a budget advisory committee composed of staff, Board representatives, and/or members of the community.

**OPTION 1 ENDS HERE**

**OPTION 2: (Budget advisory committee appointed by the Board)**

The Board may appoint a budget advisory committee composed of staff, Board representatives, and/or members of the community.

**OPTION 2 ENDS HERE**

**OPTION 3: ~~OPTION 3 ENDS HERE~~**

**OPTION 2 ENDS HERE**

**OPTION 3: (Budget advisory committee is a Board subcommittee)**

The Board may establish a budget subcommittee composed exclusively of Board members.

**OPTION 3 ENDS HERE**

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: The following paragraph is for use by districts that selected either Option 1, 2, or 3 above.

Board representation on any budget advisory committee shall not comprise a majority of the Board.

The committee shall submit recommendations during the budget development process and its duties shall be assigned each year based on district needs. All recommendations of the committee shall be advisory only and shall not be binding on the Board.

### **Budget Criteria and Standards**

CSBA NOTE: Pursuant to Education Code 46211, as amended by AB 176 (Ch. 998, Statutes of 2024), attendance generated through an attendance recovery program will be excluded from the average daily attendance (ADA) of the school district.

The district budget shall be developed in accordance with state criteria and standards specified in 5 CCR 15440-15450 as they relate to projections of average daily attendance (ADA), enrollment, ratio of ADA to enrollment, LCFF revenue, salaries and benefits, other revenues and expenditures, facilities maintenance, deficit spending, fund balance, and reserves. In addition, the Superintendent or designee shall provide the supplemental information specified in 5 CCR 15451, which addresses the methodology and budget assumptions used, contingent liabilities, use of one-time revenues for ongoing expenditures, use of ongoing revenues for one-time expenditures, contingent revenues, contributions, long-term commitments, unfunded liabilities, status of collective bargaining agreements, the LCAP, and LCAP expenditures. (Education Code 33128, 33129, 42127.01; 5 CCR 15440-15451)

CSBA NOTE: The following paragraph is for use by districts that receive supplemental and concentration funding within the LCFF based on the number and concentration of "unduplicated students" (i.e., students who are eligible for free or reduced-price meals, English learners, and foster youth), pursuant to Education Code 42238.02 and 42238.03. 5 CCR 15496 addresses the method of determining the percentage by which services for unduplicated students must be increased or improved above services provided to all students in the fiscal year. Pursuant to 5 CCR 15496, the district's LCAP must include evidence demonstrating how LCFF funding apportioned on the basis of unduplicated students is used to support such students; see AR 0460 - Local Control and Accountability Plan.

Pursuant to Education Code 42238.01, as amended by AB 176, when a school is between base year eligibility determinations, any current or newly enrolled students who are eligible for free or reduced-priced meals may be included for purposes of the LCFF.

The district budget shall provide for increased or improved services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated students in accordance with 5 CCR 15496. Unduplicated students are students who are eligible for free or reduced-price meals, English learners, and/or foster youth. (Education Code 42238.07; 5 CCR 15496)

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: The following paragraph is for use by districts that receive LCFF equity multiplier funding. Pursuant to Education Code 42238.024 and 52064, as added and amended by SB 114 (Ch. 48, Statutes of 2023), districts that receive LCFF equity multiplier funding are required to include specific goals in the LCAP for each school generating such funding. Pursuant to Education Code 42238.024, as amended by SB 153 (Ch. 38, Statutes of 2024), if a school which is otherwise eligible to receive LCFF equity multiplier funds is closed in the year in which the funds are to be allocated, that school is instead deemed to be ineligible, and any unspent funds provided are required to be returned to CDE.

Additionally, the district budget shall provide for increased or improved services for each school which generates LCFF equity multiplier funding. (Education Code 42238.024, 52064)

The Board may establish other budget assumptions or parameters which may take into consideration the stability of funding sources, legal requirements and constraints on the use of funds, anticipated increases and/or decreases in the cost of services and supplies, program requirements, and any other factors necessary to ensure that the budget is a realistic plan for district revenues and expenditures.

## **Fund Balance**

CSBA NOTE: The following section should be revised to reflect district practice. GASB Statement 54 addresses the way fund balances (i.e., the gross differences between assets and liabilities reflected on the balance sheet) in governmental funds are reported in external financial reports. Fund balances must be classified as nonspendable, restricted, committed, assigned, and unassigned in accordance with GASB 54 definitions; ~~also~~. For more information regarding reporting and accounting of district funds, see AR 3460 - Financial Reports and Accountability. Pursuant to GASB 54, the Board has sole authority to specify purposes of funds classified as "committed" and also must express, or delegate the authority to express, intended purposes of resources that result in the "assigned" fund balance. The Board may modify the following section to reflect its fund balance policy or may adopt a formal resolution containing the required components.

The district shall classify fund balances in compliance with Governmental Accounting Standards Board (GASB) Statement 54, as follows:

1. Nonspendable fund balance includes amounts that are not expected to be converted to cash, such as resources that are not in a spendable form (e.g., inventories and prepaids) or that are legally or contractually required to be maintained intact.
2. Restricted fund balance includes amounts constrained to specific purposes by their providers or by law.

CSBA NOTE: For purposes of the committed fund balance, GASB 54 requires that the Board commit funds no later than the end of the reporting period. In CDE's, "New Requirements for Reporting Fund Balance in Governmental Funds, the CDE," clarifies that for districts the end of the reporting period is June 30.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

3. Committed fund balance includes amounts constrained to specific purposes by the Board.-

For this purpose, all commitments of funds shall be approved by a majority vote of the Board. The constraints shall be imposed no later than the end of the reporting period (June 30), although the actual amounts may be determined subsequent to that date but prior to the issuance of the financial statements.

4. Assigned fund balance includes amounts which are intended for a specific purpose but do not meet the criteria to be classified as restricted or committed.

The Board delegates authority to assign funds to the assigned fund balance to the Superintendent and authorizes the assignment of such funds to be made any time prior to the issuance of the financial statements. The Superintendent shall have discretion to further delegate the authority to assign funds.

5. Unassigned fund balance includes amounts that are available for any purpose.-

When multiple types of funds are available for an expenditure, the district shall first utilize funds from the restricted fund balance as appropriate, then from the committed fund balance, then from the assigned fund balance, and lastly from the unassigned fund balance.

CSBA NOTE: Although not required by GASB 54, the Government Finance Officers Association (GFOA) recommends that public agencies adopt a minimum fund balance policy that establishes an appropriate level of unrestricted fund balance that will be maintained in the general fund. The GFOA's "Best Practice: Fund Balance Guidelines for the General Fund," describes a variety of factors that should be considered when developing a minimum fund balance policy, such as the predictability of its revenue and volatility of its expenditures, perceived exposure to significant one-time outlays, potential drain upon the general fund from other funds as well as the availability of resources in other funds, potential impact on bond ratings and the corresponding increased cost of borrowed funds, and portion of unrestricted fund balance already committed or assigned for a specific purpose.

The Board intends to maintain a minimum assigned and unassigned fund balance in an amount the Board deems sufficient to maintain fiscal solvency and stability and to protect the district against unforeseen circumstances.

CSBA NOTE: The GFOA recommends that the minimum fund policy address both the circumstances under which the unrestricted fund balance can be spent down and the procedure for replenishing deficiencies. The district may revise the following optional paragraph to specify the rate at which the district will attempt to recover the fund balance (e.g., ~~the Board shall develop a plan to recover the fund balance at a rate of at least one percent each year~~).

If the assigned and unassigned fund balance falls below the level set by the Board due to an emergency situation, unexpected expenditures, or revenue shortfalls, the Board shall develop a plan to recover the fund balance which may include dedicating new unrestricted revenues, reducing expenditures, and/or increasing revenues or pursuing other funding sources.

## Reserve Balance

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: 5 CCR 15450 establishes a minimum local reserve balance for economic uncertainties based on the district's ~~average daily attendance (ADA)~~. The minimum reserve balance is the greater of five percent or \$~~55~~**80**,000 for districts with 0-300 ADA; the greater of four percent or \$~~55~~**80**,000 for districts with 301-1,000 ADA; three percent for districts with 1,001-30,000 ADA; two percent for districts with 30,001-~~400~~**250**,000 ADA; and one percent for districts with over ~~400~~**250**,000 ADA. The following paragraph may be revised to reflect the minimum reserve applicable to the district's ADA.

The district budget shall include a minimum reserve balance for economic uncertainties that is consistent with the percentage or amount specified in 5 CCR 15450.

CSBA NOTE: Education Code 42127.01 establishes, under certain conditions, a maximum amount of local reserve balance for economic uncertainties. Pursuant to Education Code 42127.01, if the amount of monies in the state Public School System Stabilization Account is three percent or more of the combined total of general fund revenues appropriated for school districts and allocated local proceeds of taxes, the district's combined assigned or unassigned ending general fund balance must not exceed 10 percent of those funds in the immediately following fiscal year.

Basic aid districts, as described in Education Code 42238.02, and districts with 2,500 or less ADA are exempted from this requirement and may delete the following paragraph. Other districts may also be exempted from this requirement by the County Superintendent for up to two consecutive fiscal years within a three-year period upon providing documentation of extraordinary fiscal circumstances ~~(e.g., such as~~ **such as** multiyear infrastructure or technology projects), that substantiate the need for a reserve in excess of the limit specified in Education Code 42127.01.

In any year following the fiscal year in which the district is notified by the SPI that the amount of monies in the state Public School System Stabilization Account equals or exceeds three percent of the combined total of general fund revenues appropriated for school districts and allocated local proceeds of taxes, the district budget shall not contain a combined assigned or unassigned ending general fund balance that is in excess of 10 percent of these funds, unless the requirement is waived in accordance with Education Code 42127.01. (Education Code 42127.01)

### **Long-Term Financial Obligations**

The district's current-year budget and multiyear projections shall include adequate provisions for addressing the district's long-term financial obligations, including, but not limited to, long-term obligations resulting from collective bargaining agreements, financing of facilities projects, unfunded or future liability for retiree benefits, and accrued workers' compensation claims.

CSBA NOTE: The following paragraph is optional. Government Code 21710-21716, ~~as added by SB 1413 (Ch. 665, Statutes of 2018)~~, establish the California Employers' Pension Prefunding Trust Program and related Trust Fund, allowing districts that provide a defined benefit pension plan to their employees to prefund required pension contributions to the California Public Employees' Retirement System (CalPERS). Districts may elect to participate in the Prefunding Trust Program for the purpose of investing payments toward their required CalPERS pension contributions.

The Board may approve a plan for meeting the district's long-term obligations to fund contributions

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

to the California Public Employees' Retirement System (CalPERS) or other defined pension plans such as the California State Teachers Retirement System which, to the extent possible, minimizes significant increases in annual general fund expenditures towards pension obligations. The plan may include prefunding required pension contributions through the California Employers' Pension Prefunding Trust Program pursuant to Government Code 21710-21716.

CSBA NOTE: The following two optional paragraphs are for use by districts that provide "other postemployment benefits" (OPEBs) (i.e., such as medical, dental, vision, hearing, life insurance, long-term care, long-term disability, and other nonpension benefits to retired employees or Board members), and should be revised to reflect district practice; see BP/AR 4154/4254/4354 - Health and Welfare Benefits and BB 9250 - Remuneration, Reimbursement and Other Benefits. CSBA recommends that districts adopt a specific funding strategy for addressing their OPEB obligations. The district may pay the premiums as they fall due ("pay-as-you-go"), but in such a case the district would then accrue a deficit with respect to future retirees which can be expected to grow as a result of an increasing retiree population and increases in benefit costs. Therefore, it is recommended that the district prefund the debt, to the extent possible, using a method and level to be determined by the Board. For example, the district may contribute a set amount or percentage of the actuarially determined "annual required contributions" to an irrevocable trust or designated fund each year.

GASB Statement 75 requires districts that do not provide OPEB through a trust to report the total unfunded liability (i.e., OPEBs that are not prefunded) in the district's financial statements; see AR 3460 - Financial Reports and Accountability.

CSBA's OPEB Solutions Program provides access to a trusted source of analysis and a GASB 75-compliant trust to prefund future obligations. See CSBA's ~~web site~~ website for further information.

The Board shall approve a plan for meeting the district's long-term obligations to fund nonpension, other postemployment benefits (OPEBs). This plan shall include a specific funding strategy and the method that will be used to finance the district's annual fiscal obligations for such benefits in a manner that continually reduces the deficit to the district to the extent possible. The Board reserves the authority to review and amend the funding strategy as necessary to ensure that it continues to serve the best interests of the district and maintains flexibility to adjust for changing budgetary considerations.

The Superintendent or designee shall annually present a report to the Board on the estimated accrued but unfunded cost of OPEBs. As a separate agenda item at the same meeting, the Board shall disclose whether ~~or not~~ it will reserve a sufficient amount of money in its budget to fund the present value of the benefits of existing retirees and/or the future cost of employees who are eligible for benefits in the current fiscal year. (Education Code 42140)

CSBA NOTE: The following optional paragraph is for use by districts that are self-insured for workers' compensation claims, either individually or as part of a joint powers agency. See AR 3460 - Financial Reports and Accountability for provisions related to reporting the estimated accrued but unfunded cost of workers' compensation claims based on an actuarial report.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

The Superintendent or designee shall annually present a report to the Board on the estimated accrued but unfunded cost of workers' compensation claims and the actuarial reports upon which the estimated costs are based. As a separate agenda item at the same meeting, the Board shall disclose whether it will reserve in the budget sufficient amounts to fund the present value of accrued but unfunded workers' compensation claims or if it is otherwise decreasing the amount in its workers' compensation reserve fund. The Board shall annually certify to the County Superintendent the amount, if any, that it has decided to reserve in the budget for these costs. The Board shall submit to the County Superintendent any budget revisions that may be necessary to account for this budget reserve. (Education Code 42141)

### **Budget Amendments**

CSBA NOTE: The following section is optional and should be revised to reflect district practice.

No later than 45 days after the Governor signs the annual Budget Act, the Superintendent or designee shall make available for public review any revisions in budgeted revenues and expenditures which occur as a result of the funding made available by that Budget Act. (Education Code 42127)

Whenever revenues and expenditures change significantly throughout the year, the Superintendent or designee shall recommend budget amendments to ensure accurate projections of the district's net ending balance. When final figures for the prior-year budget are available, this information shall be used as soon as possible to update the current-year budget's beginning balance and projected revenues and expenditures.

In addition, budget amendments shall be submitted for Board approval as necessary when collective bargaining agreements are accepted, district income declines, increased revenues or unanticipated savings are made available to the district, program proposals are significantly different from those approved during budget adoption, interfund transfers are needed to meet actual program expenditures, and/or other significant changes occur that impact budget projections.

### **Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

---

Anything crossed out in black will be omitted if COD adopts and approves.  
Red font is additions to policy that will be adopted if COD approves.  
CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Regulation 3100: Budget

Status: ADOPTED

Original Adopted Date: 03/01/2019 | Last Revised Date: 12/01/2024 | Last Reviewed Date:  
~~03/01/2019~~2024

### Budget Advisory Committee

CSBA NOTE: The following optional section is for use by districts that have established a budget advisory committee and have selected either Option 1 or 2 in the "Budget Advisory Committee" section of the accompanying Board policy.

Membership of the district's budget advisory committee may include representatives of each of the following groups:

1. Governing Board members, provided that less than a majority of the Board serves on the committee
2. District and school site administrators
3. Representatives of bargaining units
4. Certificated and/or classified staff
5. Parents/guardians
6. Representatives of the business community and/or other community members
7. Students

CSBA NOTE: The remainder of this section details the duties of the budget advisory committee and is for use by districts that selected either Option 1, 2, or 3 in the "Budget Advisory Committee" section of the accompanying Board policy.

The committee's duties may include, but are not necessarily limited to:

1. Making recommendations regarding budget priorities which align with the district's vision, goals, priorities, local control and accountability plan (LCAP), and other comprehensive plans
2. Recommending cost reduction strategies, such as identifying services that may be reduced, made more efficient, or discontinued
3. Reviewing the clarity and effectiveness of budget documents and communications
4. Presenting progress reports on the committee's work and a final report of recommendations to the Superintendent or designee and to the Board

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

The specific duties of the committee shall be clearly defined and presented to each member in writing, along with any background information necessary for the successful completion of the committee's charges, the timelines for reporting the committee's progress, and timelines for completion of each task.

## Public Hearing

CSBA NOTE: Pursuant to Education Code 52062, the public hearing on the budget must be at the same meeting as the public hearing on the local control and accountability plan (LCAP). In addition, pursuant to Education Code 52064.1, ~~as added by AB 1808 (Ch. 32, Statutes of 2018)~~, districts are required to develop a local control funding formula budget overview for parents/guardians through a process that meets the requirements of Education Code 52062, including the requirement for a public hearing. See the accompanying Board policy and BP 0460 - Local Control and Accountability Plan.

The agenda for the public hearing on the district budget shall be posted at least 72 hours before the hearing and shall indicate the location where the budget may be inspected. The proposed budget shall be available for public inspection at least three working days before this hearing. (Education Code 42103, 42127, 52062)

CSBA NOTE: Pursuant to Education Code 42103, as amended by AB 721 (Ch. 811, Statutes of 2023), beginning January 1, 2027, the requirement to publish notification of the hearing date and location for inspection for the district's proposed budget in a newspaper of general circulation is repealed and instead requires the information to be posted prominently on the district's website homepage at least three days before the availability of the proposed budget for public inspection.

The Superintendent or designee shall notify the County Superintendent of Schools of the location and dates at which the proposed budget may be inspected, as well as the location, date, and time of the public hearing, in sufficient time for the County Superintendent to publish such information in a newspaper of general circulation at least 10 days but not more than 45 days before the hearing, as ~~required by Education Code 42103.~~ specified in Education Code 42103. Beginning January 1, 2027, this notification, rather than being published in a newspaper of general circulation as described above, shall be prominently posted on the homepage of the district's website at least three days before the availability of the proposed budget for public inspection.

Whenever the proposed district budget includes a combined assigned and unassigned ending fund balance that exceeds the minimum recommended reserve for economic uncertainties adopted by the State Board of Education, the district shall provide, for each fiscal year included in the budget, the following information for public review and discussion at the public hearing: (Education Code 42127; 5 CCR 15450)

1. The minimum recommended reserve for economic uncertainties
2. The combined assigned and unassigned ending fund balances that are in excess of the minimum recommended reserve
3. A statement of reasons substantiating the need for the combined assigned and unassigned ending balances that are in excess of the minimum recommended reserve

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

During the hearing, any district resident may appear and object to the proposed budget or to any item in the budget. The hearing may conclude when all residents who have requested to be heard have had the opportunity to speak. (Education Code 42103)

### **Budget Review Committee for Disapproved Budgets**

CSBA NOTE: Pursuant to Education Code 42127, if the County Superintendent conditionally approves or disapproves the district's initial budget, the district must respond to the County Superintendent's recommendations by October 8; see the accompanying Board policy. If the County Superintendent then disapproves that revised budget, Education Code 42127 and 42127.1 require the County Superintendent to call for the formation of a budget review committee unless the Governing Board and the County Superintendent agree to waive the committee requirement and the California Department of Education agrees to the waiver. See BP 1431 - Waivers. The formation, convening procedures, and timelines of the budget review committee are set forth in Education Code 42127.1-42127.3.

Education Code 42127 provides that the County Superintendent cannot call for the formation of a budget review committee if the sole reason for disapproving the district's budget is disapproval of the district's LCAP or the annual update to the LCAP.

If the district's budget is disapproved by the County Superintendent for any reason other than disapproval of the district's LCAP or annual update to the LCAP, the budget shall be reviewed by a budget review committee, unless the Board and County Superintendent agree to waive the requirement and the California Department of Education accepts the waiver. (Education Code 42127)

CSBA NOTE: Pursuant to Education Code 42127.2, if the Board fails to select the budget review committee from a list of candidates provided by the Superintendent of Public Instruction (SPI) within five working days of receiving the list, as provided in ~~item~~**Item** #1 below, the SPI will select and convene the committee no later than 10 working days after the district's receipt of the candidate list.

This committee shall consist of either: (Education Code 42127.1, 42127.2)

1. Three persons selected by the Board from a list of candidates provided by the Superintendent of Public Instruction (SPI), who shall be selected within five working days after receiving the list of candidates
2. A regional review committee selected and convened by the County Superintendent with the approval of the Board and SPI

CSBA NOTE: Pursuant to Education Code 42127.2, the budget review committee is required to submit, by November 30, its recommendation as to whether the district's budget should be approved or disapproved and, if the recommendation is for disapproval, its recommended revisions to the budget. The SPI may extend this deadline for up to 15 working days.

If the budget review committee recommends disapproval of the district budget, the Board may submit a response to the SPI no later than five working days after receipt of the committee's report. The response may include any revisions to the adopted final budget and any other proposed actions to be taken as a result of the committee's recommendations. (Education Code 42127.3)

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

If the SPI disapproves the district budget after reviewing the committee's report and the district's response, the Board shall consult with the County Superintendent to develop and adopt, by December 31, a fiscal plan and budget that will allow the district to meet its current fiscal year and multiyear financial obligations. For the current fiscal year, the district shall operate in accordance with the budget adopted by the County Superintendent. (Education Code 42127.3)

Until the district receives approval of its budget, it shall continue to operate either on the basis of the prior year's budget or on the basis of the current year's unapproved budget as adopted and revised by the Board, whichever budget contains a lower total spending authority. (Education Code 42127.4)

**Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

---

Anything crossed out in black will be omitted if COD adopts and approves.  
Red font is additions to policy that will be adopted if COD approves.  
CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Policy 3280: Sale Or Lease Of District-Owned Real Property

Status: ADOPTED

Original Adopted Date: 07/01/2011 | Last Revised Date: ~~12/01/2020~~2024 | Last Reviewed Date: ~~12/01/2020~~2024

CSBA NOTE: The following optional policy and accompanying administrative regulation detail the procedures that govern the district's sale or lease of surplus real property, and may be revised to reflect district practice.

Education Code 17455 authorizes the sale, or lease for up to 99 years, of any district real property together with any personal property located thereon without approval of the voters within the district. To do so, the property must not or will not be needed by the district and the district must follow the procedures ~~stated~~specified in Education Code 17387-17391.

Pursuant to Education Code 33050, a district may request the State Board of Education to waive the statutory bid procedures specified in Education Code 17387-17391, in order to sell surplus real property through a request for proposal process.

Pursuant to Education Code 17219, when the district has not used a previously used site for school purposes within the preceding five years, or has not used a newly acquired site within five years of acquisition for any of grades K-8 or seven years of acquisition for any of grades 7-12, the State Allocation Board (SAB) is authorized to charge an "unused site fee" ~~pursuant to~~ in accordance with Education Code 17219-17224. For further information regarding non-use payments, see the Office of Public School Construction's "Unused Site Program Handbook."

Additionally, the Surplus Land Act (Government Code 54220-54234) requires local agencies, including school districts, prior to disposing of certain land, to offer to sell or lease such land to certain entities for affordable housing, parks and recreation, and other specified uses.

Due to the complexities surrounding the disposal of surplus real property, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel before initiating the process to sell or lease surplus real property.

The Governing Board believes that district facilities and resources should be utilized in an economical and practical manner. The Superintendent or designee shall periodically study the current and projected use of all district facilities to ensure the efficient utilization of space for the effective delivery of instruction.

CSBA NOTE: Pursuant to Education Code 17387-17391, before surplus real property is sold or leased, the Governing Board must appoint an advisory committee to advise the Board on the disposition of such property. Education Code 17388 and 17391 establish exceptions from this requirement. ~~As amended by SB 820 (Ch. 110, Statutes of 2020), Education Code 17391 adds an exception, until July~~ , which are listed in Items #1, 2024, for the sale or lease of property that has

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

~~not previously operated, or was not constructed to be operated, as an early childhood education facility or a school for elementary or secondary instruction.~~ 3 below.

Education Code 17389 requires that the advisory committee be representative of specific groups within the community and be composed of not less than seven ~~nor~~ or more than 11 members (~~, commonly referred to as a "7-11 committee"~~). Committee". See the accompanying administrative regulation for further information on the composition and duties of this committee.

Prior to the sale or lease of any surplus real property, the Board shall appoint a district advisory committee to advise the Board regarding the use or disposition of schools or school building space which is not needed for school purposes. The Board may elect not to appoint a district advisory committee for any of the following: (Education Code 17388, 17391)

1. A rental of property for a period of time not exceeding 30 days
2. A lease or rental of surplus property to a private educational institution for the purpose of offering summer school
3. A sale, lease, or rental of surplus property to be used for teacher or other employee housing
4. ~~Until July 1, 2024, a sale or lease of surplus property that has not previously operated, or was not constructed to be operated, as an early childhood education facility or a school for elementary or secondary instruction~~

CSBA NOTE: Pursuant to Government Code 65402, if the county or city has adopted a general plan which is applicable in the area where the district property is located, the district must notify the county or city planning agency of the location, purpose, and extent of the proposed disposition of district property so that the The planning agency can determine and is required to report on back to the district within 40 days, indicating whether the extent to which the proposed disposition conforms with the local planning agency's general plan. The ~~planning agency has 40 days during which it may raise objections.~~ If objections are not raised within 40 days, the lack of response is deemed to be a finding that the district's proposed disposition of the property is in conformity with the local planning agency's adopted general plan. Even if the planning agency disapproves of the location, purpose, or extent of the proposed disposition, the district may overrule the disapproval.

In addition, to ensure that the proposed disposition of the property conforms with any general plan adopted by the local planning agency that affects or includes the area where the surplus property is located, the Board shall submit a report to the local planning agency describing the location of the surplus property and the purpose and extent of the proposed sale or lease. (Government Code 65402)

CSBA NOTE: When proposing the sale or lease of surplus property, the district must also comply with ~~Public Resources Code 21000-21177~~ (the California Environmental Quality Act) (CEQA) (Public Resources Code 21000-21177), when applicable. Pursuant to 14 CCR 15061, the sale or lease of property is exempt from detailed CEQA review if there is no possibility that the sale or

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

lease will have a significant environmental effect. In such cases, the district must adopt a notice of exemption in accordance with 14 CCR 15062.

The Board shall determine whether the sale or lease of the surplus property is subject to review under the California Environmental Quality Act. (Public Resources Code 21000-21177; 14 CCR 15061-15062)

CSBA NOTE: Pursuant to Government Code 54956.8, the Board may hold a closed session for real property negotiations, including the sale or lease of property by the district. ~~An~~The Attorney General ~~opinion (opined in 94 Ops.Cal.Atty.Gen. 82 (2011)) has concluded~~ that only three subjects related to real property negotiations may be considered in closed session: , which are (1) the amount of consideration the local agency is willing to pay or accept in exchange for the real property rights to be acquired or transferred; (2) the form, manner, and timing of how that consideration will be paid; and (3) items that are essential to arriving at the authorized price and payment terms. See BB 9321 - Closed Session.

The Board may meet in closed session with its real property negotiator prior to the sale or lease of real property by the district in order to grant its negotiator authority regarding the minimum price or rent and terms of the sale or lease. (Government Code 54956.8)

CSBA NOTE: Pursuant to Government Code 54221, the Board must first declare land to be either (1) surplus land or (2) exempt surplus land under the Surplus Land Act before taking any action to dispose of the land. If land is determined to be "exempt surplus land", certain requirements set forth in the Surplus Land Act (Government Code 54220-54234) do not apply, except for providing notice of the property's availability for sale or lease to specified public entities.

The declaration of whether land is surplus land or exempt surplus land may be done by way of a resolution, which is separate from the resolution adopted to order the sale or lease of surplus property, described below in "Resolution of Intention to Sell or Lease."

Before taking action to dispose of any land, the Board shall declare, at a regular meeting, supported by written findings that, under the Surplus Land Act, the land is either (1) surplus land or (2) exempt surplus land. (Government Code 54221)

CSBA NOTE: Pursuant to Government Code 54221, as amended by AB 480 (Ch. 788, Statutes of 2023), the Board is not required to make a resolution of intent to sell or lease described below at a public meeting for certain exempt surplus land if the district provides notice and opportunity for public comment as described below. Additionally, the Board is required to provide the Department of Housing and Community Development (HCD) notice as specified in its August 2024, "Updated Surplus Land Act Guidelines." For more information regarding land that is defined as "exempt surplus land", see the accompanying administrative regulation.

However, if the land involved is exempt surplus land as specified in Government Code 54221(f)(1), the Board, at its discretion, may decide not to make such a declaration. Instead of the declaration, the Board may identify the land as exempt surplus land in a notice that is published and available for public comment and to the entities identified in Government Code 54222 at least 30 days before the exemption takes effect. (Government Code 54221)

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

Additionally, at least 30 days prior to disposing of exempt surplus land, the district shall provide the Department of Housing and Community Development (HCD) a copy of the Board's declarations and findings supporting the Board's determination that the land is exempt surplus land using the form prescribed by HCD. (Government Code 54221)

CSBA NOTE: If the Board determines that under the Surplus Land Act the land involved is not exempt surplus land, then certain requirements must be followed in order to dispose of the property. Pursuant to Government Code 54230.5, before agreeing to terms for the disposition of surplus land, districts are required to provide HCD with a description of the notices of availability sent to public entities, summary of negotiations conducted with any responding public entities, and a copy of any restrictions to be recorded against the property as required by the Surplus Land Act. Pursuant to Government Code 54230.7, as added by SB 229 (Ch. 774, Statutes of 2023), districts disposing of surplus land that received a notification of violation from HCD are required to hold an open and public meeting to review and consider the substance of the notice of violation and may not take final action to ratify or approve the proposed disposal until a public meeting is held; see BB 9323.2-E(1) – Actions by the Board.

If the district has received notification from HCD that the district has violated the Surplus Land Act pursuant to Government Code 54230.5, the Board shall not pursue a final action to ratify or approve the proposed disposal of surplus land unless the Board holds an open and public meeting in compliance with Government Code 54230.7 to review and consider the substance of the notice.

CSBA NOTE: When a district is selling any surplus property or leasing it with an option to purchase, Education Code 17464 lists and Government Code 54222 of the Surplus Land Act list the public entities that must be given priority to lease or purchase the property and the types of notice that the district must provide such entities before disposing of the property.

Pursuant to Education Code 17464, the notice is required to be mailed to specified public entities and a general notice published once each week for three successive weeks in a regularly published newspaper, with at least five days intervening between the publication dates. If a public entity(ies) desiring to purchase or lease the property responds to the notice within 60 days after the third publication, the district is required to negotiate with the public entity in an effort to arrive at a mutually satisfactory price or lease payment during that 60-day period.

Additionally, pursuant to Government Code 54222 and 54223 of the Surplus Land Act, a public entity interested in leasing or purchasing the land is required to respond within sixty days after the notice is sent and is entitled to a negotiation period of ninety days.

Under certain circumstances, districts may also need to comply with the Naylor Act (Education Code 17485-17500), which requires that priority be given to public agencies when disposing of any district property that includes a playground, playing field, or land with an particularly suited for outdoor recreational purpose: or open-space purposes.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

Under certain conditions, the district may grant priority to licensed child care providers pursuant to Education Code 17458 or may sell surplus property for less than fair market value to public entities for recreational purposes pursuant to Education Code 17230.

When selling or leasing district real property, the Board shall comply with applicable procedures and give priority to specified public agencies as required by law. (Education Code 17230, 17464, 17485-17499~~17500~~; Government Code ~~54222~~ 54221-54234)

### **Resolution of Intention to Sell or Lease**

Before ordering the sale or lease of any real property, the Board shall adopt a resolution by a two-thirds vote of all of its members at a regularly scheduled open meeting. The resolution shall describe the property proposed to be sold or leased in such a manner as to identify it, specify the minimum price or rent, describe the terms upon which it will be sold or leased, and specify the commission or rate, if any, which the Board will pay to a licensed real estate broker out of the minimum price or rent. The resolution shall fix a time, not less than three weeks thereafter, for a public meeting, held at the Board's regular meeting place, at which sealed proposals to purchase or lease will be received and considered. (Education Code 17466)

The Superintendent or designee shall provide notice of the adoption of the resolution and of the time and place of the meeting that will be held to consider bids by posting copies of the resolution, signed by the Board, in three public places not less than 15 days before the date of the meeting. In addition, the notice shall be published at least once a week for three successive weeks before the meeting, in a newspaper of general circulation published in the county in which the district is located, if such a newspaper exists. (Education Code 17469)

CSBA NOTE: Education Code 17470 requires districts to take reasonable steps to notify the former owner of the property of the public meeting at which bids will be considered. However, the Board is not required to accord the former owner the right to purchase the property at the tentatively accepted highest bid price nor to offer to sell the property to the former owner at the tentatively accepted highest bid price.

At least 60 days prior to the public meeting, the Superintendent or designee shall take reasonable steps to provide written notification of the public meeting, by certified mail, to the former owner from whom the district acquired the property. (Education Code 17470)

### **Acceptance/Rejection of Bids**

At the public meeting specified in the resolution of intention to sell or lease property, the Board shall open, examine, and declare all sealed bids. Before accepting a written proposal, the Board shall call for oral bids in accordance with law. (Education Code 17472, 17473)

The Board may reject any and all bids, either written or oral, and withdraw the properties from sale when the Board determines that rejection is in the best public interest. If no proposals are submitted or the submitted proposals do not conform to all the terms and conditions specified in the resolution of intention to lease, the Board may lease the property in accordance with Education Code 17477. (Education Code 17476, 17477)

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

Of the proposals submitted by responsible bidders which conform to all terms and conditions specified in the resolution of intention to sell or lease, the Board shall finally accept the highest bid after deducting the commission, if any, to be paid to a licensed real estate broker, unless the Board accepts a higher oral bid or rejects all bids. (Education Code 17472)

The final acceptance of the bid may be made either at the same meeting specified in the resolution or at any adjourned/continued meeting held within 10 days. Upon acceptance of the bid, the Board may adopt a resolution of acceptance that directs the Board president, or any other Board member, to execute the deed or lease and to deliver the document upon performance and compliance by the successful bidder of all of the terms and conditions of the contract. (Education Code 17475-17478)

### Use of Proceeds

CSBA NOTE: Pursuant to Education Code 17462, the proceeds derived from the sale of surplus property or lease with an option to purchase must generally be used for one-time expenditures for capital outlay or maintenance, with specified exceptions. The law does not place limitations on the use of proceeds for a lease of surplus property that does not include an option to purchase.

The Superintendent or designee shall ensure that the proceeds from the sale or lease with an option to purchase of surplus district property are used for one-time expenditures and not for ongoing expenditures such as salaries and general operating expenses. (Education Code 17462; 2 CCR 1700)

Proceeds from a sale of surplus district property shall generally be used for capital outlay or maintenance costs that the Board determines will not recur within a five-year period. Proceeds from a lease of district property with an option to purchase may be deposited into a restricted fund for the routine repair of district facilities, as defined by the [State Allocation Board \(SAB,\)](#) for up to a five-year period. (Education Code 17462)

CSBA NOTE: Pursuant to Education Code 17462, proceeds from the sale or lease with an option to purchase may be deposited in the district's general fund when the Board and SAB determine that the district has no anticipated need for additional sites or building construction for the next 10 years and no major deferred maintenance requirements. Thus, districts may not apply to the state for new construction or modernization funding during that time period unless certain conditions specified in Education Code 17462 are satisfied.

However, if the Board and SAB determine that the district has no anticipated need for additional sites or building construction for the next 10 years and no major deferred maintenance requirements, the proceeds from the sale or lease with an option to purchase may be deposited in a special reserve fund for the future maintenance and renovation of school sites or in the district's general fund. (Education Code 17462)

CSBA NOTE: ~~Until July 1, 2024, Pursuant to Education Code 17463.7, as added by SB 98 (Ch. 24, Statutes of 2020),~~ authorizes 17462.3, if the proceeds from the sale or lease of district is selling real property purchased entirely, improved, or modernized with local funds to be used for any general fund purpose received from a state school facilities funding program within the previous 10 years, the district is required to return those funds to SAB under specified conditions. The district must notify OPSC of the sale by submitting Form SAB 308, available on OPSC's website.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

~~In addition, until July 1, 2024, if district surplus property was purchased entirely with local funds, the proceeds from the sale or lease of the property, together with any personal property located on the property, may be deposited into the general fund of the district and may be used for any one-time general fund purpose. Before exercising this authority, the Board shall: (Education Code 17463.7)~~

- ~~1. Submit to SAB documents certifying that the sale of real property does not violate the provisions of a local bond act and the real property is not suitable to meet projected school construction needs for the next 10 years~~
- ~~2. At a public meeting, adopt a plan for expending one-time resources from the sale or lease of the property which identifies the source and intended use of the surplus property proceeds and describes the reasons that the expenditure will not result in ongoing fiscal obligations for the district~~

**CSBA NOTE:** Pursuant to Education Code 17462.3, if the district is selling real property purchased, improved, or modernized with funds received from a state school facilities funding program within the previous 10 years, the district is required to return those funds to SAB under specified conditions. The district must notify OPSC of the sale by submitting Form SAB 308, available on OPSC's web site.

Whenever the district sells real property that was purchased, improved, or modernized with funds that were received from a state school facilities funding program within the previous 10 years, the district shall notify OPSC within 90 calendar days of the sale of the property if the proceeds from the sale are not used for capital outlay and the property is not sold to a charter school, another school district, a county office of education, or an agency that will use the property exclusively for the delivery of child care and development services. If SAB subsequently makes a finding that the sale is subject to Education Code 17462.3, the district shall return the funds to the SAB within 90 calendar days of the finding. (2 CCR 1702)

**Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

---

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Regulation 3280: Sale Or Lease Of District-Owned Real Property

Status: ADOPTED

Original Adopted Date: 09/01/1990 | Last Revised Date: ~~11/12/01/2006~~2024 | Last Review ed  
Date: ~~11/12/01/2006~~2024

#### Definitions

CSBA NOTE: Government Code 54221, as amended by AB 480 (Ch. 788, Statutes of 2023), defines the term "dispose", as reflected below.

Dispose means either (1) the sale of surplus land or (2) the lease of surplus land for a term longer than 15 years, inclusive of any extension or renewal options included in the terms of the initial lease. Dispose does not include the entering of a lease for surplus land on which no development or demolition will occur, regardless of the term of the lease. (Government Code 54221)

CSBA NOTE: Government Code 54221, as amended by AB 480, lists what constitutes "exempt surplus land." As many of the exemptions do not apply to school districts, only some are included in the definition of exempt surplus land below. Additional information on exempt surplus land is available in the California Department of Housing and Community Development's August 2024 publication, "Updated Surplus Land Act Guidelines."

Under the Surplus Land Act, exempt surplus land means land, as described in Items #1-10 below, that is: (Government Code 54221)

1. Less than one-half acre in area and is not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing purposes
2. Being exchanged for another property necessary for the district's use, including easements, pursuant to Education Code 17536
3. Subject to the district advisory committee pursuant to Education Code 17388
4. Jointly occupied by the district and any private person, firm, local governmental agency or corporation pursuant to Education Code 17515
5. Being transferred to a local, state, or federal agency, or to a third-party intermediary for future dedication for the receiving agency's use, or to a federally recognized California Indian tribe
6. A former street, right of way, or easement, and is conveyed to an owner of an adjacent property
7. Developed for low- or moderate-income housing development that meets specified criteria

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

8. Subject to a valid legal restriction that is not imposed by the district and that makes housing prohibited, such as a conservation easement

9. Transferred to a community land trust, and meets certain specified conditions

10. Included in any of the other exemptions specified in Government Code 54221

### **District Advisory Committee**

CSBA NOTE: Prior to the sale or lease of the property, Education Code 17388 requires the Governing Board to appoint a district advisory committee (, often referred to as the 7-11 committee) Committee, to advise the Board in the disposition of the property. See For more information regarding district advisory committees, including when they are not required, see the accompanying Board policy.

The district advisory committee, which may be referred to as a "7-11 Committee," on use or disposition of surplus school buildings or space shall consist of ~~7~~ not less than seven or more than 11 members representative of each of the following: (Education Code 17389)

1. The district's ethnic, age group, and socioeconomic composition
2. The business community, such as store owners, managers, or supervisors
3. Landowners or renters, with preference to representatives of neighborhood associations
4. Teachers
5. Administrators
6. Parents/guardians of students
7. Persons with expertise in environmental impact, legal contracts, building codes, and land use planning, including, but not limited to, knowledge of the zoning and other land use restrictions of the cities and counties in which the surplus property is located

This committee shall: (Education Code 17390)

1. Review projected school enrollment and other data to determine the amount of surplus space and real property
2. Establish and circulate throughout the attendance area a priority list for use of surplus space and real property that will be acceptable to the community
3. Hold hearings, with community input, on acceptable uses of space and real property, including the sale or lease of surplus real property for child care development purposes
4. Make a final determination of limits of tolerance of use of space and real property
5. Send the Governing Board a report recommending uses of surplus space and real property

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: Pursuant to Government Code 54952, ~~open meeting laws~~ (the Brown Act) ~~apply~~ applies to a committee created by formal action of the Board, regardless of whether that body is permanent or temporary, decision making, or advisory. Thus, because Education Code 17388 specifies that the district advisory committee is appointed by the Board, meetings of that committee are subject to the Brown Act. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when questions arise regarding the applicability of Brown Act requirements to district or school committees. See AR 1220 - Citizen Advisory Committees and BB 9130 - Board Committees.

The district advisory committee shall comply with open meeting requirements of the Brown Act. (Government Code 54952)

**Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

---

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Policy 3320: Claims And Actions Against The District

Status: ADOPTED

Original Adopted Date: 03/01/2009 | Last Revised Date: 07~~12~~/01/2018~~2018~~2024 | Last Re viewed  
Date: 07~~12~~/01/2018~~2018~~2024

CSBA NOTE: The following optional policy and accompanying administrative regulation ~~reflect~~reflects the claims procedure in the Government Claims Act pursuant to Government Code 810-996.6. The Government Claims Act details sets forth prelitigation requirements and deadlines for the filing of claims against public entities such as, including school districts. In City of Stockton v. Superior Court, the California Supreme Court held that the claim requirements in Government Code 900-915.4 also apply to claims for breach of contract. For any cause of action that is excepted from the Government Claims Act pursuant to Government Code 905 but has its claim presentation procedure specified in another statute or regulation, such as childhood sexual assault, a claim must be presented in accordance with that statute or regulation. For any cause of action that is excepted from the Government Claims Act pursuant to Government Code 905 but is not governed by any procedure in another statute or regulation, the district may establish its own claim presentation procedure in accordance with Government Code 935.

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

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

It is recommended that the district consult CSBA's District and County Office of Education Legal services or district legal counsel, as necessary, if questions arise regarding the proper procedure to follow for a claim against the district, and the district's insurance carrier and legal counsel for questions regarding conditions of coverage from an insurance carrier or JPA.

The Governing Board desires to conduct district operations in a manner that minimizes risk, protects district resources, and promotes the health and safety of students, staff, and the public.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

Any and all claims for money or damages against the district shall be presented to and acted upon in accordance with the Government Claims Act or other applicable state or district procedures, as well as the district's joint powers authority (JPA) agreement or other insurance coverage.

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

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

CSBA NOTE: Pursuant to Government Code 935, claims procedures established by the district may include a requirement that a claim be presented and acted upon in accordance with such procedures as a prerequisite to the filing of a lawsuit against the district. The following paragraph extends this requirement to claims filed under other statutes and may be revised to reflect district practice.

Unless otherwise provided by law, a written claim shall be presented to and acted upon by the Board in accordance with such procedures prior to filing a lawsuit against the district for money or damages.

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

### **Time Limitations**

CSBA NOTE: Items #1-4 below reflect timelines for presenting claims in relation to different causes of action, pursuant to the Government Claims Act and other applicable statutes.

The following time limitations apply to the presentation of claims for money or damages against the district:

1. Claims relating to a cause of action for death or for injury to a person, personal property, or growing crops shall be presented to the Board not later than six months after the accrual of the cause of action (Government Code 911.2)
2. Claims relating to any other cause of action subject to the Government Claims Act shall be filed not later than one year after the accrual of the cause of action (Government Code 911.2)

CSBA NOTE: Claims for childhood sexual assault are governed by the timelines and procedures specified in Code of Civil Procedure 340.1 and 340.11. For claims of childhood

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

sexual assault that occurred on or after January 1, 2024, Code of Civil Procedure 340.1, as amended by AB 452 (Ch. 655, Statutes of 2023), provides that there are no time limits for the commencement of actions for the recovery of damages for such assaults, including plaintiffs who are 40 years of age or older who file certificates of merit by the plaintiff's attorney and by a licensed mental health practitioner selected by the plaintiff setting forth the facts which support the declaration. For claims of childhood sexual assault that occurred on or before December 31, 2023, Code of Civil Procedures 340.1, as amended by AB 452, and Code of Civil Procedure 340.11, as added by SB 558 (Ch. 877, Statutes of 2023), provide that the statute of limitations is 22 years from the date the plaintiff attains age 18 or within five years of the date the plaintiff discovers or reasonably should have discovered that psychological injury or illness occurring after age 18 was caused by sexual assault, with claims by plaintiffs who are 40 years of age or older only permitted if the person or district knew or had reason to know, or was otherwise on notice, of any misconduct that creates a risk of childhood sexual assault by an employee, volunteer, representative, or agent or designee, or the person or district failed to take reasonable steps or to implement reasonable safeguards to avoid acts of childhood sexual assault.

3. Claims relating to childhood sexual assault and other causes of action which are specifically excepted from the Government Claims Act by Government Code 905, that are subject to a claims presentation procedure in another statute or regulation, shall be presented to the Board in accordance with the applicable governing statute or regulation (Government Code 905)

CSBA NOTE: Optional Item #4 below is for use by any district whose Board has chosen to exercise the authority in Government Code 935 to establish its own procedure for the presentation of claims which are excluded from the Government Claims Act by Government Code 905 and which are not governed by any other applicable statute or regulation. Pursuant to Government Code 935, the district's procedure cannot require a shorter time for presentation of a claim than the time specified in Government Code 911.2. However, the Board has the discretion to adopt a more flexible time limitation and may increase the amount of time allowed for filing such claims. If the Board adopts a more flexible time limitation, Item #4 should be revised accordingly.

4. Claims relating to any cause of action which is specifically excepted from the Government Claims Act by Government Code 905 but is not governed by any other claim presentation statute or regulation shall be presented to the Board within the time limits specified in Items #1 and 2 above, depending on the applicable cause of action (Government Code 911.2, 935)

### **Receipt of Claims**

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

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: Government Code 915 authorizes a claim, amendment to a claim, or application for a late claim to be submitted through electronic means, if so authorized by a Board resolution. In practice, such electronic means involve online completion of a fillable form and/or transmission by email. The following paragraph may be revised to specify the electronic means authorized by the district. If the Board has not adopted a resolution authorizing electronic submission, the district should delete the following paragraph.

Pursuant to Government Code 915.4, if the Board authorizes electronic submission, then any notice required of the district in response to a claim, amendment, or application for a late claim is required to be sent to the electronic address from which the district received the claim or application, unless the claimant or applicant specified an alternative electronic address for that purpose.

For more information regarding district notice requirements, see "Notice of Claim Insufficiency," "Late Claims," and "Action on Claims", below.

A claim may be submitted electronically in the manner specified by the Superintendent or designee. (Government Code 915, 915.2)

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

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

### **Review of Contents of the Claim**

CSBA NOTE: Most JPAs and insurance carriers provide a claim form. The person submitting the claim need not use the claim form provided by the district but, pursuant to Government Code 910 and 910.2, the claim must contain a signature and all the information listed below.

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

1. The name and post office address of the claimant
2. The post office address to which the person presenting the claim desires notices to be sent
3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted
4. A general description of the indebtedness, obligation, injury, damage, or loss incurred insofar as it may be known at the time of presentation of the claim
5. The name(s) of the district employee(s) causing the injury, damage, or loss, if known

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

6. The amount claimed if it totals less than \$10,000, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the claim, together with the basis of computation of the amount claimed

If the amount claimed exceeds \$10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a limited civil case as specified in Code of Civil Procedure 85 and 86.

7. The signature of the claimant or the person acting on the claimant's behalf

### **Notice of Claim Insufficiency**

CSBA NOTE: Pursuant to Government Code 910.8, if a claim is found insufficient, the district is required to notify the claimant of the defects or omission in the claim. Government Code 915.4 authorizes such notice to be personally delivered or mailed or, if the Board has adopted a resolution authorizing electronic submission of claims, then any notice of claim insufficiency is required to be sent to the electronic address from which the claim was sent unless the claimant specifies an alternative electronic address for that purpose; see "Receipt of Claims", above.

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

If a claim is found insufficient or not to satisfy the form requirements under Government Code 910 and 910.2, the Board or its designee shall, within 20 days of receipt of the claim, provide a notice in the manner specified in Government Code 915.4 that states the particular defects or omission in the claim. (Government Code 910.8)

CSBA NOTE: Districts should investigate the background of each claim thoroughly, be cautious before rejecting a claim because of insufficiency of information, and consult CSBA's District and County Office of Education Legal Services or district legal counsel, and/or the district's JPA or insurance provider, as appropriate. In *Stockett v. Association of California Water Agencies Joint Powers Insurance Authority*, the California Supreme Court held that a claim is sufficient, and may not be barred, so long as enough information is disclosed to allow the district to adequately conduct an investigation of the claim's merits, even if the claim was not indicated in the claimant's initial notice.

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

### **Amendment to Claims**

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

### **Late Claims**

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

When a claim that is required to be presented not later than six months after the accrual of the cause of action, as specified in "Time Limitations" above, is not presented within that time, an application to present a late claim may be presented to the Board, in the manner specified in Government Code 915 and 915.2, within a reasonable time not to exceed one year after the accrual of the cause of action. The application shall include the proposed claim and shall state the reason for the delay in presenting the claim. (Government Code 911.4)

CSBA NOTE: Pursuant to Government Code 911.3, when a claim is presented late and is not accompanied by an application to present a late claim, the Board or designee may, at any time within 45 days after the claim is presented, give written notice to the person presenting the claim that the claim was not filed timely and that it is being returned without further action. In such circumstances, the Board or designee should notify the claimant that "no action" was taken because the claim was presented late, as taking formal action to "reject" the claim could indicate that the Board had accepted the filing of the late claim and potentially waive certain legal defenses.

Although districts are not required to provide this notice, failing to do so may prevent the district from relying on the claim's untimeliness as a defense in future litigation. Because of this, the language in the following paragraph has been drafted to require provision of the notice whenever an untimely claim is received. Districts that do not wish to notify claimants that their claim is untimely, and therefore risk the waiver of their untimeliness defense, may modify the language accordingly.

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

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

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

1. The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect and the district was not prejudiced in its defense regarding the claim by the claimant's failure to present the claim within the time limit
2. The person who sustained the alleged injury, damage, or loss was a minor during all of the time specified for presentation of the claim

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

3. The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during all of the time specified for presentation of the claim and the disability was the reason the person failed to present the claim
4. The person who sustained the alleged injury, damage, or loss died before the expiration of the time specified for the presentation of the claim

If the application to present a late claim is denied, the claimant shall be given notice in substantially the same form as set forth in Government Code 911.8 and in the manner specified in Government Code 915.4.

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

### **Action on Claims**

CSBA NOTE: Pursuant to Government Code 945.6, if the Board formally acts to reject a claim and provides notice of such rejection, the claimant has only six months from the rejection to initiate a lawsuit. If the Board takes no action or fails to provide written notice rejecting the claim, the claimant then has two years to initiate a suit against the district. The notice of rejection is required to comply with the notification requirements of Government Code 913 unless the claim has no address on it.

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

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

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

1. If the Board finds that the claim is not a proper charge against the district, the claim shall be rejected
2. If the Board finds that the claim is a proper charge against the district and is for an amount justly due, the claim shall be allowed
3. If the Board finds that the claim is a proper charge against the district but is for an amount greater than is justly due, the Board shall either reject the claim or allow it in the amount justly due and reject it as to the balance
4. If legal liability of the district or the amount justly due is disputed, the Board may reject or compromise the claim

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

5. ~~If the Board takes no action on the claim, the claim shall be deemed rejected~~

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

Management of the defense or settlement of the claim may be subject to contractual requirements contained in the district's insurance policy, memorandum of coverage, or contractual indemnity agreements. Thus, even when the Board has authorized the Superintendent or another employee to settle such claims, the authority is subject to any such requirements or conditions of coverage.

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

~~**Roster of Public Agencies**~~

CSBA NOTE: The following paragraph should be revised depending on whether the Board delegated to an employee, and if so to which employee, the authority to allow, compromise, or settle a claim of less than \$50,000.

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

The Board or its designee shall transmit to the claimant written notice of action taken or of inaction which is deemed rejection. The notice shall be in the form set forth in Government Code 913 and shall be provided in the manner specified in Government Code 915.4. (Government Code 913)

**Registry of Public Agencies**

CSBA NOTE: Government Code 53051 requires public agencies, such as school districts, to register the information specified below, including the names of all Board members, with the Secretary of State and County Clerk. If *In Hovd v. Haward Unified School District*, the appellate court held that if the information required to be registered to the Secretary of State and County Clerk is not on file or is not accurate or if no, then a claimant may still state a claim even if the time limit for presenting a claim has expired.

Pursuant to Government Code 960.2 and 960.3, if the information is not on file or is not accurate, the court may allow a person to proceed with serve a claim against on the district even if the time limit for by mailing or personally delivering process to the Secretary of State's office. Additionally, pursuant to Government Code 946.4, if the information is not on file or is not accurate, then if a

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

plaintiff fails to present a claim to the district before filing ~~such a claim has expired.~~ suit, this will not constitute a defense for the district. Thus, it is imperative that all required information be current and accurate.

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

**Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

---

Anything crossed out in black will be omitted if COD adopts and approves.  
Red font is additions to policy that will be adopted if COD approves.  
CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Regulation 3320: Claims And Actions Against The District

Status: ADOPTED

Original Adopted Date: 07/01/2019 | Last Revised Date: ~~03/01/2021~~ 12/01/2024 | Last Reviewed Date: ~~03/01/2021~~ 12/01/2024

CSBA NOTE: The Government Claims Act (Government Code 810-996.6) sets forth prelitigation requirements and deadlines for claims against public entities, including school districts. In *City of Stockton v. Superior Court*, the California Supreme Court held that the claim requirements in Government Code 900-915.4 also apply to claims for breach of contract. For any cause of action that is excepted from the Government Claims Act pursuant to Government Code 905 but has its claim presentation procedure specified in another statute or regulation, such as childhood sexual assault, a claim must be presented in accordance with that statute or regulation. For any cause of action that is excepted from the Government Claims Act pursuant to Government Code 905 but is not governed by any procedure in another statute or regulation, the district may establish its own claim presentation procedure in accordance with Government Code 935. The district should consult legal counsel as necessary if questions arise regarding the proper procedure.

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

Any claim against the district for money or damages shall be filed and acted upon in accordance with the Government Claims Act (Government Code 810-996.6) or other applicable law. Claims that are specifically excepted from the Government Claims Act by Government Code 905 and are not governed by any other statute or regulation may be filed and acted upon in accordance with district established procedures pursuant to Government Code 935.

CSBA NOTE: Pursuant to Government Code 935, claims procedures established by the district may include a requirement that a claim be presented and acted upon in accordance with those procedures as a prerequisite to the filing of a lawsuit against the district. The following paragraph extends this requirement to claims filed under other statutes and may be revised to reflect district practice.

Unless otherwise provided by law, a written claim shall be presented to and acted upon by the Governing Board in accordance with such procedures prior to filing a lawsuit against the district for money or damages.

### Time Limitations

CSBA NOTE: Items #1-4 below reflect timelines for presenting claims in relation to different causes of action, pursuant to the Government Claims Act and other applicable statutes.

The following time limitations apply to the presentation of claims for money or damages against the

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

district:

Anything crossed out in black will be omitted if COD approves and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

1. ~~Claims relating to a cause of action for death or for injury to a person, personal property, or growing crops shall be presented to the Board not later than six months after the accrual of the cause of action. (Government Code 911.2)~~
2. ~~Claims relating to any other cause of action subject to the Government Claims Act shall be filed not later than one year after the accrual of the cause of action. (Government Code 911.2)~~

CSBA NOTE: Claims for childhood sexual assault are governed by the timelines and procedures specified in Code of Civil Procedure 340.1. Pursuant to Code of Civil Procedure 340.1, the time limit for beginning an action for recovery of damages suffered as a result of childhood sexual assault is 22 years from the date the plaintiff attains age 18 or within five years of the date the plaintiff discovers or reasonably should have discovered that psychological injury or illness occurring after age 18 was caused by sexual assault, whichever is later. A claim may be filed on or after the plaintiff's 40th birthday only if the plaintiff files certificates of merit by an attorney and a licensed mental health practitioner selected by the plaintiff setting forth the facts which support the declaration.

3. ~~Claims relating to childhood sexual assault and other causes of action which are specifically excepted from the Government Claims Act by Government Code 905 but are subject to a claims presentation procedure in another statute or regulation shall be presented to the Board in accordance with the applicable governing statute or regulation. (Government Code 905)~~

CSBA NOTE: Optional item #4 below is for use by any district whose board has chosen to exercise the authority in Government Code 935 to establish its own procedure for the presentation of claims which are excluded from the Government Claims Act by Government Code 905 and which are not governed by any other applicable statute or regulation. See the accompanying Board policy. Pursuant to Government Code 935, the district's procedure cannot require a shorter time for presentation of a claim than the time specified in Government Code 911.2. However, the Governing Board has the discretion to adopt a more flexible time limitation and may increase the amount of time allowed for filing such claims. If the Board adopts a more flexible time limitation, item #4 should be revised accordingly.

4. ~~Claims relating to any cause of action which is specifically excepted from the Government Claims Act by Government Code 905 but is not governed by any other claim presentation statute or regulation shall be presented to the Board within the time limits specified in items #1 and 2 above, depending on the applicable cause of action. (Government Code 911.2, 935)~~

### **Receipt of Claims**

A claim shall be deemed presented and received when delivered to the district office or deposited in a post office, mailbox, sub post office, substation, mail chute, or other similar facility maintained by the U.S. government, in a sealed envelope properly addressed to the district office with postage paid, or when otherwise actually received in the district office or by the Board secretary or clerk. (Government Code 915, 915.2)

CSBA NOTE: Government Code 915, as amended by SB 1473 (Ch. 371, Statutes of 2020), authorizes a claim, amendment to a claim, or application for a late claim to be submitted through

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

~~electronic means, if so authorized by a Board resolution. In practice, such electronic means involve online completion of a fillable form and/or transmission by email. The following paragraph may be revised to specify the electronic means authorized by the district. If the Board has not adopted a resolution authorizing electronic submission, the district should delete the following paragraph.~~

~~Pursuant to Government Code 915.4, as amended by SB 1473, if the Board authorizes electronic submission, then any notice required of the district in response to a claim, amendment, or application for a late claim must be sent to the electronic address from which the district received the claim or application, unless the claimant or applicant specified an alternative electronic address for that purpose.~~

~~Also see the sections "Notice of Claim Insufficiency," "Late Claims," and "Action on Claims" below.~~

~~A claim may be submitted electronically in the manner specified by the Superintendent or designee. (Government Code 915, 915.2)~~

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

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

### **Review of Contents of the Claim**

~~CSBA NOTE: Most JPAs and insurance carriers provide a claim form. The person submitting the claim need not use the claim form provided by the district but, pursuant to Government Code 910 and 910.2, the claim must contain a signature and all the information listed below.~~

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

- ~~1.—The name and post office address of the claimant~~
- ~~2.—The post office address to which the person presenting the claim desires notices to be sent~~
- ~~3.—The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted~~
- ~~4.—A general description of the indebtedness, obligation, injury, damage, or loss incurred insofar as it may be known at the time of presentation of the claim~~
- ~~5.—The name(s) of the district employee(s) causing the injury, damage, or loss, if known~~
- ~~6.—The amount claimed if it totals less than \$10,000, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the claim, together with the basis of computation of the amount claimed. \_\_\_ If the amount claimed exceeds \$10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a limited civil case of \$25,000 or less.~~

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

7. ~~The signature of the claimant or the person acting on the claimant's behalf~~

### **Notice of Claim Insufficiency**

CSBA NOTE: Pursuant to Government Code 910.8, if a claim is found insufficient, the district must notify the claimant of the defects or omission in the claim. Government Code 915.4, as amended by SB 1473, authorizes such notice to be personally delivered or mailed or, if the Board has adopted a resolution authorizing electronic submission of claims (see section "Receipt of Claims" above), then any notice of claim insufficiency must be sent to the electronic address from which the claim was sent unless the claimant specifies an alternative electronic address for that purpose.

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

If a claim is found insufficient or not to satisfy the form requirements under Government Code 910 and 910.2, the Board or its designee shall, within 20 days of receipt of the claim, provide a notice in the manner specified in Government Code 915.4 that states the particular defects or omission in the claim. (Government Code 910.8, 915.4)

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

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

### **Amendment to Claims**

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

### **Late Claims**

When a claim that is required to be presented not later than six months after the accrual of the cause of action, as specified in the section "Time Limitations" above, is not presented within that time, an application to present a late claim may be presented to the Board, in the manner specified in Government Code 915 and 915.2, within a reasonable time not to exceed one year after the accrual of the cause of action. The application shall include the proposed claim and shall state the reason for the delay in presenting the claim. (Government Code 911.4, 915, 915.2)

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

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

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

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

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

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

~~If the application to present a late claim is denied, the claimant shall be given notice in substantially the same form as set forth in Government Code 911.8 and in the manner specified in Government Code 915.4. (Government Code 911.8, 915.4)~~

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

### **Action on Claims**

~~CSBA NOTE: Pursuant to Government Code 945.6, if the Board formally acts to reject a claim and provides notice of such rejection, the claimant has only six months from the rejection to initiate a lawsuit. If the Board takes no action or fails to provide written notice rejecting the claim, the claimant then has two years to initiate a suit against the district. The notice of rejection must comply with the notification requirements of Government Code 913 unless the claim has no address on it.~~

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

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

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

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

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

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

~~The Board or its designee shall transmit to the claimant written notice of action taken or of inaction which is deemed rejection. The notice shall be in the form set forth in Government Code 913 and shall be provided in the manner specified in Government Code 915.4. (Government Code 913, 915.4)~~

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Policy 3515.5: Sex Offender Notification

Status: ADOPTED

Original Adopted Date: 02/01/1999 | Last Revised Date: 03/12/01/20052024 | Last Reviewed Date: 03/12/01/20052024

CSBA NOTE: Penal Code 290.45 specifies that when a law enforcement agency reasonably suspects that children may be at risk from a registered sex offender, the agency may notify educational institutions. However, the law does not stipulate procedures for districts to follow when so notified. Penal Code 290.45 also provides that any person who receives such sex offender information from a law enforcement agency may only disclose that information in the manner and to the extent authorized by the law enforcement agency. Districts should act reasonably and responsibly if the information is received and should collaborate with local law enforcement in order to determine the most responsible means of communication. See [see](#) the accompanying administrative regulation. Because school personnel are not equipped to assess the relative danger of offenders, it is recommended that districts consult with [CSBA's District and County Office of Education Legal Services or district](#) legal counsel when developing their planned response to the receipt of sex offender information.

In order to protect students while they are traveling to and from school, or attending school or a school-related activity, the Governing Board believes it is important that the district respond appropriately when a law enforcement agency notifies the district about registered sex offenders who may reside or work within district boundaries.

The Superintendent or designee shall establish an ongoing relationship with law enforcement officials to coordinate the receipt and dissemination of such information. To the extent authorized by law, the Superintendent or designee also shall establish procedures for notifying appropriate staff as necessary.

CSBA NOTE: Penal Code 290.45 grants the district and its employees immunity from civil liability for the good faith dissemination of any sex offender information received from a law enforcement agency, as long as the dissemination is in the manner and to the extent authorized by the law enforcement agency.

To protect the [Any](#) district and its employees from liability, employees shall disseminate [employee to whom](#) sex offender information in good faith, and [is disclosed by a law enforcement entity shall disclose the information](#) only in the manner and to the extent [when](#) authorized by the law enforcement agency. [entity and in the manner authorized.](#)

CSBA NOTE: Pursuant to Penal Code 290.46 ("Megan's law [Law](#)") information about certain sex offenders, including their home addresses, is available to the public via the Internet. The district may choose to include notice regarding the availability of this information in its annual parent/guardian notification. The following paragraph is optional and may be revised to reflect district practice.

The Superintendent or designee may annually notify parents/guardians of the availability of information about registered sex offenders on the Department of Justice's Internet [Megan's Law](#)

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

website.

## **Role of District Police/Security Department**

CSBA NOTE: The following optional section is for use by districts with district police/security departments. Penal Code 290.45 provides that a school district police/security department may be a "designated law enforcement agency" for purposes of receiving information from the Department of Justice about registered sex offenders. As a "designated law enforcement agency," the school district police/security department may make the determination to release information about sex offenders to the school community, such as parents/guardians of students attending the school and other persons regularly present at the school site including students, employees, or volunteers.

In accordance with law, Board policy and administrative regulation, the district police/security department may disseminate information about registered sex offenders to the school community. The district police/security department shall consult with local law enforcement and the Superintendent or designee prior to any such dissemination.

When a registered sex offender's email address or username used for instant messaging or social networking or other internet identifier, as defined in Penal Code 290.024, is submitted to the district police/security department, such information shall only be used by the department or released to another law enforcement entity for the purpose of investigating a sex-related crime, a kidnapping, or human trafficking. No other disclosure shall be made or authorized by the department, except as required by a court order. (Penal Code 290.45)

The district police/security department shall maintain records of the means and dates of dissemination for five years. (Penal Code 290.45)

### **Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

---

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual

### CSBA Sample Manual Site

#### Regulation 3515.5: Sex Offender Notification

Status: ADOPTED

Original Adopted Date: 02/01/1998 | Last Revised Date: 05~~12~~/01/2016~~2024~~ | Last Re viewed

Date: 05~~12~~/01/2016~~2024~~

CSBA NOTE: Pursuant to Penal Code 290.45, a law enforcement agency may notify the general public about the presence of a sex offender in the community by whatever means the law enforcement agency considers appropriate, including television, newspaper, or the Internet.

The following optional regulation provides a plan for communicating information received from law enforcement. CSBA recommends that districts work closely with local law enforcement in order to help develop a coordinated response to the situation, and revise this regulation accordingly to reflect district practice.

The Superintendent or designee shall develop a plan for receiving and communicating information about registered sex offenders residing within district boundaries. ~~He/she~~The Superintendent or designee shall ensure, at a minimum, that the following components are part of the plan:

1. The Superintendent or designee shall appoint a staff member to serve as the liaison with law enforcement regarding ~~these matters.~~ sex offender information in relation to the safety of children
2. The Superintendent or district liaison shall, at the beginning of each school year, contact local law enforcement to coordinate the receipt of information.
3. Law enforcement shall be informed that all notifications and correspondence should be directed to the liaison as well as the individual school sites.
  1. A letter shall be sent annually to local law enforcement, identifying the name, phone number, and address of the liaison.
  2. 4. The Superintendent or district liaison shall collaborate with law enforcement in order to alert children to the dangers of sex offenders, develop a system for distributing information about sex offenders, and train school staff and parents/guardians about the roles and responsibilities of both the district and law enforcement.
  3. 5. The Superintendent or district liaison shall, at the beginning of each school year, notify parents/guardians of the district's willingness and intention to work with law enforcement on ~~this matter~~keeping children safe from sex offenders and shall explain the appropriate roles and responsibilities of both the district and law enforcement.

This communication shall also explain:

- a. a. The reporting requirements pursuant to Penal Code 290 and 290.45, including the fact that law enforcement is the agency best able to assess the relative

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

danger of a sex offender

- b. b. The ability of the parents/guardians to contact law enforcement for additional information and to view the information on the Department of Justice's (DOJ) Megan's Law Internet website

CSBA NOTE: Penal Code 290.45 provides that law enforcement may authorize school districts to disclose sex offender information to additional persons upon a determination by law enforcement that this further disclosure will enhance public safety. Penal Code 290.45 requires law enforcement to identify the appropriate scope of further disclosure, which may not include placement of the information on a district Internet website.

- 4. 6. When law enforcement notifies the district of the residency or employment of a sex offender within district boundaries, the Superintendent or district liaison shall consult with law enforcement about the appropriate scope of the disclosure. ~~When authorized by law enforcement, the Superintendent or liaison may disclose information about a sex offender to the following staff:~~
  - a. ~~The principal of the school which is in the attendance area of the sex offender's residence or place of employment~~
  - b. ~~Teachers and classified personnel at that school, including staff responsible for visitor registration~~
  - c. ~~Principals and staff at adjacent schools, as appropriate~~
  - d. ~~Security staff~~
  - e. ~~Bus drivers~~
  - f. ~~Yard supervisors~~
- 5. 7. Any staff member who receives information directly from law enforcement regarding registered sex offenders shall immediately contact the Superintendent or district liaison in order to help ensure that the district is able to respond appropriately.

CSBA NOTE: Penal Code 3003 prohibits certain sex offenders released on parole from residing within one-half mile of school grounds.

- 6. 8. If an identified sex offender is seen on or near school grounds or around any student~~child~~, staff shall immediately contact the district liaison. ~~A staff member may also,~~ who shall inform local law enforcement. accordingly

CSBA NOTE: Pursuant to Penal Code 290.45, ~~any person who convicted of using sex offender information to commit a felony will receive a five-year prison term; any person who uses this information to commit a misdemeanor will be fined at least \$500 and not more than \$1000.~~

## Notification to Parents/Guardians

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: Pursuant to Penal Code 290.45, law enforcement determines the appropriate scope of the disclosure of sex offender information when necessary to protect public safety. In some circumstances, law enforcement may determine that notification should be provided to the parents/guardians of students attending a specific school. In order to help ensure that parents promptly receive the information and that students are not unduly alarmed, ~~CSBA recommends~~ it is recommended that notifications not be sent home with students. ~~District should also consult legal counsel as appropriate.~~

The following optional section should be modified to reflect district practice.

When law enforcement has determined that parents/guardians should be notified regarding the presence of a sex offender in the community, the Superintendent or district liaison shall collaborate with local law enforcement in order to determine an appropriate response. This response may include:

1. 1. An article in a school or parent council newsletter notifying parents/guardians that law enforcement information about registered sex offenders is available at the local law enforcement agency headquarters and/or at the school office. ~~This article shall encourage parents/guardians to contact local law enforcement and access the Department of Justice's (DOJ) Megan's Law Internet website for additional information.~~
2. 2. A mailing, at law enforcement's expense, prepared by law enforcement, and printed on law enforcement letterhead and envelopes, notifying parents/guardians of the presence of registered sex offenders. ~~This notification shall encourage parents/guardians to contact local law enforcement and access the DOJ's Megan's Law Internet website for additional information.~~
3. 3. A mailing of a letter, at district expense, prepared by law enforcement and printed on law enforcement letterhead and envelopes, notifying parents/guardians of the presence of registered sex offenders. ~~This notification shall encourage parents/guardians to contact local law enforcement and access the DOJ's Megan's Law Internet website for additional information.~~

The article and mailings listed above shall encourage parents/guardians to contact local law enforcement and access the DOJ's Megan's Law website for additional information.

CSBA NOTE: Pursuant to Penal Code 626.81, a principal may permit a registered sex offender who is not a family member of a student attending the school to enter school premises to volunteer at the school, provided that parents/guardians are notified as provided below. For further information, see AR 1240 - Volunteer Assistance.

Whenever the principal has granted permission to a person who is required to register as a sex offender pursuant to Penal Code 290 to come into a school building or upon school grounds to volunteer at the school, ~~he/she~~ the principal or designee shall notify the parent/guardian of each student at that school, at least 14 days in advance ~~using one of the methods specified in Education Code 48981,~~ that a registered sex offender has been granted such permission, the date(s) and times for which permission has been granted, and the parent/guardian's right to obtain information regarding the person from a designated law enforcement agency. ~~(Penal Code 626.81)~~ This notice shall be provided by regular mail or any other method normally used by the district to communicate with parents/guardians in writing. If a parent/guardian requests such notice in electronic format, the district shall provide electronic notice. (Education Code 48985, Penal Code 626.81)

**Policy Reference UPDATE Service**

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

Anything crossed out in black will be omitted if COD adopts and approves.  
Red font is additions to policy that will be adopted if COD approves.  
CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Policy 3540: Transportation

Status: ADOPTED

Original Adopted Date: 06/01/1992 | Last Revised Date: 12/01/2022~~2022~~<sup>2024</sup> | Last Revised Date: 12/01/2022~~2022~~<sup>2024</sup>

CSBA NOTE: Pursuant to Education Code 39800, the Governing Board may provide transportation for students to and from school whenever such transportation is advisable and good reasons exist to provide these services. The following optional policy is for use by districts that choose to provide transportation services through their own transportation system, contracting out, or other methods, and should be revised to reflect district practice.

The Governing Board desires to provide for the safe and efficient transportation of students to and from school as necessary to ensure student access to the educational program, including expanded learning opportunities programs, promote regular attendance, and reduce tardiness. In determining the extent to which the district will provide transportation services, the Board shall weigh student and community needs against the cost of providing such services.

~~CSBA NOTE: AB 181 (Ch. 52, Statutes of 2022) provides funding for zero-emission school buses and related infrastructure, such as charging or fueling stations, equipment, site design, and construction, with priority for such funding given to districts serving a high percentage of unduplicated students, districts operating the oldest internal combustion buses, small and rural districts, and those purchasing zero-emission buses with bidirectional charging. More information will become available through the State Air Resources Board and the Energy Commission.~~

CSBA NOTE: A district is authorized to provide transportation services in an economical and efficient way, as long as the arrangement complies with law. For example, Education Code 39800.1, ~~as added by AB 181~~, permits partnering with a municipally-owned transit system, in order to provide transportation services to middle and high school students.

The Superintendent or designee shall recommend to the Board economical, environmentally sustainable, and appropriate means of providing transportation services. The district's transportation services may be provided by means of a joint powers agreement, a cooperative student transportation program, or a consortium, as permitted by law.

No student shall be required to be transported for any reason without the written permission of the student's parent/guardian, except in emergency situations involving illness or injury to the student pursuant to Education Code 35350 or the evacuation of students as necessary for their safety.

### Transportation Plan

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: The following section may be revised to reflect district practice. Education Code 39800.1, ~~as added by AB 181~~, requires, as a condition of apportionment, a district to adopt a transportation plan in consultation with classified staff, teachers, school administrators, and other stakeholders ~~by April 1, 2023~~, and to update the plan annually, by April 1. The plan is required to include descriptions of the transportation services to be provided to certain student groups as specified below.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

The Superintendent or designee shall develop a transportation plan in consultation with classified staff, teachers, school administrators, regional local transit authorities, local air pollution control districts and air quality management districts, parents/guardians, students, and other stakeholders. (Education Code 39800.1)

The transportation plan shall be presented to and adopted by the Board at an open meeting, with the opportunity for in-person and remote public comment, and shall be updated annually by April 1. (Education Code 39800.1)

The transportation plan shall include descriptions of the following: (Education Code 39800.1)

1. The transportation services offered to students
2. ~~How~~The prioritization of transportation services ~~will be prioritized~~ for low-income students, and students in transitional kindergarten, kindergarten, and any of grades 1 to 6, inclusive
3. The transportation services accessible to students with disabilities and homeless children and youth, as defined pursuant to the federal McKinney-Vento Homeless Assistance Act (42 USC 11301)
4. ~~How~~The manner in which unduplicated students, as defined in Education Code 42238.02, will be able to access available home-to-school transportation at no cost

### Transportation Contracts

CSBA NOTE: The following paragraph may be revised to reflect district practice. Pursuant to Education Code 39800 and 39802, the district may use one or more means to provide transportation, as indicated below. For example, the district may use school buses for its regular home-to-school program and contract with private parties to provide transportation for field trips.

The Board may purchase, rent, or lease vehicles; contract with a common carrier or municipally owned transit system; contract with responsible private parties including the parent/guardian of the student being transported; and/or contract with the County Superintendent of Schools. to provide necessary transportation services. (Education Code 35330, 39800, 39801)

In contracting for transportation services, the district shall comply with all applicable laws related to bids and contracts. (Education Code 39802-, 39803)

CSBA NOTE: Pursuant to Education Code 39879, as added by SB 88 (Ch. 30, Statutes of 2023), the district is required to obtain written attestations from any private entity with which it contracts to provide student transportation.

Prior to contracting with a private entity for student transportation services, the district shall obtain written attestations from the entity that: (Education Code 39879)

1. The entity does not have any applicable law violations at the time of applying for the contract
2. The entity will maintain compliance with applicable laws for the duration of the contract

Anything struck out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

3. Under the contract, only drivers who meet the requirements specified in Education Code 39877 will work
4. The entity has on file all the reports and documents required pursuant to Education Code 39877 for the duration of the contract, including, but not limited to, updated, revised, or modified reports and documents, and that the reports and documents shall be available for inspection by the district

Any vehicle used to provide student transportation for compensation shall meet both of the following requirements: (Education Code 39879)

1. Be inspected every 12 months, or every 50,000 miles, whichever comes first, at a facility licensed by the Bureau of Automotive Repair to ensure that the vehicle passes a 19-point vehicle inspection, as adopted by the Public Utilities Commission and as specified in D.13-09-045, before allowing the vehicle to be driven, except for vehicles which are already subject to a statutory inspection program
2. Be equipped with a first aid kit and a fire extinguisher

## Expenses and Fees

CSBA NOTE: The following paragraph is optional. If a district that has been providing transportation decides instead to have alternative transportation provided through an outside company or volunteers, this action may constitute "contracting out" and be subject to negotiation pursuant to the Educational Employment Relations Act (Government Code 3540-3549.3).

In lieu of providing transportation in whole or in part, the district may pay the student's parents/guardians either their actual and necessary expenses in transporting the student or the cost of the student's food and lodging at a place convenient to the school. In either case, the amount of the payment shall not exceed the cost that would be incurred by the district to provide for the transportation of the student to and from school. (Education Code 39806-39807)

CSBA NOTE: The following optional paragraph is for use by districts that choose to require parents/guardians of transported students to pay a portion of the cost of transportation as authorized by Education Code 39807.5. Pursuant to Education Code 39807.5, ~~as amended by AB 181~~, the district ~~must~~ is required to waive the fee for a student with a disability who meets the requirements set forth in Education Code 56026, and an unduplicated student, as defined in Education Code 42238.02, which includes a student who is eligible for free or reduced-price meals, who is an English learner, or who is a foster youth. See BP/AR 3250 - Transportation Fees.

The Board may charge a transportation fee to parents/guardians of transported students in accordance with Education Code 39807.5 and ~~BP/AR~~ Board Policy/Administrative Regulation 3250 - Transportation Fees.

## Safety and Monitoring

The Superintendent or designee shall develop procedures to promote safety for students traveling on school buses.

CSBA NOTE: The following optional paragraph is for use by districts that maintain their own transportation system and may be revised to reflect district practice. Pursuant to Penal Code

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

637.7, the district is authorized, as the registered owner of the school bus, to use electronic tracking systems to determine the location or movement of the vehicle. ~~It is recommended that school bus drivers be notified when a bus is so equipped.~~

In addition to using a global positioning system (GPS) to locate a bus in an emergency or to track delays, the district may choose to authorize parents/guardians to access the location data so that they may determine when their child has been picked up or dropped off at a bus stop.

Additionally, Vehicle Code 4854 permits the use of devices approved by the Department of Motor Vehicles as an alternative to conventional license plates, stickers, tabs, and cards when specified requirements are met. However, pursuant to Vehicle Code 4854, such alternative devices may not be used to monitor an employee except during work hours and if strictly necessary for the performance of the employee's duties. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when considering the use of vehicle location technology to monitor employees.

The district may install a global positioning system (GPS) on school buses and/or student activity buses in order to enhance student safety and provide real-time location data to district and school administrators, and parents/guardians.

CSBA NOTE: The following optional paragraph is for use by districts that maintain their own transportation system. A driver who provides transportation to students shall meet the requirements specified in Education Code 39877 and 39878, as added by SB 88.

The Superintendent or designee shall ensure the qualifications of bus drivers, in accordance with Administrative Regulation 3542 – School Bus Drivers, and related staff employed by the district, provide for the maintenance and operation of district-owned school buses and other equipment, and ensure adequate facilities for equipment storage and maintenance.

**Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Policy 5113.1: Chronic Absence And Truancy

Status: ADOPTED

Original Adopted Date: 11/01/2012 | Last Revised Date: ~~12/01/2020~~2024 | Last Reviewed Date: ~~12/01/2020~~2024

CSBA NOTE: The following optional policy addresses both chronic absence, which refers to students missing an excessive number of school days for any reason, whether excused or unexcused, and truancy, which refers to students missing school and/or being tardy without a valid excuse. Education Code 48260 defines a "valid excuse" for purposes of classifying students as truants; see the accompanying administrative regulation. Also see BP/AR 5113 - Absences and Excuses for information about methods of verification of student absences.

Pursuant to Education Code 48326, as added by AB 2771 (Ch. 154, Statutes of 2024), beginning with the 2026-27 school year, the California Department of Education (CDE) is required to post on its website information regarding methods of reducing chronic absenteeism, including the formation of school site absence intervention teams.

The Governing Board believes that absenteeism, whatever the cause, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the district, and that students who are identified as chronically absent or truant receive appropriate support services and interventions as early as possible.

CSBA NOTE: The following paragraph may be revised to reflect district practice. Districts ~~must~~are required to track student attendance for the purpose of reporting chronic absenteeism for the state accountability system (the California School Dashboard) and identifying students who are classified as truants pursuant to Education Code 48260-48273. Tools to calculate chronic absence, such as the District Attendance Tracking Tool and School Attendance Tracking Tool, are available from Attendance Works.

The Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students who are chronic absentees and truants, as defined in law and administrative regulation, and to identify patterns of absence throughout the district.

CSBA NOTE: In developing strategies for addressing chronic absence and truancy, districts may consider reasons for absences given by individual students as well as survey data using tools such as the California Healthy Kids Survey and/or the California School Climate, Health, and Learning Survey System available from WestEd.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CDE has identified strategies that have a positive effect in encouraging students to regularly attend school, which can be found on CDE's webpage, "School Attendance Improvement Strategies." Some of these practices include identifying and responding to grade level and student subgroup patterns of chronic absence and truancy; improving communication with parents/guardians, including using bilingual aides and sending out attendance emails in the language used by parents/guardians; positive reinforcement for improved attendance such as prizes for individuals or classes with the most improved attendance; and personalizing relationships between students and school support staff and/or teachers, including establishing homeroom classes for secondary students for all years of high school.

Additionally, CSBA's, "Seize the Data: Using Chronic Absence Data to Drive Student Engagement," provides research and strategies for districts to use to reduce chronic absenteeism.

The Superintendent, attendance supervisor, or designee shall consult with students, parents/guardians, school staff, and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy, including in relation to grade level and student subgroup patterns of chronic absence and truancy.

The Superintendent, attendance supervisor, or designee shall develop a tiered approach to reducing chronic absence. Such an approach shall include strategies for preventing attendance problems, which may include, but are not limited to, efforts to provide a safe and positive school environment,; relevant and engaging learning experiences,; school activities that help develop students' feelings of connectedness with the school, including personalized relationships between students and teachers and/or support staff; school-based health services,; letters alerting parents/guardians to the value of regular school attendance, including the use of bilingual aides and communication in the primary language used by parents/guardians; and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance.

The tiered approach shall also provide for early outreach to students as soon as they show signs of poor attendance or if they were chronically absent in the prior school year. Early intervention may include personalized outreach, individual attendance plans, and/or mentoring to students with moderate levels of chronic absence, with additional intensive, interagency wrap-around services for students with the highest level of absence.

Students with serious attendance problems shall be provided with interventions specific to their needs, which may include, but are not limited to, health care referrals,; transportation assistance,; counseling, including trauma-informed practices, for mental or emotional difficulties,; academic supports,; efforts to address school or community safety concerns,; discussions with the student and parent/guardian about their attitudes regarding schooling,; or other strategies to remove identified barriers to school attendance. The Superintendent, attendance supervisor, or designee may collaborate with child welfare services, law enforcement, courts, public health care agencies, other government agencies, and/or medical, mental health, and oral health care providers to make alternative educational programs and support services available for students and families.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

The Superintendent or designee shall ensure that staff assigned to fulfill attendance-related duties are trained in implementing a trauma-informed approach to chronic absence and receive information about the high correlation between chronic absence and exposure to adverse childhood experiences.

CSBA NOTE: State law establishes a series of interventions that the district is required or authorized to impose depending on the number of trancies committed by a student; see the accompanying administrative regulation. Habitually truant students, as defined in Education Code 48262, may be referred to a school attendance review board (SARB) if established by the county office of education or to a SARB established by the district Governing Board pursuant to Education Code 48321; see BP/AR 5113.12 - District School Attendance Review Board. Instead of the SARB process, students may be referred to a truancy mediation program operated by the county's district attorney or probation officer pursuant to Education Code 48260.6. Education Code 48264.5 authorizes, but does not require, students who continue to be truant after receiving these interventions to be referred to a juvenile court. Parents/guardians of students who are identified as truant may be subject to penalties pursuant to Education Code 48293, Penal Code 270.1, and/or Penal Code 272.

Students who are identified as chronically absent or truant shall be subject to the interventions specified in law and administrative regulation.

CSBA NOTE: Pursuant to Education Code 46211, as added by SB 153 (Ch. 38, Statutes of 2024), a district may, beginning July 1, 2025, implement attendance recovery programs for students in grades transitional kindergarten-12 to make up lost instructional time and offset absences, including chronic absenteeism for up to 10 days of attendance in a school year or the number of absences a student accrued in that school year, whichever is less. A student's participation in an attendance recovery program may not be compulsory or punitive for such student. Students participating in an attendance recovery program may generate average daily attendance for the school year in which the program is operated, and that otherwise meets the requirements of Education Code 46211. For more information see the accompanying administrative regulation.

To provide students with an opportunity to make up lost instructional time and offset absences, the Superintendent or designee may implement an attendance recovery program for students in grades transitional kindergarten-12. Any such attendance recovery program shall be operated in accordance with Education Code 46211 and as specified in the accompanying administrative regulation.

CSBA NOTE: Education Code 48900 expresses legislative intent that alternatives to suspension or expulsion be used with students who are truant, tardy, or otherwise absent from assigned school activities; see BP 5144 - Discipline and BP 5144.1 - Suspension and Expulsion/Due Process.

A student's truancy, tardiness, or other absence from school shall not be the basis for suspension or expulsion. Alternative strategies and positive reinforcement for attendance shall be used whenever possible.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: Education Code 52060 requires districts to include the rates of school attendance, chronic absence, dropout, and graduation, as applicable, in their local control and accountability plan (LCAP); see BP/AR 0460 - Local Control and Accountability Plan.

The California School Dashboard includes measures of district and school performance in each priority area addressed in the LCAP, including chronic absence for grades ~~K~~[kindergarten](#)-8. The Dashboard reports the degree to which districts and schools meet performance criteria as well as changes in performance from year to year. See

[For more information regarding LCAP measures see](#) BP 0500 - Accountability. For grades 9-12, chronic absence rates are available through ~~the California Department of Education's~~[CDE's](#) DataQuest.

The Superintendent, attendance supervisor, or designee shall periodically report to the Board regarding student attendance patterns in the district, including rates of chronic absence and truancy districtwide and for each school, grade level, and numerically significant student subgroup as defined in Education Code 52052. Such information shall be used to evaluate the effectiveness of strategies implemented to reduce chronic absence and truancy and to develop annual goals and specific actions for student attendance and engagement to be included in the district's local control and accountability plan and other applicable school and district plans. As appropriate, the Superintendent or designee shall engage school staff in program evaluation and improvement and in the determination of how to best allocate available community resources.

**Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

---

Anything crossed out in black will be omitted if COD adopts and approves.  
Red font is additions to policy that will be adopted if COD approves.  
CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Regulation 5113.1: Chronic Absence And Truancy

Status: ADOPTED

Original Adopted Date: 11/01/2010 | Last Revised Date: ~~12/01/2020~~2024 | Last Reviewed Date: ~~12/01/2020~~2024

CSBA NOTE: The following administrative regulation may be revised to reflect the district personnel responsible for duties related to attendance supervision and matters related to chronic absence and truancy. Pursuant to Education Code 48240-48246, the district may appoint an attendance supervisor, join a consortium of districts to employ an attendance supervisor, or contract with the County Superintendent of Schools to supervise the attendance of district students. See AR 5113.11 - Attendance Supervision.

Education Code 48273 **mandates** that the district adopt rules and regulations related to reports of district referrals to a school attendance review board (SARB). See the section on "~~Reports~~Records" below for language fulfilling this mandate.

#### Definitions

*Chronic absentee* means a student who is absent for any reason on 10 percent or more of the school days in the school year, when the total number of days the student is absent is divided by the total number of days the student is enrolled and school was actually taught in the regular schools of the district, exclusive of Saturdays and Sundays. (Education Code 60901)

*Truant* means a student who is absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. (Education Code 48260)

*Habitual truant* means a student who has been reported as a truant three or more times within the same school year, provided the district has made a conscientious effort to hold at least one conference with the student and the student's parent/guardian after either of the two previous reports. (Education Code 48262, 48264.5)

*Chronic truant* means a student who has been absent from school without a valid excuse for 10 percent or more of the school days in one school year, from the date of enrollment to the current date, provided the district has met the requirements of Education Code 48260, 48260.5, 48261, 48262, 48263, and 48291. (Education Code 48263.6)

CSBA NOTE: As provided above, definitions of the various categories of truancy are based on the number of absences from school without a valid excuse. Education Code 48260 defines a "valid excuse," for purposes of classifying a student as a truant, as any of the reasons specified in Education Code 48205 (i.e., illness, quarantine, health services appointments, funeral service

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

attendance, jury duty, illness or medical appointment of student's child, justifiable personal reasons, service on precinct board, time with family member called to active duty or on leave from active duty, and religious exercises), Education Code 48225.5 (i.e., entertainment or allied industries work permits and nonprofit organization performances), or other reasons at the discretion of school administrators. AR 5113 - Absences and Excuses reflects the reasons that students may be excused from school and provides information about methods of verification of student absences.

For purposes of classifying a student as a truant, a valid excuse includes, but is not limited to, the reasons for which a student shall be excused from school pursuant to Education Code 48205 and 48225.5, and ~~AR~~Administrative Regulation 5113 - Absences and Excuses. A valid excuse may include other reasons that are within the discretion of school administrators and, based on the facts of the student's circumstances, are deemed to constitute a valid excuse. (Education Code 48260)

### Addressing Chronic Absence

CSBA NOTE: The following optional section may be revised to reflect district practice.

When a student is identified as a chronic absentee, the Superintendent, attendance supervisor, or designee shall communicate with the student and the student's parents/guardians to determine the reason(s) for the excessive absences, ensure the student and parents/guardians are aware of the adverse consequences of poor attendance, and jointly develop a plan for improving the student's school attendance.

The student may be referred to a student success team or school-site attendance review team to assist in evaluating the student's needs and identifying strategies and programs to assist the student. When necessary, the student may be referred to a school attendance review board (SARB) program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee, in accordance with Education Code 48263 and ~~item~~Item #3 in the ~~section~~ "Addressing Truancy" below.

A student who is struggling academically may be offered tutoring or other supplemental instruction, ~~extended~~expanded learning opportunities, and/or alternative educational options as appropriate.

CSBA NOTE: Pursuant to Education Code 49067, the Governing Board may authorize teachers to assign failing grades to students with excessive unexcused absences, with the threshold number of absences established by the Board. See BP 5121 - Grades/Evaluation of Student Achievement. However, CSBA's ~~governance brief~~ "Research-Supported Strategies to Improve the Accuracy and Fairness of Grades" recommends that student absences be dealt with separately from grading and that absences should not be considered in determining a student's level of understanding of course content. The following paragraph is consistent with that recommendation and may be revised to reflect district practice.

Students who are absent shall be given an opportunity to make up missed assignments or assessments and shall receive full credit for satisfactory completion of the work. Students with excessive absences shall be supported to the extent possible to limit the impact of absences on the student's grades.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

Whenever chronic absenteeism is linked to a health, social-emotional, family, or other nonschool issue, the Superintendent or designee may recommend school or community resources and/or collaborate with community agencies and organizations to address the needs of the student and the student's family.

## Addressing Truancy

An attendance supervisor or designee, peace officer, probation officer, or school administrator or designee may, as applicable, arrest or assume temporary custody during school hours of any minor student found away from home who is absent from school without a valid excuse. Any person arresting or assuming temporary custody of a minor student shall deliver the student and make reports in accordance with Education Code 48265 and 48266. (Education Code 48264, 48265, 48266)

The Superintendent, attendance supervisor, or designee shall investigate a complaint from any person that a parent/guardian has violated the state compulsory education laws contained in Education Code 48200-48341. (Education Code 48290)

When a student has been identified as a truant as defined above, the following steps shall be implemented based on the number of truanancies the student has committed:

### 1. Initial truancy

- a. The student shall be reported to the Superintendent, attendance supervisor, or designee. (Education Code 48260)

CSBA NOTE: ~~When~~ **Beginning July 1, 2025, pursuant to Education Code 48260.5, as amended by SB 691 (Ch. 863, Statutes of 2024), when** a student is classified as truant, Education Code 48260.5 requires notification ~~of~~ **o** the student's parents/guardians **of the following information** by the most cost-effective method possible, which may include email or a telephone call. The California Department of Education's (CDE) ~~), "School Attendance Review Board: A Road Map for Improved School Attendance and Behavior,"~~ **provides sample letters.**

- b. The student's parent/guardian shall be notified, ~~by~~ **by** the most cost-effective method possible, which may include email or a telephone call, that: (Education Code 48260.5)
  - i. The student is truant.-
  - ii. The parent/guardian is obligated to compel the student to attend school ~~and, if the parent/guardian fails to meet this obligation, the parent/guardian may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.~~
  - iii. Alternative educational programs are available in the district.-
  - iv. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

- v. ~~The student may be subject to arrest or held in temporary custody by a probation officer, a peace officer, a school administrator or designee, or attendance supervisor or designee pursuant to Education Code 48264 if found away from home and absent from school without a valid excuse.~~  
v. **Mental health and supportive services may be available to the student and the family**
- vi. ~~If the student is at least 13 years of age but under age 18, the student may be subject to the suspension, restriction, or delay of driving privilege pursuant to Vehicle Code 13202.7.~~ vi. **School personnel are available to meet with the student and family to develop strategies to support the student's attendance at school**
- vii. ~~It is recommended that the parent/guardian accompany the student to school and attend classes~~  
vii. **Research shows that missing 10 percent of school for one day: any reason can translate into students having difficulty learning to read by third grade, achieving in middle school, and graduating from high school**
- e. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223- (Education Code 48264.5)
- d. The student and, as appropriate, the student's parent/guardian may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the student's attendance. (Education Code 48264.5)

CSBA NOTE: The following optional ~~item~~Item #1e is for use by districts in which there is no county SARB and the county's district attorney or probation officer has elected to participate in a truancy mediation program pursuant to Education Code 48260.6.

- e. The Superintendent, attendance supervisor, or designee may notify the district attorney and/or probation officer of the student's name and the name and address of the student's parents/guardians. (Education Code 48260.6)
2. Second truancy
- a. Any student who has once been reported as a truant shall again be reported to the Superintendent, attendance supervisor, or designee as a truant if the student is absent from school without a valid excuse one or more days or is tardy on one or more days during the school year. (Education Code 48261)
  - b. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223- (Education Code 48264.5)
  - e. The student may be assigned to an after-school or weekend study program within the county. ~~If~~ and, if the student fails to successfully complete this study program, the student shall be subject to ~~item~~Item #3 below. (Education Code 48264.5)

CSBA NOTE: Education Code 48262 provides that a student cannot be classified as a habitual truant (~~item~~Item #3 below) until the district has made a conscientious effort to hold at least one conference with the student and parent/guardian after the attendance supervisor has been notified of either the first or second truancy. Education Code 48262 defines "conscientious effort," for

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

purposes of this section, as attempting to communicate with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call. Thus, the following paragraph requires such communication in the event of the second truancy.

- d. An appropriate district staff member shall make a conscientious effort to hold at least one conference with the student and the student's parent/guardian by communicating with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call. (Education Code 48262)
- e. The student may be given a written warning by a peace officer.-  
\_\_\_\_\_ A record of that warning may be kept at the school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school. (Education Code 48264.5)

CSBA NOTE: The following optional item is for use by districts in which there is no county SARB and the county's district attorney or probation officer has elected to participate in a truancy mediation program. Pursuant to Education Code 48260.6, if the district notifies the district attorney and/or probation officer that a student continues to be classified as a truant after proper notification to the parents/guardians as described in ~~item~~Item #1b above, the district attorney or probation officer may request a meeting with the student and the student's parents/guardians to discuss the possible legal consequences of the student's truancy.

- f. The Superintendent or designee may notify the district attorney and/or probation officer when the student continues to be classified as a truant after the parents/guardians have been notified in accordance with ~~item~~Item #1b above. (Education Code 48260.6)

### 3. Third truancy (habitual truancy)

CSBA NOTE: Education Code 48263 and 48264.5 authorize the district to refer habitual truants, chronic absentees, and students who are habitually insubordinate or disorderly to a SARB, a county truancy mediation program, or a comparable program for services. The district should revise the following items to reflect the option(s) available in the district.

According to CDE's "School Attendance Review Board: A Road Map for Improved School Attendance and Behavior," prior to referring a student to a SARB or county truancy mediation program, some districts initiate an intermediate step, such as a school-site attendance review team or student success team. Districts that have established such an intermediate step may revise the following item accordingly.

- a. A student who is habitually truant, a chronic absentee, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a SARB program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee. (Education Code 48263, 48264.5)
- b. Upon making a referral to the SARB or the probation department, the Superintendent, attendance supervisor, or other person designated to make the referral shall provide the student, the student's parent/guardian, and SARB or

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

probation department with documentation of the interventions undertaken at the school. The

\_\_\_\_\_. Additionally, the attendance supervisor or designee shall also provide the student and the student's parent/guardian, in writing, the name and address of the SARB or probation department and the reason for the referral. This notice shall indicate that the student and the student's parent/guardian shall be required, along with the district staff person making the referral, to meet with the SARB or a probation officer to consider a proper disposition of the referral. (Education Code 48263)

- e. If the student does not successfully complete the truancy mediation program or other similar program, the student shall be subject to ~~item~~ Item #4 below. (Education Code 48264.5)

CSBA NOTE: Pursuant to Education Code 48263, the SARB or probation officer may direct a student and/or the student's parents/guardians to make use of available community services and may require satisfactory evidence of participation. If the SARB or probation officer determines that available community resources cannot resolve the problem, or if the student and/or the student's parents/guardians have failed to respond to the directives of the SARB or probation officer, the SARB may so notify the district attorney and/or probation officer, or the probation officer may notify the district attorney provided the district attorney or probation officer participates in a truancy mediation program. If the county has not established a SARB, the district may make this finding and notification.

The following paragraph is for use by districts in which the county has not established a SARB and the county's district attorney or probation officer has elected to participate in a truancy mediation program.

- d. If the Superintendent or designee determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or the student's parents/guardians have failed to respond to the directives of the district or to services provided, the Superintendent or designee may so notify the district attorney and/or the probation officer. (Education Code 48263)

#### 4. Fourth truancy

- a. Upon the fourth truancy within the same school year, the student may be referred to the jurisdiction of the juvenile court. (Education Code 48264.5; Welfare and Institutions Code 601)

CSBA NOTE: Pursuant to Education Code 48264.5 and Welfare and Institutions Code 601, a student coming within the jurisdiction of the juvenile court may be adjudged a ward of the court and required to perform community service, pay a fine, and/or attend a court-approved truancy prevention program, ~~and/or lose driving privileges.~~ In *L.A. v. Superior Court of San Diego County*, a court of appeal held that juvenile court judges have the authority to imprison a truant as a last resort if the student commits an egregious violation of a court order, less restrictive alternatives have proved ineffective, and the student is confined separately from youths held for criminal violations.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

- b. If a student has been adjudged by the county juvenile court to be a habitual truant, the Superintendent or designee shall notify the juvenile court and the student's probation or parole officer whenever the student is truant or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school.

\_\_\_\_\_ The juvenile court and probation or parole officer shall be notified within 10 days of the violation. (Education Code 48267)

CSBA NOTE: Item #5 below is for use by districts that offer any of grades K-8. Penal Code 270.1 states that a parent/guardian of a "chronic truant" who is at least six years old and is in any of grades K-8 is guilty of a misdemeanor punishable by a fine and/or imprisonment if the parent/guardian has failed to reasonably supervise and encourage the student's school attendance and has been offered language accessible support services to address the student's truancy. Pursuant to Penal Code 270.1, a parent/guardian found guilty of a misdemeanor may participate in a program established by a superior court, if available, which includes periodic meetings with district representatives and service referrals.

5. Chronic truancy (unexcused absence for 10 percent of school days)

- a. The Superintendent or designee shall ensure that the student's parents/guardians are offered language accessible support services to address the student's truancy.
- b. If a chronically truant student is at least age six years and is in any of grades K-8, the Superintendent or designee shall notify the student's parents/guardians that failure to reasonably supervise and encourage the student's school attendance may result in the parent/guardian being found guilty of a misdemeanor pursuant to Penal Code 270.1.

### **Attendance Recovery Program**

CSBA NOTE: Pursuant to Education Code 46211, as added by SB 153 (Ch. 38, Statutes of 2024), a district may, beginning July 1, 2025, implement an attendance recovery program for students in grades transitional kindergarten (TK)-12 to make up lost instructional time and offset absences, including chronic absenteeism for up to 10 days of attendance in a school year or the number of absences a student accrued in that school year, whichever is less. A student's participation in an attendance recovery program may not be compulsory or punitive for such student. Students participating in an attendance recovery program may generate average daily attendance (ADA) for the school year in which the program is operated, and that otherwise meets the requirements of Education Code 46211.

Additionally, Education Code 46211, as amended by AB 176 (Ch.998, Statutes of 2024), limits the attendance credit students may earn under the program to no more than five days of attendance per school week or more than one day of attendance for each calendar day of participation in the program.

On or before June 30, 2025, CDE is required to develop and maintain on its website guidance to support districts in creating and implementing a high-quality attendance recovery program.

Anything struck out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

Beginning July 1, 2025, the district may implement an attendance recovery program for students to make up a maximum of 10 days of attendance for lost instructional time and offset absences incurred during the school year. Any student participating in the program shall not be credited with more than five days of attendance per school week or more than one day of attendance for any calendar day of participation in the program. (Education Code 46211)

The district's program may be operated before or after school, on weekends, or during intersessional periods. The district shall offer access to an attendance recovery program throughout the school year, including, at least once during each term. (Education Code 46211)

The program shall be provided only as a limited-term option for a classroom-based, regular educational program. Students otherwise enrolled in a nonclassroom-based program, such as independent study, shall not participate in an attendance recovery program. (Education Code 46211)

A student shall not be required to participate in the program. Students concurrently participating in both an attendance recovery program and an Expanded Learning Opportunities Program (ELO) pursuant to Education Code 46120, shall retain the ability to participate in the entirety of the ELO's offerings for the duration of the school year. (Education Code 46211)

CSBA NOTE: Pursuant to Education Code 46211, as added by SB 153 and amended by AB 176, a district's attendance recovery program must satisfy the requirements specified in the following paragraphs for student participation in the program to generate ADA for the district.

The district's attendance recovery program shall be composed of students engaged in educational activities and content aligned to grade level standards that are substantially equivalent to the students' regular instructional program, which may include one-on-one or small group tutoring, and shall be under the immediate supervision and control of a certificated teacher who is also an employee of the district and who possesses a valid certification document. (Education Code 46211)

The district's attendance recovery program shall not exceed a student-to-certificated teacher ratio of 10 to 1 for TK and kindergarten or 20 to 1 for grades 1 to 12. The district shall maintain documentation demonstrating how the attendance recovery program met these applicable ratios. (Education Code 46211)

## **Records**

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. CDE's, "School Attendance Review Board: A Road Map for Improved School Attendance and Behavior," cautions that it is important to keep accurate and complete records of any violations of compulsory school attendance laws because such records may ultimately be introduced as evidence in a trial for truancy.

The Superintendent, attendance supervisor, or designee shall maintain accurate attendance records for students identified as habitual or chronic truants. In addition, the attendance supervisor, designee, and/or the staff persons who have direct contact with the student or parent/guardian shall document all their contacts regarding the student's attendance, including a summary of all

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

conversations and a record of all intervention efforts.

The Superintendent, attendance supervisor, or designee shall gather and transmit to the County Superintendent of Schools the number and types of referrals made to the SARB and of requests for petitions made to the juvenile court. (Education Code 48273)

CSBA NOTE: Pursuant to Education Code 46211, as amended by AB 176, the district is required to maintain documentation of compliance with law as specified below, if the district participates in an attendance recovery program.

Additionally, in regard to the district's attendance recovery program, the Superintendent or designee shall maintain documentation demonstrating how the attendance recovery program met the student-to-teacher ratios specified in Education Code 46211.

**Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

---

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Policy 5148.2: Before/After School Programs

Status: ADOPTED

Original Adopted Date: 11/01/2006 | Last Revised Date: 12/01/2022~~2024~~ | Last Revised

Date: 12/01/2022~~2024~~

CSBA NOTE: The following ~~optional~~ policy is for use by districts providing expanded learning opportunities beyond the regular school day, including before-school, after-school, summer, vacation, and/or intersessional programs, and should be revised to reflect the program(s) offered by the district. For eligible programs in grades TK-~~Transitional Kindergarten (TK)~~-9, the district may apply for funding from the state's After School Education and Safety Program (ASES) (Education Code 8482-8484.65) and/or the federal 21st Century Community Learning Centers Program (21st CCLC) (Education Code 8484.7-8484.9; 20 USC 7171-7176). The federal 21st Century High School After School Safety and Enrichment for Teens Program (ASSETs) (Education Code 8420-8428; 20 USC 7171-7176) provides funding for eligible programs in grades 9-12. These programs are optional and have different requirements. See the accompanying administrative regulation for major requirements of each program, including mandated policy language regarding late arrival and early dismissal for students participating in ASES.

Education Code 46120, as amended by AB 181 (Ch. 52, Statutes of 2022) and AB 185 (Ch. 571, Statutes of 2022), provides for the Expanded Learning Opportunities (ELO) Program (ELO) and allocates funding to districts under a formula based on a district's average daily attendance and percentage of unduplicated students, defined as any student who is eligible for free or reduced-price meals, who is an English learner, or who is a foster youth. ~~For the 2022-23 school year, districts receiving funds are required to offer access to ELO programs to all unduplicated students in grades TK-6 and to provide access to such programs to at least 50 percent of enrolled unduplicated students. Commencing with the 2023-24 school year, districts~~Districts with a prior fiscal year local control funding formula (LCFF) unduplicated pupil percentage (UPP) of at least ~~less than~~ 75 percent are required to offer access to ELO programs to all unduplicated students in classroom-based studentsinstructional programs in grades TK-6, inclusive, and to ensure that access is provided to any unduplicated student whose parent/guardian requests placement in an ELO program. ~~Commencing with the 2023-24 school year, districts with a prior fiscal year LCFF UPP of less than 75 percent are required to offer access to ELO programs to all unduplicated students in grades TK-6, inclusive, and ensure that access is provided to any unduplicated student whose parent/guardian requests placement in an ELO program.~~ELO. Pursuant to Education Code 46120, on school days, ELO programs must include in-person before or after school programs and, on non-school days, intersessional programs of specified lengths of time as described below and in the accompanying administrative regulation. Student participation in an ELO program is optional; however, districts may not opt out of the providing ELO Program.

See the accompanying administrative regulation for major.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

Pursuant to Education Code 46120, as amended by SB 114 (Ch. 48, Statutes of 2023), a district may contract with a third-party to provide ELOs, and that third-party is required to comply with applicable child care facility license requirements of each program, including when serving children who do not participate in ASES, 21st CCLC, or ELO. Pursuant to Education Code 46120, as amended by AB 176 (Ch. 998, Statutes of 2024), an ELO operated by a third-party that holds a child daycare facility license or special permit, as of June 1, 2023, is required to maintain that license or permit capacity as a requirement of contracting for ELOs until June 30, 2025.

The California Department of Education (CDE) monitors, through its Federal Program Monitoring (FPM) process, Expanded Learning Division grants including before-school, after-school, summer/supplemental, equitable access, ASES transportation, and ELO.

The following policy is applicable to all four programs ASES, 21st CCLC, ASSETS and ELO, unless otherwise noted, and may be adapted by districts that offer other programs through district funding or alternative sources. If the district does not offer any programs beyond the regular school day, it may modify the following policy as appropriate.

The Governing Board desires to provide learning opportunities for students beyond the regular school day that support the regular education program in a supervised environment. ~~In order to increase academic achievement of participating students, the~~ The content of such programs shall be coordinated with the district's vision and goals for student learning, local control and accountability plan, curriculum, and academic standards.

CSBA NOTE: The following paragraph reflects requirements related to collaborative planning for the programs offered by the district. ~~The ASES program (Education Code 8482.5), ASSETS program (Education Code 8422), 21st CCLC program (Education Code 8484.75), and ELO program (Education Code 46120) have different collaboration requirements; see the accompanying administrative regulation.~~

Each program offered by the district shall be planned through a collaborative process as required by law. (Education Code 8422, 8482.5, 8484.75, 46120)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. ~~Pursuant to Education Code 46120, districts are required to prioritize ELO programs at school sites in the lowest income communities, as determined by prior year percentages of students eligible for free and reduced-price meals, while maximizing the number of schools and neighborhoods with ELO programs across their attendance area. In addition, pursuant~~ Pursuant to Education Code 8482.5, in awarding funding for ASES programs, the state gives priority to schools with at least 50 percent of students eligible for free or reduced-price meals. Pursuant to 20 USC 7174, funding for the 21st CCLC and ASSETS programs is restricted to schools receiving federal Title I funding. ~~In addition~~ Additionally, 20 USC 7174 and Education Code 8422 and 8484.8 give competitive priority for these federal programs to applications jointly submitted by school districts and community organizations for programs that (1) are located in schools that are implementing comprehensive or targeted support and improvement activities pursuant to 20 USC 6311 or other schools determined by the district to be in need of intervention and support to improve student academic achievement and other outcomes; (2) serve students at risk for academic failure, dropping out of

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

school, involvement in criminal or delinquent activities, or lacking strong positive role models; (3) provide activities not otherwise accessible to participating students or expand accessibility to high-quality services that may be available in the community; (4) continue or expand existing grants; and (5) for 21st CCLC programs, provide year-round expanded learning programming. For a further description of competitive priority for funding, see the California Department of Education's (CDE) "21st CCLC and ASSETs FAQs" and "Request for Applications for 21st CCLC & ASSETs." CDE's, "After School Education and Safety, 21st Century Community Learning Centers, 21st Century High School After School Safety Enrichment for Teens Grant Programs Frequently Asked Questions," and, "Expanded Learning Funding Opportunities," available on its website.

The district shall prioritize offering Expanded Learning Opportunities Programs (ELO) at school sites in the lowest income communities, as determined by prior year percentages of students eligible for free and reduced-price meals, while maximizing the number of schools and neighborhoods with ELOs across their attendance area. (Education Code 46120)

To the extent feasible, the district shall give priority to establishing expanded learning opportunities beyond the regular school day in low-performing schools and/or programs that serve low-income and other at-risk students.

CSBA NOTE: Pursuant to Education Code 46120, as amended by SB 153 (Ch. 38, Statutes of 2024), districts are required, beginning with the 2025-26 fiscal year, to annually declare to CDE their operational intent to run an ELO in accordance with instructions and forms that will be furnished by the Superintendent of Public Instruction.

Any expanded learning opportunities, including but not limited to After School Education and Safety Program (ASES), 21st Century Community Learning Center Program (21st CCLC), 21st Century High School After School Safety and Enrichment for Teens Program (ASSETs), Expanded Learning Opportunities Program (ELO), or any other program to be established pursuant to Education Code 8421, 8482.3, 8484.75, or 46120, shall be approved by the Board. Additionally, the Board shall declare its operational intent to run an ELO to the Superintendent of Public Instruction as specified in Education Code 46120.

CSBA NOTE: The following optional paragraph is applicable to all programs. Pursuant to Education Code 8483.4 (applicable to ASES, 21st CCLC, and ELO programs), the program administrator is required to establish qualifications for each staff position that, at a minimum, ensure that all staff members who directly supervise students meet the minimum qualifications for an instructional aide pursuant to district policies; see the accompanying administrative regulation. A district offering an ASSETs program must establish its expectations for staff qualifications.

The Superintendent or designee shall ensure that all staff who directly supervise students in the district's any expanded learning opportunity programs opportunities possess appropriate knowledge and experience. As needed, staff and volunteers shall receive ongoing training related to their job responsibilities.

CSBA NOTE: Pursuant to Education Code 46120, as amended by SB 153, ELO funds may also be used to support attendance recovery programs when attendance recovery is operated by the district in conjunction with, and on the same school site as, its ELO. For more information on attendance

Anything crossed out in black will be omitted if COD adopts and approves.  
Red font is additions to policy that will be adopted if COD approves.  
CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

recovery programs, see BP/AR 5113.1 – Chronic Absence and Truancy and BP 5147 – Dropout Prevention.

Each before-school, after-school, summer, vacation or intersessional expanded learning opportunity program shall include academic and enrichment elements in accordance with law and administrative regulation. ~~In addition,~~ and may be used in conjunction with attendance recovery programs. Additionally, each program may include support services that reinforce the educational component and promote student health and well-being.

CSBA NOTE: Education Code 8482.6 (applicable to ASES, 21st CCLC, and ELO programs) and Education Code 8422 (applicable to ASSETs programs) authorize the district to charge fees to participating families, with certain exceptions as described below.

Option 1 below is for use by districts that choose not to charge family fees. Option 2 is for use by districts that will charge a permissible family fee to cover unfunded costs of the program.

**OPTION 1: (For districts that do not charge family fees)**

No fee shall be charged for participation in the program.

**OPTION 1 ENDS HERE -**

**OPTION 2: (For districts that charge permissible family fees)**

A family fee may be charged to participating families based on the actual cost of services.

CSBA NOTE: The following paragraph is for use by districts selecting Option 2 that offer an ASSETs program, and may be modified to reflect any program(s) offered by the district. Pursuant to Education Code 8422, ASSETs programs that charge fees to participating families are required to waive or reduce the fees for families with students who are eligible for free or reduced-price meals.

However, for the ASSETs program, a family fee shall be waived or reduced for families with students who are eligible for free or reduced-price meals. (Education Code 8422)

CSBA NOTE: The following paragraph is for use by districts selecting Option 2 that offer an ASES, 21st CCLC program, and/or ELO program, and may be modified to reflect any program(s) offered by the district. Pursuant to Education Code 8482.6, family fees may not be charged for these programs for a student who is eligible for free or reduced-price meals or if the district knows the participating student is a ~~homeless youth~~ experiencing homelessness or in foster care. ~~In addition~~ Additionally, a program that charges such fees is required to schedule fees on a sliding scale that considers family income and ability to pay. CDE, through its FPM process, will review whether the district has policy(ies) in place to waive or reduce the income collected for youth eligible for free and reduced-price meals and that the program is not charging youth who are identified as experiencing homelessness or foster youth.

For ASES, 21st CCLC, and/or ELO s-programs, no fee shall be charged for a student who is eligible for free or reduced-price meals, or a student ~~who the district knows is a homeless~~

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

youth ~~experiencing homelessness~~, or in foster care. In addition, family ~~Family~~ fees shall be calculated on a sliding scale that considers family income and ability to pay. (Education Code 8482.6, 46120)

## OPTION 2 ENDS HERE

CSBA NOTE: The remainder of this policy is for use by districts that selected either Option 1 or 2 above.

The following optional paragraph is for use by districts with programs serving students ages 11-12 years. Welfare and Institutions Code 10273, provides that the preferred placement for students ages 11-12 years is in a before-school or after-school program rather than in subsidized child care and development services. When subsidized child care services are also available, students ages 11-12 years will be eligible for subsidized child care services only for the portion of care that is not available in a before-school or after-school program. See AR 5148 - Child Care and Development.

Eligible students who are 11 or 12 years of age shall be placed in a before-school or after-school program, if and when available, rather than subsidized child-care and development services. During the time that the before-school or after-school program does not operate, such students may be provided the option of enrolling in child-care and development services in accordance with the enrollment priorities established in ~~AR~~ Administrative Regulation 5148 - Child Care and Development. (Welfare and Institutions Code 10273)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

To assist in evaluations of program effectiveness, the district may refer to ~~the~~ CDE's, "Quality Standards for Expanded Learning in California: Creating and Implementing a Shared Vision of Continuous Quality." In addition, CDE's, "A Crosswalk Between the Improvement (CQI)," and, "Guidance for a Quality Standards for Expanded Learning and Program Quality Assessment Tools" ~~describes~~ Improvement Process, which describe available assessment tools that are closely aligned with the program standards.

To the extent consistent with state and federal privacy laws, Education Code 8484.1 authorizes the district to share specified student data (i.e., school day attendance data, statewide assessment scores, English language development test placement or reclassification scores, California Healthy Kids Survey results in aggregate form, student engagement and behavioral data, and other academic measures, including grades and course completion) with the operator of an after-school program with which the district has a contract that includes a confidentiality agreement. ~~The district should~~ It is recommended that districts consult with ~~CSBA~~ CSBA's District and County Office of Education Legal Services or district legal counsel if it has any with questions regarding about the sharing of student data.

~~In addition~~ Additionally, Education Code 8427 and 8484 require the after-school program to submit data on school and program attendance and program quality to ~~the~~ CDE; see the section "Reports" in the accompanying administrative regulation.

The Board and the Superintendent or designee shall monitor student participation rates and shall identify multiple measures that shall be used to evaluate program effectiveness. Such measures may include, but are not limited to, student outcome data; program self-assessments; feedback from staff, participating students, and parents/guardians; and observations of program activities.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: The following paragraph is for use by districts that offer an ASES, 21st CCLC, and/or ELO program, and may be adapted by districts that offer ASSETs or other programs. Pursuant to Education Code 8482.3 and 46120, a district that offers an ASES, 21st CCLC, and/or ELO program is required to review program goals, program content, and outcome measures, selected from among those listed in Education Code 8484, every three years and to retain documentation for five years. CDE, through its FPM process, will review whether the program plan has been approved by the Governing Board in a public meeting and posted on the district's website.

Every three years, the Superintendent or designee shall review the after-school program plan, including, but not limited to, program goals, program content, and outcome measures.

Documentation of the program plan shall be maintained for a minimum of five years: in accordance with law and as specified in Board Policy/Administrative Record 3580 – District Records and Board Policy/Administrative Record 5125 – Student Records. (Education Code 8482.3, 46120)

**Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

---

Anything crossed out in black will be omitted if COD adopts and approves.  
Red font is additions to policy that will be adopted if COD approves.  
CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Regulation 5148.2: Before/After School Programs

Status: ADOPTED

Original Adopted Date: 07/01/2015 | Last Revised Date: 12/01/2022~~1/2024~~ | Last Reviewed Date: 12/01/2022~~2024~~

~~CSBA NOTE:~~ **CSBA NOTE:** The following administrative regulation is **mandated** for use by districts providing expanded learning opportunities beyond the regular school day, including before-school, after-school, summer, vacation, and/or intersessional programs, and should be revised to reflect the program(s) offered by the district. The district should revise the following administrative regulation to reflect the expanded learning opportunity programs, including before and/or after school program(s), it offers and the grade levels at which the programs are offered. In addition to the program requirements described below, before-school and after-school programs may be subject to other district policies such as BP/AR 5148 - Child Care and Development, AR 3514.2 - Integrated Pest Management, and BP/AR 3550 - Food Service/Child Nutrition Program. The **It is recommended that the** district should consult ~~CSBA~~**CSBA's** District and County Office of Education Legal Services or district legal counsel if it has **with** questions regarding the applicability of other laws to the district's programs.

The California Department of Education (CDE) monitors, through its Federal Program Monitoring process, Expanded Learning Division grants including before-school, after-school, summer/supplemental, equitable access, After School Education and Safety Program (ASES) transportation, and Expanded Learning Opportunities Program (ELO), the requirements of which are reflected throughout this administrative regulation.

### Definitions

*Expanded learning opportunities* means before school, after school, summer, vacation, and/or intersessional **intersession** learning programs that focus on developing the academic, social, emotional, and physical needs and interests of students through hands-on, engaging learning experiences. Expanded learning opportunities does not mean an extension of instructional time, but rather, opportunities to engage students in enrichment, play, nutrition, and other developmentally appropriate activities. (Education Code 8482.1, 46120)

*Intersession program* means an expanded learning program offered by a district on non-school days, including, but not limited to, summer school. (Education Code 48853.5)

*Offer access*, with regard to an Expanded Learning Opportunities **Program** (ELO) ~~program~~, means to recruit, advertise, publicize, or solicit through culturally and linguistically effective and appropriate communication channels. (Education Code 46120)

*Provide access*, with regard to an ELO ~~program~~, means to register ~~or~~ enroll a student in an ELO ~~program~~. If a parent/guardian has a signed an ELO registration form and that form is on file, the

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

student shall be considered enrolled in the ELO. (Education Code 46120)

*Unduplicated student* means a student enrolled in a district who is either classified as an English learner, eligible for a free or reduced-price meal, or is a foster youth. (Education Code 42238.02, 46120)

### Grades ~~TK~~Transitional Kindergarten-9

CSBA NOTE: The following section is for use by districts providing before-school and/or after-school programs funded by the state ~~After School Education and Safety Program (ASES)~~ASES (Education Code 8482-8484.65), the federal 21st Century Community Learning Center Program (21st CCLC) (Education Code 8484.7-8484.9; 20 USC 7171-7176), or the ~~Expanded Learning Opportunities Program~~ (state ELO) (Education Code 46120).

ASES and 21st CCLC programs serve students who are in grades ~~K~~kindergarten-9 in an elementary, middle, or junior high school. ELOs serve students who are in grades Transitional Kindergarten (TK)-6. CDE's webpage, "Expanded Learning Opportunities Program FAQs," states that once the minimum requirements providing an ELO are met, districts may provide access to additional grade spans in elementary, middle, and secondary students, and/or provide expanded hours of programming.

The district's After School Education and Safety Program (ASES) ~~program~~ or 21st Century Community Learning Center Program (21st CCLC) ~~program~~ shall serve students in any of grades Transitional Kindergarten (TK-)-9 as the district may determine based on local needs. (Education Code 8482.3, 8484.7, 8484.75, 8484.8)

The district's 21st CCLC program shall primarily serve students in Title I schoolwide programs. (Education Code 8484.8; 20 USC 7173)

The district's ELO ~~program~~ shall serve students in grades TK-6. (Education Code 46120)

CSBA NOTE: The following paragraphs reflect the extent to which a before/after school programs, including ASES, 21st CCLC and ELO ~~programs~~, require collaborative planning. Districts may revise the following paragraphs to reflect programs offered by the district.

The district's programs shall be planned through a collaborative process that includes parents/guardians, students, and representatives of participating schools, governmental agencies, including city and county parks and recreation departments, local law enforcement, community organizations, and the private sector. As appropriate, the Superintendent or designee may include other stakeholders in such collaborative process. (Education Code 8422, 8482.5, 8483.3, 8484.75, 46120)

CSBA NOTE: Education Code 46120, ~~as amended by AB 181 (Ch. 52, Statutes of 2022) and AB 185 (Ch. 571, Statutes of 2022)~~, provides for the ELO ~~program~~ and allocates funding to districts under a formula based on a district's percentage of unduplicated students and average daily attendance. ~~For the 2022-23 school year, districts receiving funds are required to offer access to~~

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

~~ELO programs to all unduplicated students in grades TK-6 and to provide access to such programs to at least 50 percent of enrolled unduplicated students. Commencing with the 2023-24 school year, districts~~ **Districts** ~~with a prior fiscal year local control funding formula (LCFF) unduplicated pupil percentage (UPP) of at least 75 percent are required to offer access to ELO programs to all classroom-based students in grades TK-6, and to ensure that access is provided to any student whose parent/guardian requests placement in an ELO program. Commencing with the 2023-24 school year, districts with a prior fiscal year LCFF UPP of less than 75 percent are required to offer access to ELO programs~~ **less than 75 percent are required to offer access to an ELO** ~~to all unduplicated students in grades TK-6 and ensure that access is provided to any unduplicated student whose parent/guardian requests placement in an ELO program. Districts are required to prioritize services at school sites in the lowest income communities, as determined by prior year percentages of students eligible for free and reduced-price meals, while maximizing the number of schools and neighborhoods with ELO programs~~ **ELOs** ~~across their attendance area.~~

The following paragraph is for districts that receive ELO funds and should be deleted by districts that do not receive such funds. ~~However, the California Department of Education's (CDE),~~ **CDE's webpage**, "Expanded Learning Opportunities Program FAQs," clarifies that districts that receive funds for **serve** classroom-based instructional programs that **serve** ~~in~~ **in** grades TK-6, **not including a charter school established pursuant to Education Code 47605.5, are eligible for ELO funding, and that districts** cannot opt-out of the ELO ~~program~~ **program** funding.

~~For the 2022-23 school year, the~~ **The** ~~district shall offer access to ELO programs to all unduplicated students in grades TK-6 and provide access to such programs~~ **program** ~~to at least 50 percent of enrolled unduplicated students. (Education Code 46120)~~

CSBA NOTE: ~~Beginning with the 2023-24 school year, Option 1 below is for use by districts with a prior fiscal year LCFF UPP of at least 75 percent. Option 2 is for districts with a prior fiscal year LCFF UPP of less than 75 percent.~~

**OPTION 1: (For districts with a prior fiscal year local control funding formula unduplicated pupil percentage of at least 75 percent)**

~~Commencing with the 2023-24 school year, the~~ **The** ~~district shall offer access to the ELO program to all classroom-based students in grades TK-6. The district shall provide access to any student whose parent/guardian requests placement in an ELO program.~~

**OPTION 1 ENDS HERE**

**OPTION 2: (For districts with a prior fiscal year local control funding formula unduplicated pupil percentage of less than 75 percent)**

The district shall offer access to the ELO ~~program~~ **program** to all classroom-based unduplicated students in grades TK-6. The district shall provide access to any unduplicated student whose parent/guardian requests placement in an ELO ~~program~~.

**OPTION 2 ENDS HERE**

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: Pursuant to Education Code 46120, a district is required to provide transportation to any student who attends a school that is not operating an ELO to attend at a location that is providing an ELO, and to return to the original location or another location that is established by the district. CDE's, "Expanded Learning Opportunities Program FAQs," further states that transportation should not be a barrier to ELO participation and that the ELO should be created as universally available and accessible to students.

The district shall provide transportation to any student who attends a school that is not operating an ELO so that the student may attend at a location that is providing an ELO and return to the original location or another location that is established by the district. (Education Code 46120)

CSBA NOTE: The California Prekindergarten Planning and Implementation Grant Program, established pursuant to Education Code 8322, provides for a state early learning initiative with the goal of expanding access to classroom-based prekindergarten programs. See BP 6170.1 - Transitional Kindergarten.

The Superintendent or designee shall ensure that the plan to provide access to full-day learning programs the year before kindergarten addresses the needs of children and their families as specified in ~~BP~~Board Policy 6170.1 - Transitional Kindergarten. (Education Code 8322)

CSBA NOTE: Pursuant to Education Code 8484.75, programs funded through the 21st CCLC ~~program~~ are generally subject to the same program requirements applicable to ASES ~~programs~~, with the exception of specified provisions primarily related to allocation of funds, collaboration, and data collection. In contrast, ~~ELO programs~~ELOs are explicitly subject to some, but not all, of the ASES program requirements pursuant to Education Code 46120. However, ~~the California Department of Education's (CDE),~~CDE's webpage, "Expanded Learning Opportunities FAQs," emphasizes that districts are expected to uniformly apply the stricter ASES requirements to all programs since ASES, 21st CCLC, and ELO ~~programs~~ should be considered a single, comprehensive program. As such, the following section reflects the expectation that ~~ELO programs~~ELOs will comply with all the requirements for ASES and 21st CCLC programs.

The following section applies to ASES, 21st CCLC, and ELO programs, except where otherwise noted, and should be revised to reflect the program(s) offered by the district.

The district's ASES, 21st CCLC, and ELO program(s) shall be operated in accordance with the following:

1. Program Elements

- a. The program shall include an educational and literacy element in which tutoring or homework assistance is provided in language arts, mathematics, history and social science, computer training, and/or science. (Education Code 8482.3, 8484.75, 46120)

CSBA NOTE: Education Code 8482.3 requires that the program include an educational enrichment component, which may include physical fitness. Pursuant to Education Code 8483.55 and 8484.8,

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CDE has developed voluntary “California After School Physical Activity Guidelines” which are available on its ~~web site~~website.

- b. The program shall include an educational enrichment element which may include, but is not limited to, fine arts, career technical education, recreation, technology, physical fitness, and prevention activities. (Education Code 8482.3, 8484.75, 46120)

CSBA NOTE: Pursuant to Education Code ~~8483~~8482.3, ~~expanded learning opportunity programs~~districts are required to offer a nutritional snack, meal, or both. ~~Education Code 8482.3~~ requires that ~~such snacks or meals~~ conform to applicable state or federal nutrition standards. Reimbursement for providing snacks is available through the National School Lunch Program and the Child and Adult Care Food Program (CACFP) for participating districts. Pursuant to the Healthy, Hunger-Free Kids Act of 2010 (42 USC 1766-1766a), after-school programs participating in the at-risk after-school care component of the CACFP may be reimbursed for serving full meals. Further information is available on ~~the web sites of CDE~~CDE’s and the U.S. Department of AgricultureAgriculture’s websites.

## 2. Nutrition

- a. Snacks or meals made available in the program shall conform to nutrition standards specified in Education Code 49430-49434 or 42 USC 1766 as applicable. (Education Code 8482.3, 8484.75, 46120; 42 USC 1766-1766a; 7 CFR 226.17)
- b. The district's before-school program shall offer a breakfast meal as described in Education Code 49553 for all program participants. (Education Code 8483.1, 8484.75)

CSBA NOTE: Education Code 8482.3 provides that a program may be offered at one or multiple school sites. Program applications and U.S. Department of EducationEducation’s (USDOE) September 2024 nonregulatory guidance, "Nita M. Lowey 21st Century Community Learning Centers Program," state that programs may be located off campus as long as the facility is as available and accessible to students as if it were located at a school. Regardless of whether the program takes place in a school building or other facility, an applicant must (1) assure that it will provide a safe and easily accessible facility and (2) describe how it will address the transportation needs of participating students, including the needs of highly mobile students such as students experiencing homelessness, migratory students, or foster youth.

## 3. Location of Program

- a. The program may be offered at one or multiple school sites and/or at an easily available and accessible off-campus facility. (Education Code 8482.3, 8484.75)

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

- b. When there is a significant barrier to student participation in either the before-school or after-school component of a program at the school of attendance, the Superintendent or designee may, with the approval of the Superintendent of Public Instruction, provide services at another school site.

Such transfer of services shall occur only if the school to which the program will be transferred agrees to receive students from the transferring school and has an existing grant of the same type as the transferring school, or does not have a 10-percent lower percentage of students eligible for free or reduced-price meals than the transferring school. A significant barrier includes any of the following: (Education Code 8482.8, 8484.75)

- i. Fewer than 20 students participating in the program component
- ii. Extreme transportation constraints, including, but not limited to, desegregation busing, busing for magnet or open enrollment schools, or student dependence on public transportation
- iii. A reduction in the program grant of an existing school due to its merging into a new school opened by the district or the splitting of its students with a new school

In such cases, the district shall arrange for safe, supervised transportation between school sites; ensure communication among staff in the regular school program, staff in the before-school or after-school program, and parents/guardians; and ensure alignment of the educational and literacy elements with the regular school program of participating students. (Education Code 8482.8, 8484.75)

#### 4. Staffing

- a. All staff members who directly supervise students shall, at a minimum, meet the qualifications for an instructional aide. (Education Code 8483.4, 8484.75, 45330, 45344, 45344.5)

CSBA NOTE: Pursuant to Education Code 8483.4, program staff and volunteers are required to meet health screening and fingerprint clearance requirements.

Education Code 49024 provides that the requirement to obtain an Activity Supervisor Clearance Certificate prior to beginning a paid or volunteer position is satisfied by clearing a Department of Justice and Federal Bureau of Investigation criminal background check.

- b. All program staff and volunteers shall be subject to the health screening and fingerprint clearance requirements in law and Board policy. (Education Code 8483.4,

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

8484.75}

- c. The student-to-staff ratio shall be no more than 20 to 1, except that programs serving ~~transitional kindergarten~~TK or kindergarten students shall maintain a student-to-staff member ratio of no more than 10 to 1 (Education Code 8483.4, 8484.75, 46120)

## 5. Hours of Operation

CSBA NOTE: Pursuant to Education Code 46120, ~~ELO programs~~ELOs must provide in-person before or after school expanded learning opportunities offered on school days that, when added to daily instructional minutes, recess, and meals, meet certain hourly requirements, as specified. Item #5(a) and 5(b) below do not apply to ~~ELO programs~~ELOs offered pursuant to Education Code 46120.

- a. A before-school program shall not operate for less than one and one-half hours per regular school day. (Education Code 8483.1, 8484.75)

CSBA NOTE: Pursuant to Education Code 8483, as amended by ~~AB 2622 (Ch. 265, Statutes of 2018)~~, ASES programs that operate at a school site located in an area that has a population density of less than 11 persons per square mile may end operating hours not earlier than 5 p.m. The following paragraph can be revised to reflect district programs.

- b. An after-school program shall begin immediately upon the conclusion of the regular school day and shall operate a minimum of 15 hours per week and at least until 6 p.m. on every regular school day. (Education Code 8483, 8484.75)
- c. An ELO ~~program~~ shall provide in-person before or after school expanded learning opportunities that, when added to daily instructional minutes, recess, and meals, shall not be less than nine hours of combined instructional time, recess, meals, and expanded learning opportunities per instructional day. (Education Code 46120)

## 6. Admissions

- a. Every student attending a school operating a program is eligible to participate in the program, subject to program capacity. (Education Code 8482.6, 8484.75)
- b. If the number of students wishing to participate in the program exceeds program capacity, students shall be selected for enrollment based on the following guidelines:

CSBA NOTE: A district that operates an intersession program is required to grant priority access to a foster youth pursuant to Education Code 48853.5, as amended

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

by AB 723 (Ch. 812, Statutes of 2023), and to a student experiencing homelessness, pursuant to Education Code 48850, as amended by AB 373 (Ch. 327, Statutes of 2023). If any such student will be moving during an intersession period, the student's educational rights holder, or in the case of an American Indian student, Indian custodian, is authorized to determine which school the student attends for the intersession period.

- i. First priority for enrollment shall be given to students who are identified as homeless youth, as defined by the McKinney-Vento Homeless Assistance Act (42 USC 11434a), at the time they apply for enrollment or at any time during the school year, to students who are identified by the program as being in foster care, and to students who are eligible for free or reduced-price meals. (Education Code 8483, 8483.1, 8484.75)

The district is not required to disenroll a current student in order to secure the enrollment of a student who has priority for enrollment. (Education Code 8483, 8483.1)

The district shall inform the parent/guardian of a ~~homeless~~student experiencing homelessness or foster youth, or student eligible for free or reduced price meals, of the right of the child to receive priority enrollment and how to request priority enrollment. (Education Code 8483, 8484.75)

If a student experiencing homelessness or a foster youth will be moving during an intersession period, the student's educational rights holder, or in the case of an American Indian Student, Indian custodian, may determine which school the student attends for the intersession period. (Education Code 48850, 48853.5)

CSBA NOTE: Item #~~(#2)~~ below is for use by districts that maintain middle or junior high schools.

- ii. Second priority for enrollment of middle or junior high school students shall be given to students who attend daily. (Education Code 8483, 8483.1, 8484.75)

CSBA NOTE: Items #~~(#3)-(5)~~ are optional and may be revised or expanded to include enrollment priorities established by the district.

- iii. Third priority for enrollment shall be given to students identified as in need of academic remediation or support in accordance with Board policy or administrative regulation.
- iv. Any remaining capacity shall be filled by students selected at random.
- v. A waiting list shall be established to accommodate additional students if space becomes available.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## 7. Attendance/Early Release

CSBA NOTE: Education Code 8483 and 8483.1 express legislative intent that elementary students attend the full program day of either the before-school or after-school program every day in which they participate, and districts are **mandated** to establish a policy regarding reasonable early daily release of students from the after-school program and reasonable late arrival to a before-school program. Education Code 8483 and 8483.1 allow districts to implement a flexible attendance schedule for students in middle or junior high school. Education Code 8483.1 specifies that, for before-school programs, students who attend less than one-half of the daily program hours may not be counted for attendance purposes.

CDE's, "Early Release and Late Arrival Guidance," recommends that late arrival and early release policies be implemented by establishing codes for various reasons of early release or late arrival and includes sample codes.

In contrast, CDE's, "Expanded Learning Opportunities Program FAQ," explains that ELO Programs ELOs offered pursuant to Education Code 46120 do not have an attendance requirement, but rather districts are encouraged to track student attendance for safety and continuous quality improvement purposes.

The following items should be revised to reflect district practice.

- a. Each student admitted into a district program shall be expected to attend the full number of hours that the program is in operation every day that the student participates.

         An ELO program offered pursuant to Education Code 46120 does not have an attendance requirement, but the district may track student attendance for safety and continuous quality improvement purposes.

- b. When necessary, a student's parent/guardian may request, in writing, that the Superintendent or designee approve the reasonable late daily arrival for the before-school program or the reasonable early daily release from the after-school program.

         The Superintendent or designee shall not approve such a request if the student would be attending less than one-half of the daily program hours.

CSBA NOTE: Item #8 below is for use by districts that offer a program during summer, intersession, or vacation periods. Pursuant to Education Code 8483.76, a school that establishes a before-school or after-school program is eligible to receive a supplemental grant to operate the program in excess of 180 regular school days or during any combination of summer, weekends, intersession, or vacation periods for a maximum of 30 percent of the total grant amount awarded, per school year, to the school.

Pursuant to Education Code 46120, ELO programs ELOs are required to offer no less than nine

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

hours of in-person expanded learning opportunities per day for at least 30 non-school days during ~~intersessional~~ extended school year or intersession periods.

## 8. Summer/Intersession/Vacation Programs

~~ELO programs~~ a. ELOs shall offer no less than nine hours of in-person expanded learning opportunities per day for at least 30 non-school days, during ~~intersessional periods~~ extended school year or intersession periods (Education Code 46120)

b. A before-school program operating during summer, intersession, and/or vacation days shall be offered for a minimum of two hours per day.

\_\_\_\_\_ An after-school program offered during summer, intersession, and/or vacation days may be operated for either three hours or six hours per day in accordance with Education Code 8483.76. When both before-school and after-school programs are offered for the same students on such days, they shall be operated for a minimum of four and one-half hours per day. (Education Code 8483, 8483.1, 8483.2, 8483.76)

c. A program offered during summer, intersession, and/or vacation periods may open eligibility to every student attending a school in the district, with priority for enrollment given to students enrolled in the school that received the grant. (Education Code 8483.76)

CSBA NOTE: Pursuant to Education Code 46120, as amended by SB 141 (Ch. 194, Statutes of 2023), a district that is temporarily prevented from operating its ELO because of a school site closure due to emergency conditions specified in Education Code 8482.8 or 41422, will not be subject to penalties as a result of the emergency if the Governing Board adopts a resolution and provides documentation substantiating the need for closure. For information regarding schedule changes due to emergencies, see BP 3516.5 – Emergency Schedules.

d. To address the needs of students and school closures, the program may be conducted at an off-site location or an alternate school site. ~~The program shall notify the California Department of Education (CDE)~~

When a district is temporarily prevented from operating an ELO because of a school or program site closure due to emergency conditions specified in Education Code 8482.8 or 41422, the Superintendent or designee shall complete and submit to the California Department of Education (CDE) any necessary forms or records substantiating the need for closure, including a resolution adopted by the Governing Board. (Education Code 46120)

\_\_\_\_\_ The program shall notify CDE of the change of location and shall include a plan to provide safe transportation pursuant to Education Code 8484.6. (Education

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

Code 8483.76)

- e. Any program operating for six hours per day shall provide at least one nutritionally adequate free or reduced-price meal to each eligible student during each program day. (Education Code 8483.76)

CSBA NOTE: Education Code 8483.76 **mandates** that a district operating a six-hour program adopt an attendance and early release policy for the program that is consistent with the district's early release policy for the regular school day; see ~~item~~**Item** #7 above. This policy must be included in the program plan submitted to CDE.

- f. For any program operating six hours per day, district procedures pertaining to student attendance and early release as specified in ~~item~~**Item** #7 above shall apply. (Education Code 8483.76)

## Grades 9-12

CSBA NOTE: The following section is for use by districts providing before-school and/or after-school programs funded through 21st Century High School After School Safety and Enrichment for Teens **Program** (ASSETs) ~~program~~ (Education Code 8420-8428; 20 USC 7171-7176).

Pursuant to Education Code 46120, districts may, but are not required to, serve students in grades 7-12 in ~~ELO~~~~programs~~**ELOs**.

The district's 21st Century High School After School Safety and Enrichment for Teens **Program** (ASSETs) ~~program~~ shall serve students in any of grades 9-12 as the district may determine based on local needs. (Education Code 8421)

CSBA NOTE: The following paragraph reflects the collaborative planning requirements for the ASSETs program.

The district's ASSETs program shall be planned through a collaborative process that includes parents/guardians, students, and representatives of participating schools, governmental agencies including city and county parks and recreation departments, local law enforcement, community organizations, and, if appropriate, the private sector. (Education Code 8422)

The program shall be operated in accordance with the following guidelines:

### 1. Program Elements

- a. The program shall include an academic assistance element that is coordinated with the regular academic program and includes, but is not limited to, at least one of the following: (Education Code 8421)

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

- i. Tutoring
  - ii. Career exploration, including activities that help students develop the knowledge and skills that are relevant to their career interests and reinforce academic content
  - iii. Homework assistance
  - iv. College preparation, including information about the Cal Grant program pursuant to Education Code 69430-69460
- b. The program shall include an enrichment element that may include, but is not limited to: (Education Code 8421)
- i. Community service
  - ii. Career and technical education
  - iii. Job readiness
  - iv. Opportunities for mentoring and tutoring younger students
  - v. Service learning
  - vi. Arts
  - vii. Computer and technology training
  - viii. Physical fitness
  - ix. Recreation activities

CSBA NOTE: Education Code 8423 requires the ASSETs program to include a physical activity element. See CDE's, "California After School Physical Activity Guidelines."

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

- c. The program shall include a nutritional snack and/or meal and a physical activity element. (Education Code 8423)
- d. The program shall provide for access to, and availability of, computers and technology. (Education Code 8423)
- e. The Superintendent or designee shall assess students' preferences for program activities. (Education Code 8423)

## 2. Location of Program

- a. The district's program may operate on one or multiple school sites or at another location approved by CDE. (Education Code 8421)
- b. If applying for a location off school grounds, the Superintendent or designee shall ensure that safe transportation is available for students, if necessary, and the program is at least as available and accessible as similar programs conducted on school sites. (Education Code 8421)

## 3. Hours of Operation

- a. The district's program shall operate for a minimum of 15 hours per week. (Education Code 8421)
- b. The district's program may be operated either after school only or for any combination of after school, before school, weekends, summer, intersession, and vacations. (Education Code 8422)

## Volunteers

CSBA NOTE: The following optional section is for use by districts that choose to create a registry of volunteer after-school physical recreation instructors or other volunteers pursuant to Education Code 35021.3, and may be used by districts that provide an ASES, 21st CCLC, ASSETs, ELO, or any other local program. When the district opts to use a registry created by a county office of education pursuant to Education Code 35021.3 rather than develop its own, the following section may be revised to inform district staff about the county registry and encourage its use.

Pursuant to Education Code 35021.3, after-school instruction in physical recreation provided by a volunteer does not count toward satisfaction of physical education requirements pertaining to the number of instructional minutes or course completion for high school graduation; see BP/AR 6142.7 - Physical Education and Activity and BP 6146.1 - High School Graduation Requirements.

The Superintendent or designee may establish a registry of volunteer after-school physical recreation instructors and other before-school and after-school program volunteers. (Education

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

Code 35021.3)

CSBA NOTE: Education Code 35021.3 requires volunteers to submit to a criminal background check and authorizes, but does not require, the district to contribute funds to pay for all or part of the background check. Pursuant to Education Code 35021.3, the district may expand the following paragraph to impose additional requirements on volunteers (e.g., certification in cardiopulmonary resuscitation).

To be included in the registry, a volunteer shall submit to a criminal background check pursuant to Education Code 45125. The volunteer shall also submit current contact information to the district and shall update that information whenever the information changes. (Education Code 35021.3)

The Superintendent or designee may use a volunteer registered with the district or may select another person to provide physical recreation to students after school hours or to provide other services. (Education Code 35021.3)

## Reports

CSBA NOTE: The following section applies to ASES, 21st CCLC, and ASSETs programs.

Pursuant to Education Code 8426 and 8484, CDE may terminate a grant if, for three consecutive years, the program fails to demonstrate measurable program outcomes or fails to attain 75 percent of its proposed attendance levels. For this purpose, CDE may consider a comparison of participating and nonparticipating students at the same school site or other factors.

The Superintendent or designee shall annually submit to CDE outcome-based data, including, but not limited to: (Education Code 8427, 8482.3, 8484)

1. For participating students, school day attendance on an annual basis and program attendance on a semi-annual basis

CSBA NOTE: Education Code 8427 requires programs to submit evidence of a program quality improvement process that is based on standards developed by CDE. Such program quality standards can be found in CDE's, "Quality Standards for Expanded Learning in California: Creating and Implementing a Shared Vision of Quality." and Continuous Quality Improvement (CQI), available on its website.

2. Evidence of a program quality improvement process that is data driven and based on CDE program quality standards

## Policy Reference UPDATE Service

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

---

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Policy 5148.3: Preschool/Early Childhood Education

Status: ADOPTED

Original Adopted Date: 11/01/2012 | Last Revised Date: 12/01/2023~~2023~~2024 | Last Revised Date: 12/01/2023~~2023~~2024

CSBA NOTE: The following ~~optional~~ policy may be used ~~is~~ **mandated for use** by districts that operate their own preschool/early childhood education programs and/or collaborate to provide preschool opportunities within the community. See the accompanying administrative regulation for mandated language regarding (1) written admissions policies and procedures and (2) fees for field trips and/or parent/guardian provision of diapers.

CSBA's publications, "The Preschool Landscape in California and Strategies for Expansion," and "The Importance of Early Childhood Education Programs," provide information about the characteristics of effective preschool programs and actions that the district and Governing Board can take to encourage and/or provide high-quality preschool education. Additionally, the California Department of Education (CDE) has developed a Universal Prekindergarten resources website, "Universal Prekindergarten (UPK), California's Great Start," designed for use by districts that operate California State Preschool Programs (CSPP), Head Start programs, and/or transitional kindergarten (TK).

~~Education Code 60910 requires CDE, beginning July 1, 2024, to collect data regarding each student enrolled in a district operated CSPP, including all applicable data elements that are collected for TK students pursuant to Education Code 48000.~~

Pursuant to Education Code 8207, CSPPs include part- and full-day, age and developmentally appropriate programs, designed to facilitate the transition to kindergarten for three- and four-year-old children, and as amended by SB 163 (Ch. 73, Statutes of 2024), two-year-old children. Pursuant to Education Code 8207.1, as added by SB 163, a district operating a CSPP, may, but is not required to, enroll interested eligible two-year-old children. However, a district's CSPP may not serve any two-year-old children on or after July 1, 2027, unless the district was serving those two-year-old children before July 1, 2027.

Education Code 8320 establishes the California Universal Preschool Planning Grant Program, with the goal of expanding access to preschool programs for ~~3-year old~~ **three-** and **four-**year-old children universally across the state, through a mixed-delivery system by a variety of providers, programs, and settings such as Head Start agencies and other public, private, or proprietary agencies. Under the program, grants are awarded per county, based on collaborative planning among the local child care and development planning council, ~~school~~ districts and other local educational agencies, public and private agencies, and other community members, to ensure that activities conducted under the grant meet community needs for universal preschool in a mixed-delivery system which are not already addressed.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

Education Code 8281.5 established the California Prekindergarten Planning and Implementation Grant Program as an early learning initiative with the goal of expanding access to classroom-based prekindergarten programs at districts. ~~The program allocates funding to all districts that operate kindergarten programs through minimum base grants, enrollment grants based on a district's kindergarten enrollment, and supplemental grants based on a district's percentage of unduplicated students.~~ Grant funds may be used for costs associated with creating or expanding CSPP programs or TK programs, or to establish or strengthen partnerships with other providers of prekindergarten education within the district, including Head Start programs, to ensure that high-quality options for prekindergarten education are available for four-year-old children. ~~Allowable costs include, but are not necessarily limited to, planning costs, hiring and recruitment costs, staff training and professional development, classroom materials, and supplies. Since funds for this program have already been granted, CDE is authorized, pursuant to SB 114 (Ch. 48, Statutes of 2023), to allocate or prorate unexpended funds from the California Prekindergarten Planning and Implementation Grant Programs to districts for costs associated with the educational expenses of current and future CSPP, TK, and kindergarten professionals that support their attainment of required credentials, permits, or professional development in early childhood instruction or child development, including developing competencies in serving inclusive classrooms and dual language learners.~~

Additionally, preschool programs may also receive funding through the state migrant child care and development program (Welfare and Institutions Code 10235-10238), child care and development services for children with exceptional needs program (Welfare and Institutions Code 10260-10263), federal Head Start program (42 USC 9831-9852c), Title I preschool program (20 USC 6311-6322), or other funding sources available to the district.

The Governing Board recognizes the value of high-quality preschool experiences to enhance children's social-emotional development and acquisition of instructional knowledge, skills, and abilities. The Board desires to provide a supervised and cognitively rich learning environment designed to facilitate the transition to kindergarten for ~~two-,~~ three-, and four-year-old children.

CSBA NOTE: The following optional paragraphs may be used by all districts, regardless of whether they provide their own preschool programs, and may be revised to reflect district practice.

Welfare and Institutions Code 10480-10487 establish county-level child care and development planning councils, with members selected by the County Board of Supervisors and County Superintendent of Schools, to identify local priorities for child care, including preschool programs, and to develop policies to meet identified needs; see BP 5148 - Child Care and Development. Such councils may also develop centralized student eligibility lists; see the section "Waiting List" in the accompanying administrative regulation.

The Superintendent or designee shall collaborate with the local child care and development planning council, the county office of education, other public agencies, organizations, and/or private preschool providers to assess the availability of preschool programs in the community and the extent to which the community's preschool needs are being met. The Board encourages the development of a comprehensive districtwide and/or countywide plan to increase children's access

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

to high-quality preschool programs.

The Superintendent or designee shall provide information about preschool options in the community to parents/guardians upon request.

**CSBA NOTE:** In addition to other eligibility requirements, pursuant to 5 CCR 17745, a child and the child's parents/guardians must live in California while the child is receiving services.

To receive preschool services, a child and the child's parent(s)/guardian(s) shall be required to provide evidence of residency in California. However, any person identified as experiencing homelessness shall only be required to submit a declaration that the person resides in California. (5 CCR 17745)

Preschool eligibility determinations shall be made without regard to a child's immigration status or that of the child's parent(s)/guardian(s) unless the child or the child's parent(s)/guardian(s) are under a final order of deportation from the U.S. Department of Homeland Security. (5 CCR 17745)

### **District Preschool Programs**

CSBA NOTE: The following optional section is for use by districts that choose to provide preschool/early childhood education programs for ~~two-, three-,~~ and four-year-old children and should be revised to reflect district practice.

The district may contract with CDE to offer a program through the CSPP pursuant to Education Code 8200-8340. ~~Three-~~Two-, three-, and four-year-old children from low-income or otherwise disadvantaged families may be eligible for subsidized services. See the accompanying administrative regulation for major program requirements for CSPP.

~~Pursuant to Education Code 8207, CSPP programs may be part-day or full-day programs that are age and developmentally appropriate. See the accompanying administrative regulation for details.~~

~~Preschool programs may also receive funding through the state migrant child care and development program (Welfare and Institutions Code 10235-10238), child care and development services for children with special needs program (Welfare and Institutions Code 10260-10263), federal Head Start program (42 USC 9831-9852c), Title I preschool program (20 USC 6311-6322), or other funding sources available to the district.~~

Education Code 60910 requires CDE to collect data regarding each student enrolled in a district operated CSPP, including all applicable data elements that are collected for TK students pursuant to Education Code 48000. For more information about data collection, see CDE's Early Education Division Management Bulletin 24-08.

In order to support equitable access to CSPPs, Education Code 8222, as added by AB 51 (Ch. 618, Statutes of 2024), requires CDE to (1) provide prospective CSPP providers an equitable opportunity to establish a trained workforce and administrative systems, and technical assistance on how to meet the requirements of applicable regulations, (2) develop early learning resources, as specified,

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

and (3) develop and implement a proactive one-time three-year outreach, capacity building, training, and technical assistance plan that targets prospective and new contractors.

When the Board determines that it is feasible, the district may contract with the California Department of Education (CDE) to provide preschool services in facilities at or near district schools, either directly or through a subcontract with a public or private provider.

CSBA NOTE: Pursuant to Health and Safety Code 1596.792, ~~CSPP programs~~ CSPPs that are operated in a school building by a school district under contract with CDE are exempted from licensure and regulation requirements of Health and Safety Code 1596.70-1597.21. However, such ~~CSPP programs~~ CSPPs are required to comply with other specified health and safety requirements, including the Field Act, California Building Standards Code, requirements for kindergarten classrooms specified in 5 CCR 14001-14036, and requirements for ~~CSPP programs~~ CSPPs specified in 5 CCR 17700-17833.

Education Code 8207 requires any CSPP ~~program~~ to provide early learning and care and comply with Health and Safety Code 1596.955 and all other applicable statutory and regulatory requirements, including, but not limited to, the requirement of Education Code 8205 that any child under four years of age be served only in a CSPP facility licensed in accordance with Title 22 of the California Code of Regulations. Additionally, Education Code 8207.1, as amended by AB 176 (Ch. 998, Statutes of 2024), requires the Superintendent of Public Instruction (SPI), in consultation with the California Department of Social Services (CDSS), to develop guidance for CSPPs to follow when enrolling two-year-old children, including guidance regarding age-appropriate diapering and toilet training.

District preschool programs shall comply with all health and safety laws and regulations, including, when applicable, licensure requirements pursuant to 22 CCR 101156.

CSBA NOTE: Pursuant to 5 CCR 17701 the Board is required to approve a written philosophical statement, goals, objectives, and requirements addressing each program component specified in 5 CCR 17701-17711. See the accompanying administrative regulation for further information about these required program components.

The Board shall approve, for the district's preschool program, a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 17701-17711 and the accompanying administrative regulation. (5 CCR 17701)

The Board shall set priorities for establishing or expanding services as resources become available, giving consideration to the benefits of providing early education programs for at-risk children and/or children residing in the attendance areas of the lowest performing district schools.

CSBA NOTE: Pursuant to the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program (Education Code 17375, ~~as amended and extended by SB 114,~~), districts may be awarded grants for the construction of new preschool classrooms, the modernization of existing preschool classrooms, or the modernization of existing ~~preschool~~ kindergarten-grade 12 classrooms ~~pursuant~~ that will be converted to the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program provide CSPPs operated by districts on a public school site.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

Preschool classroom needs shall be addressed in the district's facilities master plan, including an assessment as to whether adequate and appropriate space exists on school sites. As necessary, the Superintendent or designee shall provide information to the Board regarding facilities financing options for preschool classrooms and/or facilities available through partnering organizations or agencies.

Because parents/guardians are essential partners in supporting the development of their children, the Superintendent or designee shall involve them in program planning.

CSBA NOTE: The following optional paragraph provides for coordination of the preschool program with the TK program and may be revised to reflect district practice. Education Code 48000 phases in the timespans for mandatory admittance requirements until the 2025-2026 school year.

The Superintendent or designee shall coordinate the district's preschool program, transitional kindergarten program (TK), and elementary education program to provide a developmental continuum that builds upon children's growing skills and knowledge. In order to provide families with the option of a full-day, high-quality instructional program, the district may enroll children who are in a TK or kindergarten program in a California State Preschool Program (CSPP) before and/or after the regular school day.

The Superintendent or designee shall recommend strategies to link the district's preschool program with other available child care and development programs in the district or community in order to assist families whose child care needs extend beyond the length of time that the district's preschool program is offered.

The Superintendent or designee shall ensure that the plan to provide access to full-day learning programs the year before kindergarten addresses the needs of preschool children and their families as specified in Board Policy 6170.1 - Transitional Kindergarten. (Education Code 8281.5)

CSBA NOTE: Pursuant to Education Code 48000.15, as amended by SB 141 (Ch. 194, Statutes of 2023), for the 2023-24 and 2024-25 school years, a district that offers TK to early enrollment children must concurrently offer enrollment in a CSPP, if offered by the district, and space permitting. The district may enroll an early enrollment child in a CSPP operated by the district regardless of income, after all other eligible children have been enrolled. For more information on TK programs, see BP 6170.1 - Transitional Kindergarten.

If an early enrollment child is enrolled in the district's TK program, the district shall concurrently offer the child enrollment in the district's CSPP program, subject to available space. (Education Code 48000.15)

CSBA NOTE: Pursuant to Education Code 48000 a child's eligibility for TK enrollment may not impact family eligibility for a preschool or childcare program. Education Code 8205 clarifies that four-year-old children who are eligible to participate in a CSPP program include those children whose 5th birthday occurs after September 1 of the fiscal year in which they are enrolled in a CSPP program and whose parent/guardian has opted to retain or enroll them in a CSPP program.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

~~CSBA NOTE: Pursuant to Education Code 8203.3, CDE in consultation with the California Department of Social Services, is responsible for establishing and updating prekindergarten learning development guidelines that focus on preparing children for kindergarten, including developmental milestones, how to assess where children are in relation to the milestones, and suggested methods for achieving the milestones.~~

~~CDE has developed voluntary "preschool learning foundations" which describe the knowledge, skills, and competencies that children are expected to exhibit as they complete their first or second year of preschool. These standards address essential skills in the subject areas listed below. The standards and companion preschool curriculum frameworks are available on CDE's website.~~

~~A child's eligibility for TK enrollment shall not impact family eligibility for a preschool or child care program. (Education Code 8205, 48000)~~

~~The district's program shall be aligned with preschool learning foundations and curriculum frameworks developed by CDE which identify the knowledge, skills, and competencies that children typically attain as they complete their first or second year of preschool. The program shall be designed to facilitate children's development in essential skills in the areas of language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.~~

~~CSBA NOTE: Pursuant to Education Code 8241.5 preschool providers are required to identify dual language learners enrolled in specified preschool programs through a family language instrument and a family language and interest interview, which, as amended by AB 393 (Ch. 435, Statutes of 2023), may be fulfilled by using the previous designation of a child as a "dual language learner" by a general childcare and development program or migrant childcare program to identify and report child and program data related to dual language learners to CDE. Pursuant to Education Code 8241.5, as amended by AB 393, a family may not be compelled to complete a family language instrument or to participate in the family language and interest interview. Education Code 8203 requires the quality indicators for CSPP programs to include activities and services that meet the needs of dual language learners for support in the development of their home language and English, and is reflected in the following paragraph:~~

~~The Superintendent or designee shall identify dual language learners in district preschool programs, and shall collect and report related data to CDE as required by Education Code 8241.5. The district's preschool program shall include activities and services that meet the needs of dual language learners for support in the development of their home language and English. (Education Code 8203)~~

~~CSBA NOTE: The following paragraph reflects Education Code 8208, as amended by SB 141, which provides that until June 30, 2025, at least 5 percent of enrollment into subsidized preschool must be reserved for children with exceptional needs and increases the number to 7.5 percent on July 1, 2025 and 10 percent from July 1, 2026.~~

~~The district's preschool program shall serve children with exceptional needs as required by Education Code 8208. Children with exceptional needs attending any CSPP program shall be~~

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

~~educated in the least restrictive environment in accordance with 20 USC 1412.~~

~~The district's preschool program shall provide appropriate services to support the needs of at-risk children.~~

CSBA NOTE: Pursuant to Education Code 8207, CSPP programs must include certain required components, as reflected in the accompanying administrative regulation.

~~To maximize the ability of children to succeed in the preschool program, the program shall support children's health through proper nutrition and physical activity and shall provide or make referrals to available health and social services as needed.~~

~~The district shall encourage volunteerism by families participating in the program and shall communicate frequently with parents/guardians of enrolled children regarding their child's progress.~~

CSBA NOTE: The Commission on Teacher Credentialing (CTC) issues permits for child development program directors, site supervisors, and teachers pursuant to criteria established in Education Code 8205 and 8298 and 5 CCR 17717-17721. The district may request from CDE a waiver of the qualification requirements for a site supervisor upon demonstration of a compelling need, in accordance with Education Code 8205 and 5 CCR 17719.

~~CTC has amended 5 CCR 80067, and adopted 5 CCR 80067.1 and 80067.2, which are pending approval by the Office of Administrative Law as of October 2023, pertaining to the prekindergarten-grade 3 early childhood education specialist credential. The proposed credential is designed to provide individuals who already hold a bachelor's degree and have gained experience in early childhood education through their work, to have an expedited pathway to earning the credential to teach in the prekindergarten-grade 3 environment. See CTC Coded Correspondence 23-02 for more information regarding the proposed regulations. For more information about the Early Childhood Education Emergency Specialist Permit/Emergency Transitional Kindergarten Permit, see AR 4112.2—Certification.~~

~~Pursuant to Education Code 69617, as amended by SB 114, the Golden State Teacher Grant Program awards up to \$20,000 to students currently enrolled in a professional preparation program approved by CTC who are working towards earning their preliminary teaching or pupil personnel services credential, and who commit to work for four years at a CSPP.~~

~~Pursuant to Education Code 8281.5, as amended by SB 114, CDE is authorized to allocate or prorate unexpended funds from the California Prekindergarten Planning and Implementation Grant Programs to districts for costs associated with the educational expenses of current and future CSPP, TK, and kindergarten professionals that support their attainment of required credentials, permits, or professional development in early childhood instruction or child development, including developing competencies in serving inclusive classrooms and dual language learners.~~

~~Health and Safety Code 1596.7995 requires that employees and volunteers at a day care center be immunized against influenza, pertussis, and measles, with specified exemptions. In addition, Health~~

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

~~and Safety Code 1597.055 requires that teachers in a day care center obtain a tuberculosis clearance. See the accompanying administrative regulation.~~

~~The Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in district preschool programs possess the appropriate permit(s) issued by the Commission on Teacher Credentialing, meet any additional qualifications established by the Board, and participate in professional development opportunities designed to continually enhance their knowledge and skills.~~

~~CSBA NOTE: 5 CCR 17743 mandates that districts offering a CSPP program develop written admissions policies and procedures that conform to the requirements of 22 CCR 101218.1, as provided in the following paragraph. See the accompanying administrative regulation for additional language that fulfills this mandate.~~

~~Preschool admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a health examination requirement. (5 CCR 17743; 22 CCR 101218.1)~~

~~CSBA NOTE: Education Code 8208, 8210, and 8211, as amended by SB 141, and 5 CCR 17746-17748 revised eligibility criteria and enrollment priorities for subsidized preschool services, as provided below and in the accompanying administrative regulation.~~

~~Eligibility is generally limited to children who reside within district boundaries. However, Education Code 8267 authorizes the Board to enter into an agreement with the boards of other districts to serve children who reside within those districts. The district may revise the following paragraph to reflect any such agreement approved by the Board.~~

~~The Superintendent or designee shall ensure that subsidized preschool is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8208, 8210, and 8211 and 5 CCR 17746-17748.~~

~~CSBA NOTE: The following paragraph is optional. Pursuant to Education Code 8207, programs operated under the CSPP may be part-day or full-day programs.~~

~~CSBA NOTE: Pursuant to 5 CCR 17709-17711 the district is required to conduct an annual self-evaluation that includes, but is not limited to, an assessment of the program by staff and the Board, a parent/guardian survey, and an environment rating scale using forms identified in 5 CCR 17700. In addition, pursuant to 5 CCR 17794, CDE conducts a Federal Program Monitoring/Contract Monitoring Review (FPM/CMR) of each contract agency at least once every four years. The FPM/CMR instrument is available on CDE's website.~~

~~Education Code 8203.1 establishes the early learning quality rating and improvement system (QRIS) block grant to support continuous local improvement efforts that increase the number of low-income children in high-quality preschool programs. Grant funds may be awarded to eligible local consortia, which then allocate funds to districts and other agencies contracting to provide CSPP programs. Pursuant to Education Code 8203.1, QRIS is based on a tiered rating structure with~~

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

~~progressively higher quality standards for each tier. It is designed to (1) provide supports and incentives for programs, teachers, and administrators to reach higher levels of quality, (2) monitor and evaluate program impacts on child outcomes, and (3) disseminate information to parents/guardians and the public about program quality.~~

CSBA NOTE: Pursuant to Education Code 48000.15, as amended by SB 141 (Ch. 194, Statutes of 2023), for the 2024-25 school year, a district that offers TK to early enrollment children must concurrently offer enrollment in a CSPP, if offered by the district, and space permitting. The district may enroll an early enrollment child in a CSPP operated by the district regardless of income, after all other eligible children have been enrolled.

Pursuant to Education Code 48000, a district that commingles children from CSPP and TK in the same classroom is required to meet all of the requirements of the respective programs in which the children are enrolled, and, as amended by SB 153 (Ch. 38, Statutes of 2024), is required to complete an observation using the Classroom Assessment Scoring System (CLASS) tool and CLASS Environment tool.

For more information on TK programs, see BP 6170.1 - Transitional Kindergarten.

If an early enrollment child is enrolled in the district's TK program, the district shall concurrently offer the child enrollment in the district's CSPP, subject to available space. (Education Code 48000.15)

CSBA NOTE: Pursuant to Education Code 48000 a child's eligibility for TK enrollment may not impact family eligibility for a preschool or child care program. Education Code 8205 clarifies that four-year-old children who are eligible to participate in a CSPP include those children whose 5th birthday occurs after September 1 of the fiscal year in which they are enrolled in a CSPP and whose parent/guardian has opted to retain or enroll them in a CSPP.

A child's eligibility for TK enrollment shall not impact family eligibility for a preschool or child care program. (Education Code 8205, 48000)

CSBA NOTE: Pursuant to Education Code 8203.3, CDE in consultation with CDSS, is responsible for establishing and updating prekindergarten learning development guidelines that focus on preparing children for kindergarten, including developmental milestones, how to assess where children are in relation to the milestones, and suggested methods for achieving the milestones.

Effective July 1, 2025, the district's CSPP is required to use CDE's, "Preschool/Transitional Kindergarten Learning Foundations (PTKLF)," formerly "Preschool Learning Foundations," to guide curriculum and lesson planning to support children ages three to five. The PTKLF describe the knowledge, skills, and developmental milestones that most children ages three through five can achieve in a high-quality early education program. For more information see CDE's Early Education Division Management Bulletin 24-07 and CDE's California PTKLF website.

The district's program shall be aligned with preschool learning foundations and curriculum frameworks developed by CDE which identify the knowledge, skills, and competencies that children typically attain as they complete their first or second year of preschool. The program shall be

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

designed to facilitate children's development in essential skills in the areas of language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

CSBA NOTE: Pursuant to Education Code 8241.5, preschool providers are required to identify dual language learners enrolled in specified preschool programs through a family language instrument and a family language and interest interview, which, as amended by AB 393 (Ch. 435, Statutes of 2023), may be fulfilled by using the previous designation of a child as a "dual language learner" by a general child care and development program or migrant child care program to identify and report child and program data related to dual language learners to CDE. Pursuant to Education Code 8241.5, as amended by AB 393, a family may not be compelled to complete a family language instrument or to participate in the family language and interest interview. Education Code 8203 requires the quality indicators for CSPPs to include activities and services that meet the needs of dual language learners for support in the development of their home language and English, and is reflected in the following paragraph. Pursuant to Education Code 8203, the SPI is required to develop standards for the implementation of high-quality preschool programs, one component of which are activities and services that meet the cultural and linguistic needs of dual language learners for support in the development of their home language and English.

The Superintendent or designee shall identify dual language learners in district preschool programs, and shall collect and report related data to CDE as required by Education Code 8241.5. The district's preschool program shall include activities and services that meet the needs of dual language learners for support in the development of their home language and English. (Education Code 8203)

CSBA NOTE: The following paragraph reflects Education Code 8208, as amended by SB 163, which requires at least five percent of enrollment into subsidized preschool be reserved for children with exceptional needs.

The district's preschool program shall serve children with exceptional needs as required by Education Code 8208. Children with exceptional needs attending any CSPP shall be educated in the least restrictive environment in accordance with 20 USC 1412.

The district's preschool program shall provide appropriate services to support the needs of at-risk children.

CSBA NOTE: Pursuant to Education Code 8207, CSPPs must include certain required components, such as health services, nutrition, and referrals to appropriate social service agencies, as reflected in the following paragraph and accompanying administrative regulation.

To maximize the ability of children to succeed in the preschool program, the program shall support children's health through proper nutrition and physical activity and shall provide or make referrals to available health and social services as needed.

The district shall encourage volunteerism by families participating in the program and shall communicate frequently with parents/guardians of enrolled children regarding their child's progress.

## **Staffing**

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: The Commission on Teacher Credentialing (CTC) issues permits for child development program directors, site supervisors, and teachers pursuant to criteria established in Education Code 8205 and 8298 and 5 CCR 17717-17721. The district may request from CDE a waiver of the qualification requirements for a site supervisor upon demonstration of a compelling need, in accordance with Education Code 8205 and 5 CCR 17719.

5 CCR 80067, 80067.1, 80067.2, and 80067.3, pertaining to the prekindergarten-grade 3 (PK-3) early childhood education specialist credential, include requirements, and accelerated pathways to meet the requirements, in an effort to increase the number of early childhood education teachers. The PK-3 credential is designed to provide individuals who already hold a bachelor's degree and have gained experience in early childhood education through their work, to have an expedited pathway to earning the credential to teach in the PK-3 environment. See CTC Coded Correspondence 24-03 for more information. For more information about the Early Childhood Education Emergency Specialist Permit/Emergency Transitional Kindergarten Permit, see AR 4112.2 -- Certification.

Pursuant to Education Code 69617, as amended by SB 114 (Ch. 48, Statutes of 2023), the Golden State Teacher Grant Program awards up to \$20,000 to students currently enrolled in a professional preparation program approved by CTC who are working towards earning their preliminary teaching or pupil personnel services credential, and who commit to work for four years at a CSPP.

Pursuant to Education Code 8281.5, as amended by SB 114, CDE is authorized to allocate or prorate unexpended funds from the California Prekindergarten Planning and Implementation Grant Programs to districts for costs associated with the educational expenses of current and future CSPP, TK, and kindergarten professionals that support their attainment of required credentials, permits, or professional development in early childhood instruction or child development, including developing competencies in serving inclusive classrooms and dual language learners.

Health and Safety Code 1596.7995 requires that employees and volunteers at a day care center be immunized against influenza, pertussis, and measles, with specified exemptions. In addition, Health and Safety Code 1597.055 requires that teachers in a day care center obtain a tuberculosis clearance. See the accompanying administrative regulation.

The Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in district preschool programs possess the appropriate permit(s) issued by the Commission on Teacher Credentialing, meet any additional qualifications established by the Board, and participate in professional development opportunities designed to continually enhance their knowledge and skills.

### **Eligibility, Enrollment, and Disenrollment**

CSBA NOTE: 5 CCR 17743 **mandates** that districts offering a CSPP develop written admissions policies and procedures that conform to the requirements of 22 CCR 101218.1, as provided in the following paragraph. See the accompanying administrative regulation for additional language that fulfills this mandate.

Preschool admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

the program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a health examination requirement. (5 CCR 17743; 22 CCR 101218.1)

CSBA NOTE: Education Code 8208, as amended by SB 141 and SB 163, Education Code 8210 and 8211, as amended by SB 141, SB 163 and AB 176, and 5 CCR 17746-17748, revised eligibility criteria and enrollment priorities for subsidized preschool services, as provided below and in the accompanying administrative regulation.

Eligibility is generally limited to children who reside within district boundaries. However, Education Code 8267 authorizes the Board to enter into an agreement with the boards of other districts to serve children who reside within those districts. The district may revise the following paragraph to reflect any such agreement approved by the Board.

The Superintendent or designee shall ensure that subsidized preschool is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8208, 8210, and 8211 and 5 CCR 17746-17748.

CSBA NOTE: In addition to other eligibility requirements, pursuant to 5 CCR 17745, a child and the child's parents/guardians must live in California while the child is receiving services.

To receive preschool services, a child and the child's parent(s)/guardian(s) shall be required to provide evidence of residency in California, which may be established by providing evidence of a California street or post office address. However, any person identified as experiencing homelessness shall only be required to submit a declaration that the person resides in California. (5 CCR 17745)

Preschool eligibility determinations shall be made without regard to a child's immigration status or that of the child's parent(s)/guardian(s) unless the child or the child's parent(s)/guardian(s) are under a final order of deportation from the U.S. Department of Homeland Security. (5 CCR 17745)

The district's program shall not expel or unenroll a child or persuade or encourage a child's parents/guardians to voluntarily unenroll from the program based on the child's behavior, unless the expulsion or unenrollment is in accordance with the procedures specified in the accompanying administrative regulation.

When necessary due to a reduction in state reimbursements, families shall be disenrolled as specified in the accompanying administrative regulation.

### **Program Evaluation**

CSBA NOTE: As specified in CDE's Early Education Division Management Bulletin 23-10, districts are no longer required to complete an environment rating scale, as part of the annual self-evaluation or as part of Federal Program Monitoring/Contract Monitoring Review. Instead, beginning with the 2024-25 annual program self evaluation, districts are required to implement the CLASS, CLASS Environment tool, and additional requirements as specified, with full implementation

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

in program year 2028-29.

Education Code 8203.1 establishes the early learning quality rating and improvement system (QRIS) block grant to support continuous local improvement efforts that increase the number of low-income children in high-quality preschool programs. Grant funds may be awarded to eligible local consortia, which then allocate funds to districts and other agencies contracting to provide CSPPs. Pursuant to Education Code 8203.1, QRIS is based on a tiered rating structure with progressively higher quality standards for each tier. It is designed to (1) provide supports and incentives for programs, teachers, and administrators to reach higher levels of quality, (2) monitor and evaluate program impacts on child outcomes, and (3) disseminate information to parents/guardians and the public about program quality.

The Superintendent or designee shall develop and implement an annual plan of evaluation which conforms to state requirements. (5 CCR 17709-17711)

The Superintendent or designee shall regularly report to the Board regarding enrollment in district preschool programs and the effectiveness of the programs in preparing preschoolers for transition into the elementary education program.

### **Complaints**

CSBA NOTE: The following paragraph is for use by districts that offer a CSPP program and may be revised to reflect the type(s) of programs offered by the district. Education Code 8212 requires districts to use the uniform complaint procedures, with modifications as necessary, to investigate and resolve health and safety complaints in license-exempt CSPP programs. CSPPs. Pursuant to 5 CCR 17781, license-exempt ~~CSPP programs~~ CSPPs are required to comply with the procedures described in 5 CCR 4690-4694. See BP/AR 1312.3 - Uniform Complaint Procedures.

The district's uniform complaint procedures, with modifications as necessary, shall be used to investigate and resolve complaints alleging violation of applicable health or safety requirements for license-exempt programs operating under the CSPP. However, licensed programs shall refer complaints alleging health and safety violations to the California Department of Social Services. (Education Code 8212; 5 CCR 4610, 4611, 4690-4694, 17781)

~~The Superintendent or designee shall regularly report to the Board regarding enrollment in district preschool programs and the effectiveness of the programs in preparing preschoolers for transition into the elementary education program.~~

### **Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

Anything crossed out in black will be omitted if COD adopts and approves.  
Red font is additions to policy that will be adopted if COD approves.  
CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Regulation 5148.3: Preschool/Early Childhood Education

Status: ADOPTED

Original Adopted Date: 07/01/2015 | Last Revised Date: 12/01/2023~~2024~~ | Last Reviewed Date: 12/01/2023~~2024~~

~~CSBA NOTE:~~ **CSBA NOTE:** The following administrative regulation is **mandated** for use by districts that operate their own preschool/early childhood education programs and/or collaborate to provide preschool opportunities within the community. The following administrative regulation reflects the major requirements of the California State Preschool Program (CSPP) pursuant to Education Code 8200-8340 and 5 CCR 17700-17833.

The following administrative regulation does not reflect all requirements for other state and federally funded preschool program(s). The district may revise this administrative regulation to reflect other preschool program(s) it offers, such as the state migrant child care and development program (Welfare and Institutions Code 10235-10238), child care and development services for children with special needs program (Welfare and Institutions Code 10260-10263), federal Head Start program (42 USC 9831-9852c), Title I preschool program (20 USC 6311-6322), or preschool program developed and funded by the district.

In addition to the program requirements described below, other district policies as contained throughout the district's policy manual may be applicable to preschool programs. See BP/AR 1240 - Volunteer Assistance, AR 3514.2 - Integrated Pest Management, BP/AR 3550 - Food Service/Child Nutrition Program, and BP/AR 5148 - Child Care and Development. ~~Districts should~~ **It is recommended that districts** consult CSBA's District and County Office of Education Legal Services or district legal counsel if there are questions regarding the applicability of other laws to the district's preschool program.

Attendance, means the number of children present at a preschool facility, and for purposes of reimbursement, includes excused absences by children because of illness, quarantine, illness or quarantine of their parent, family emergency, or to spend time with a parent or other relative as required by a court of law or that is clearly in the best interest of the child. (Education Code 8205)

*Children with exceptional needs* means either of the following: (Education Code 8205)

1. Children under three years of age who have been determined to be eligible for early intervention services pursuant to the California Early Intervention Services Act (Government Code 95000-95029.5) and its implementing regulations, including an infant or toddler with a developmental delay or established risk condition, or a child who is at high risk of having a substantial developmental disability, as defined in Government Code 95014.

        Children with exceptional needs under the age of three shall have active individualized family service plans (IFSP) and shall be receiving early intervention services.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

2. Children 3 to 21 years of age, inclusive, who have been determined to be eligible for special education and related services by an individualized education program (IEP) team according to the special education requirements contained in Education Code 56000-56865, and who meet eligibility criteria described in Education Code 56026 and 56333-56338 and 5 CCR 3030-3031.-

Children with exceptional needs between ages 3 to 21 shall have an active IEP and shall be receiving early intervention services or appropriate special education.

*Dual language learner children* means children whose first language is a language other than English or children who are developing two or more languages, one of which may be English. (Education Code 8205)

CSBA NOTE: Pursuant to Education Code 48000.15, as amended by SB 141 (Ch. 194, Statutes of 2023), for the ~~2023-24~~ and 2024-25 school years~~year~~, a district that offers transitional kindergarten (TK) to early enrollment children must concurrently offer enrollment in a CSPP, if offered by the district, and space permitting.

*Early enrollment child* means a child whose fourth birthday will be between June 3 and September 1 preceding the school year during which they are enrolled in a transitional kindergarten (TK) classroom. (Education Code 48000.15)

CSBA NOTE: Education Code 8205, as amended by SB 163 (Ch. 73, Statutes of 2024), includes the definition of two-year-old children, which is reflected below.

*Two-year-old children* means children who have had their second birthday and do not otherwise meet the definition of "three-year-old children." (Education Code 8205)

*Three-year-old children* means children who will have their third birthday on or before December 1 of the fiscal year in which they are enrolled in a program approved by the California Department of Education (CDE) under the California State Preschool Program (CSPP). ~~Children who have their third birthday on or after December 2 of the fiscal year, may be enrolled in a CSPP program on or after their third birthday.~~ Any child under four years of age shall be served in a California state preschool program facility, licensed in accordance with Title 22 of the California Code of Regulations (Education Code 8205)

*Four-year-old children* means children who will have their fourth birthday on or before December 1 of the fiscal year in which they are enrolled in a CSPP ~~program~~, or a child whose fifth birthday occurs after September 1 of the fiscal year in which they are enrolled in a CSPP ~~program~~ and whose parent or guardian has opted to retain or enroll them in a CSPP ~~program~~. (Education Code 8205)

### **Program Components**

When approved by CDE under the CSPP, the district may operate one or more part- or full-day preschool programs in accordance with law and the terms of its contract with CDE.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: Pursuant to Education Code 8207, ~~CSPP programs must~~ **CSPPs are required to** include certain ~~required~~ components, as reflected in Items #1-7 below. Item #8 is a recommended practice that may be revised to reflect the district's program.

The district's CSPP ~~program~~ shall include all of the following: (Education Code 8207)

1. Age and developmentally appropriate activities for children
2. Supervision
3. Parenting education and parent engagement
4. Social services that include, but are not limited to, identification of child and family needs and referral to appropriate agencies
5. Health services
6. Nutrition
7. Training and career ladder opportunities, documentation of which shall be provided to CDE
8. Physical activity to support children's health

CSBA NOTE: CSPP program components are listed in 5 CCR 17701-17711.

Pursuant to Education Code 8203.5, contracts between the California Department of Education (CDE) and districts for ~~CSPP programs~~ **CSPPs** must include a requirement that a developmental profile be maintained for each child.

The district's ~~preschool program~~ **CSPP** shall satisfy all the requirements described in 5 CCR 17701-17711, including, but not limited to, those related to the program philosophy, goals, and objectives, the educational program, the creation of a developmental profile for each child, staff development, family engagement and strengthening, community involvement, health and social services, nutrition, and program evaluation.

### **Minimum Hours/Days of Operation**

CSBA NOTE: Pursuant to Education Code 8207, ~~CSPP programs~~ **CSPPs** may be part- or full-day. The following section may be revised to reflect district programs.

The district's part-day ~~preschool program~~ **CSPP** shall operate a minimum of three hours, and up to three hours and 59 minutes, per day, excluding time for home-to-school transportation, and for at least 175 days per year unless otherwise specified in the contract with CDE. (Education Code 8207; 5 CCR 17727)

CSBA NOTE: CDE's Early Education Division Management Bulletin 23-05 provides guidance on eligibility of children enrolled in TK or kindergarten for wraparound care if the child is also eligible for a part-day CSPP.

However, a part-day ~~preschool program~~ **CSPP** may also offer TK or kindergarten children whose families meet the requirements of Education Code 8208 less than four hours of wraparound

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

childcare services, and a part-day preschool program operating on a school site may be allowed flexibility in the operational hours. (Education Code 48000)

CSBA NOTE: Pursuant to Education Code 48000.15, as amended by SB 141, for the ~~2023-24 and 2024-25 school years~~ **year**, a district that offers TK to early enrollment children must concurrently offer enrollment in a CSPP ~~program~~, if offered by the district, space permitting. The district may enroll an early enrollment child in a CSPP ~~program~~ operated by the district regardless of income, after all other eligible children have been enrolled. For more information about TK programs, see BP 6170.1 - Transitional Kindergarten.

The district may enroll an early enrollment child in TK whose fourth birthday is between June 3 and September 1, inclusive, preceding the school year during which they are enrolled in TK. If an early enrollment child is enrolled in the district's TK program, the district shall concurrently offer the child enrollment in the district's CSPP, subject to available space. (Education Code 48000.15)

The district's full-day ~~program~~ **CSPP** shall operate for a minimum of 246 days per year, unless the contract specifies a lower number of days of operation, and for the number of operational hours reasonably necessary to meet the preschool needs of the families in the community. (Education Code 8207; 5 CCR 17728)

## Staffing

CSBA NOTE: Education Code 8241 provides staffing ratios that apply until the Superintendent of Public Instruction (SPI) promulgates regulations to establish such ratios for center-based programs. Pursuant to Education Code 8241, ~~CSPP programs~~ **CSPPs** must maintain a ratio of at least one adult to every eight children and at least one teacher to every 24 children.

The ~~preschool program~~ **CSPP** shall maintain an adult-child ratio of at least one adult for every eight children and a teacher-child ratio of at least one teacher for every 24 children. (Education Code 8241, 5 CCR 17713-17716)

CSBA NOTE: Health and Safety Code 1596.7995 requires employees and volunteers at a day care center to be immunized against influenza, pertussis, and measles, with specified exemptions. Health and Safety Code 1597.055 adds a requirement for such teachers to obtain a tuberculosis clearance. Pursuant to Health and Safety Code 1596.76, a day care center includes a preschool. See AR 5148 - Child Care and Development for further information regarding immunization requirements for staff and volunteers. Districts that have not adopted AR 5148 - Child Care and Development may revise the following paragraph accordingly and expand it to include the exemptions specified in Health and Safety Code 1596.7995.

Any person employed at a district preschool and any volunteer who provides care and supervision to children at a preschool shall, unless exempted by law, be immunized against influenza, pertussis, and measles in accordance with Health and Safety Code 1596.7995 and Administrative Regulation 5148 - Child Care and Development. Documentation of required immunizations, or applicable exemptions, shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

In addition, preschool teachers shall present evidence of a current tuberculosis clearance and meet other requirements as specified in Health and Safety Code 1597.055.

CSBA NOTE: The following paragraph is optional and may be revised to reflect district practice. Education Code 49406 requires school volunteers, with certain authorized exceptions, to submit to a tuberculosis risk assessment as developed by the California Department of Public Health. If risk factors are identified, then the volunteer is required to submit to an intradermal (skin) tuberculin test or other tuberculin test recommended by the Centers for Disease Control and Prevention.

The district may require any volunteer who is to provide care and supervision to district preschool children to provide evidence that the volunteer is free of infectious tuberculosis.

### **Family Literacy Services**

CSBA NOTE: The following section is optional. Contingent upon funding in the state Budget Act, Education Code 8220 and 8221 provide for the SPI to distribute family literacy supplemental grant funds to qualifying CSPP contractors for the purposes described below.

When any district part-day ~~preschool program~~ **CSPP** receives funding for family literacy services pursuant to Education Code 8221, the Superintendent or designee shall coordinate the provision of: (Education Code 8220)

1. Opportunities for parents/guardians to work with their children on interactive literacy activities, including activities in which parents/guardians actively participate in facilitating their children's acquisition of prereading skills through guided activities such as shared reading, learning the alphabet, and basic vocabulary development
2. Parenting education for parents/guardians of children in participating classrooms to support their child's development of literacy skills, including, but not limited to, parent education in:
  - a. Providing support for the educational growth and success of their children
  - b. Improving parent-school communications and parental understanding of school structures and expectations
  - c. Becoming active partners with teachers in the education of their children
  - d. Improving parental knowledge of local resources for the identification of and services for developmental disabilities, including, but not limited to, contact information for the district special education referral
3. Referrals to providers of adult education and instruction in English as a second language as necessary to improve academic skills of parents/guardians
4. Staff development for teachers in participating classrooms that includes, but is not limited to:
  - a. Development of a pedagogical knowledge, including, but not limited to, improved instructional and behavioral strategies

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

- b. Knowledge and application of developmentally appropriate assessments of the prereading skills of children in participating classrooms
- c. Information on working with families, including the use of on-site coaching, for guided practice in interactive literacy activities
- d. Providing targeted interventions for all young children to improve kindergarten readiness upon program completion

### Eligibility Criteria for Part-Day CSPP Programs

CSBA NOTE: The following section reflects eligibility criteria for the part-day CSPP programs pursuant to state law and regulations. Education Code 8208, as amended by SB 163, includes revised eligibility criteria and enrollment priorities for part-day CSPP to permit, but not require, districts to offer, until July 1, 2027, CSPP to eligible two-year-old children. See the section "Eligibility and Enrollment Priorities for Full-Day CSPP Programs" below for full-day program requirements.

5 CCR 17743 **mandates** that a district operating a CSPP program develop written admissions policies and procedures that conform to the requirements of 22 CCR 101218.1, including, but not limited to, criteria designating those children whose needs can be met by the program and services and the ages of children who will be accepted. The requirement to develop written admissions policies and procedures applies to both part- and full-day CSPP.

A ~~three- or four-year-old~~ child is eligible for a part-day CSPP program if the child's both of the following requirements are met: (Education Code 8208)

1. The child is one of the following:

- a. A two-year-old child and the CSPP enrolls the two-year-old child in accordance with the guidance specified in Education Code 8207.1
- b. A three-year-old child
- c. A four-year-old child
- d. Enrolled in kindergarten pursuant to Education Code 48000

2. The child's family is one of the following: (Education Code 8208)

- ~~1.~~a. A current aid recipient
- ~~2.~~b. Income eligible
- ~~3.~~c. Experiencing homelessness
- ~~4.~~d. One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected or exploited

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

[CSBA NOTE: When a family has multiple children with one who has exceptional needs, only children in the family who are children with exceptional needs may be enrolled under this eligibility criteria. Any other child in the family without exceptional needs may be enrolled pursuant to other criteria established pursuant to Education Code 8208.]

5.e. One who has children with exceptional needs, as defined in Education Code 8205

6.f. One with a household member who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by CDE

After all eligible ~~two-, three-,~~ and four-year-old children have been enrolled as provided above, a part-day CSPP ~~program~~ may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Education Code 8213. No more than 10 percent of all the children enrolled in the CSPP ~~program~~ shall be from families above the income eligibility threshold. (Education Code 8208)

In addition, after all otherwise eligible children have been enrolled as provided in the paragraphs above, a part-day CSPP ~~program~~ may provide services to ~~two-, three-,~~ and four-year-old children in families whose income is above the income eligibility threshold if those children are children with exceptional needs. Such children with exceptional needs shall not count towards the 10-percent limit on enrollment of families with income above the income eligibility threshold described above. (Education Code 8208)

CSBA NOTE: Education Code 8217, as amended by AB 176 (Ch. 998, Statutes of 2024), further expands eligibility for part-day CSPP ~~programs~~ to ~~three-~~two-year ~~-old~~ children in the circumstances specified in the following paragraph.

A CSPP ~~program~~ operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price ~~lunch~~meals may enroll ~~two-, three-,~~ and four-year-old children after all otherwise eligible children have been enrolled as provided in the paragraphs above. (Education Code 8208, 8217)

CSBA NOTE: Pursuant to Education Code 8208 at certification or recertification, a child is deemed eligible for a part-day CSPP ~~program~~ for the remainder of the program year and the following program year so long as the child continues to meet the age-eligibility requirements.

The district shall certify eligibility and enroll families into the part-day ~~preschool program~~CSPP within 120 calendar days prior to the first day of the beginning of the new preschool year. Subsequent to a child's enrollment, the child shall be deemed eligible for the part-day CSPP ~~program~~ for the remainder of the program year and for the following program year, provided applicable age-eligibility requirements are met, as specified in Education Code 8205 and 48000. (Education Code 8208)

### **Enrollment Priorities for Part-Day CSPP Programs**

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: Education Code 8210, as amended by SB 141, AB 163, and AB 176, revised and reordered the priority ranking for part-day CSPP, as provided in Items #1-6 below.

The district shall give priority for part-day CSPP programs as follows: (Education Code 8210)

1. The first priority for services shall be given to three- or four-year-old children who are recipients of child protective services or who are at risk of being neglected, abused, or exploited and for whom there is a written referral from a legal, medical, or social service agency.

To the extent the district offers services to two-year-old children, pursuant to Education Code 8207.1, then priority for services shall also be given to two-year-old children who are recipients of child protective services or who are at risk of being neglected, abused, or exploited and for whom there is a written referral from a legal, medical, or social service agency.

\_\_\_\_\_ If the district is unable to enroll a child in this first priority category, the district shall refer the child's parent/guardian to local resources and referral services so that services for the child can be located.

CSBA NOTE: Education Code 8208, as amended by SB 141, 163, requires that a percentage at least five percent of part-day preschool CSPP enrollment be reserved for children with exceptional needs. ~~Until June 30, 2025, a minimum of 5 percent is required, starting July 1, 2025, to June 30, 2026, 7.5 percent must be reserved, and from July 1, 2026, at least 10 percent must be reserved for children with exceptional needs. CDE is required to review data on compliance and provide~~ technical assistance to ~~CSPP contracting agencies~~ districts in order to meet ~~these requirements~~ this requirement.

Education Code 8210, as amended by SB 141, clarifies that when enrollment of children with exceptional needs has reached the number reserved, second priority must be given to three- and four-year -old children with exceptional needs from families who are below the income eligibility threshold. Pursuant to Education Code 8210, as amended by SB 141, ~~if two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, the child that has been on the waiting list for the longest time shall be admitted first.~~

2. When the number of three- or four-year -old children with exceptional needs required to be enrolled pursuant to Education Code 8208 have been enrolled and there are additional children with exceptional needs who are interested in enrolling, the second priority for services shall be given to all three- and four-year -old children with exceptional needs from families with incomes below the income eligibility threshold, as described in Education Code 8213.

\_\_\_\_\_ Within this priority category, children with exceptional needs from families with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the Superintendent of Public Instruction (SPI) at the time of enrollment, shall be enrolled first. ~~If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first.~~

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

3. The third priority shall be given to eligible ~~three- or~~ four-year-old children who are not enrolled in a state-funded TK program.

\_\_\_\_\_ This priority shall not include children eligible for enrollment as children with exceptional needs pursuant to Education Code 8208(a)(1)(~~E~~~~B~~)(v), who are from families with incomes above the income eligibility threshold, as described in Education Code 8213. Within this priority category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first.

CSBA NOTE: Education Code 8210, as amended by SB 141, revises the third priority criteria for part-day CSPP to be based on whether three- and four- year -old children who are not enrolled in a state funded TK are identified as dual language learners, rather than whether they are from a family in which the primary home language is a language other than English.

\_\_\_\_\_ If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, a child who is identified as a dual language learner shall be enrolled first. If there are no children identified as dual language learners, the child that has been on the waiting list for the longest time shall be admitted first.

CSBA NOTE: Education Code 8210, as amended by SB 163, adds a fourth priority criteria for part-day CSPP for eligible two-year-old children, to the extent that a district elects to enroll two-year-old children.

4. The ~~If the district offers services to two-year-old children pursuant to Education Code 8207.1, the~~ fourth priority shall be given to eligible ~~three~~two-year-old children.

\_\_\_\_\_ This priority shall not include children eligible for enrollment as children with exceptional needs pursuant to Education Code 8208(a)(1)(E), ~~who~~~~B~~(v), if they are from families with incomes above the income eligibility threshold, as described in Education Code 8213. Enrollment determinations within this priority category shall be made in the same way as for third priority in Item #3 above.

CSBA NOTE: Education Code 8210, as amended by SB 163, revises the fifth priority criteria for part-day CSPP to add, after income eligible children and children with exceptional needs are enrolled within this priority, three- and four-year-old children without exceptional needs based on income ranking, and if two or more families have the same income ranking, the child that has been on the waiting list for the longest time is required to be admitted first.

5. The fifth priority, after all otherwise eligible children have been enrolled, shall be given to children from families whose income is no more than 15 percent above the eligibility income threshold, as described in Education Code 8213.

\_\_\_\_\_ Within this priority category, priority shall be given to three- and four-year-old children with exceptional needs interested in enrolling beyond those already enrolled in the ~~10~~five percent of funded enrollment set aside pursuant to Education Code 8208, then to three- and four-year old children ~~before three-year-old children~~ without exceptional needs- in income ranking order, with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, being enrolled first. If two or more families have the same income ranking

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

according to the most recent schedule of income ceiling eligibility table, the child that has been on the waiting list for the longest time shall be admitted first.

CSBA NOTE: Education Code 8210, as amended by AB 176, revises the sixth priority criteria for part-day CSPP to add, after three- or four-year-old children from within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced price meals, two-year-old children whose families reside within the attendance boundaries of the qualified school.

6. After all otherwise eligible children have been enrolled in the first through fifth priority categories, as described in Items #1-5 above, the district may enroll other children in the following order:
  - a. A CSPP ~~program~~ site operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217 may enroll any three- or four-year-old children whose families reside within the attendance boundary of the qualified elementary school. followed by two-year-old children whose families reside within the attendance boundary of the qualified elementary school, if the district offers services to two-year-old children pursuant to Education Code 8207.1  
\_\_\_\_\_ These children shall, to the extent possible, be enrolled by lowest to highest income according to the most recent schedule of income ceiling eligibility table.
  - b. Children enrolling in a CSPP ~~program~~ that provides expanded learning and care to TK or kindergarten students, pursuant to Education Code 48000

Regardless of the priorities listed above, until the district attains the five percent of funded enrollment set aside for children with exceptional needs pursuant to Education Code 8208, children with exceptional needs shall be enrolled without regard to the priorities listed above. Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first. If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first. (Education Code 8210)

### **Eligibility and Enrollment Priorities for Full-Day CSPP Programs**

CSBA NOTE: The following section reflects the eligibility criteria for full-day CSPP, pursuant to Education Code 8208, as amended by SB 141 and SB 163, and the priority ranking for enrollment, pursuant to Education Code 8211, as amended by SB 141, SB 163 and AB 176, which permit, but do not require, districts to offer full-day CSPP to eligible two-year-old children.

~~A three- or four-year-old child is eligible for a full-day CSPP program if the family meets both~~ all of the following requirements are met: (Education Code 8208)

1. The child is one of the following:
  - a. A two-year-old child and the CSPP enrolls the two-year-old child in accordance with the guidance specified in Education Code 8207.1
  - b. A three-year-old child

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

c. A four-year-old child

~~1.2.~~ 2. The child's family is one of the following:

a. ~~\_\_\_~~ A current aid recipient, ~~income~~

b. Income eligible, ~~or experiencing~~

~~a.c.~~ Experiencing homelessness

~~b.d.~~ One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited

CSBA NOTE: When a family has multiple children with one who has exceptional needs, only children in the family who are children with exceptional needs may be enrolled under this eligibility criteria. Any other child in the family without exceptional needs may be enrolled pursuant to other criteria established pursuant to Education Code 8208.

~~e.e.~~ One who has children with exceptional needs, as defined in Education Code 8205

~~d.f.~~ One with a household member who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by CDE

2.3. The child's family needs the childcare services because of either the following:

a. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services; as being or at risk of being neglected, abused, or exploited; or as experiencing homelessness

b. The parents/guardians are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated

After all eligible ~~two-~~, ~~three-~~, and four-year-old children have been enrolled as provided above, a full-day CSPP ~~program~~ may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Education Code 8213. No more than 10 percent of all the children enrolled in the CSPP ~~program~~ shall be from families above the income eligibility threshold. (Education Code 8208)

After all families meeting the criteria specified in the paragraphs above have been enrolled, a full-day CSPP ~~program~~ may provide services to ~~two-~~, ~~three-~~, and four-year-old children in families who

Anything crossed out in black will be omitted if COD adopts and approves.  
Red font is additions to policy that will be adopted if COD approves.  
CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

do not meet at least one of the criteria in Item #2 above. (Education Code 8208)

CSBA NOTE: Education Code 8217, as amended by AB 176, further expands eligibility for full-day CSPP to two-year-old children as specified below.

After all otherwise eligible children have been enrolled as provided above, a ~~CSPP program~~full-day CSPP operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals may enroll any two-, three-, or four-year-old child. (Education Code 8208, 8217)

CSBA NOTE: Education Code 8211, as amended by SB 163 and AB 176, revised and reordered the priority ranking for enrollment in full-day CSPP to include eligible two-year-old children, if a program is offered by the district. The priority ranking is now almost identical to the ranking for part-day CSPPs, as provided in "Enrollment Priorities for Part-Day CSPP", above.

For full-day CSPP, the district shall use the same priority ranking specified in Items #1-5 of "Enrollment Priorities for Part-Day CSPP", above. (Education Code 8211)

After all otherwise eligible children based on Items #1-5 of "Enrollment Priorities for Part-Day CSPP" have been enrolled, the district may enroll other children in the following order: (Education Code 8211)

1. Two-, three-, and four-year-old children from families who do not meet at least one of the need requirements in Item #2 above

Within this priority, families shall be enrolled in income ranking order, lowest to highest. Within income ranking order, three-, and four-year old children shall be enrolled before two-year-old children, if the district offers services to two-year-old children pursuant to Education Code 8207.1.

2. A CSPP site operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217 may enroll any four-year-old child. (Education Code 8208), may enroll any three- and four-year-old children whose families reside within the attendance boundary of the qualified school without establishing eligibility or a need for services in accordance with Education Code 8208, followed by two-year-old children whose families reside within the attendance boundary of the qualified school without establishing eligibility or a need for services pursuant to Education Code 8208, if the district offers services to two-year-old children pursuant to Education Code 8207.1

CSBA NOTE: Education Code 8211 revised and reordered the priority ranking in 2022 for enrollment in full-day CSPP programs. The priority ranking is now almost identical to the ranking for part-day CSPP programs, as provided in "Enrollment Priorities for Part-Day CSPP Programs" section above.

For full-day CSPP programs, the district shall use the same priority ranking specified in Items #1-4 of "Enrollment Priorities for Part-Day CSPP Programs" above, and the following: (Education Code 8211)

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

- ~~1. After all otherwise eligible children based on Items #1-4 of "Enrollment Priorities for Part-Day CSPP Programs" have been enrolled, fifth priority shall be given to children from families whose income is no more than 15 percent above the eligibility income threshold, as described in Education Code 8213. Within this priority category, priority shall be given to three and four year old children with an IFSP or IEP, then to four year old children before three year old children without IFSP or IEP.~~
- ~~2. After all otherwise eligible children based on Items #1-4 of "Enrollment Priorities for Part-Day CSPP Programs" and Item #1 above have been enrolled, the district may enroll other children in the following order:
  - ~~a. Three and four year old children from families who do not meet at least one of the need requirements in Item #2 above. Within this priority, families shall be enrolled in income ranking order, lowest to highest, and within income ranking order, four year old children before three year old children~~~~

~~When a CSPP program site operates within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced price meals as described in Education Code 8217, three or four year old children whose families reside within the attendance boundary of the school may be enrolled without establishing eligibility or a need for services. Such children shall, to the extent possible, be enrolled in income ranking order, by lowest to highest income ranking order according to the most recent schedule of income ceiling eligibility table.~~

CSBA NOTE: Education Code 8208, as amended by SB 163, requires that at least five percent of full-day CSPP enrollment be reserved for children with exceptional needs. CDE is required to review data on compliance and provide technical assistance to districts in order to meet this requirement.

Regardless of the priorities listed above, until the district attains the five percent of funded enrollment set aside for children with exceptional needs pursuant to Education Code 8208, children with exceptional needs shall be enrolled without regard to the priorities listed above. Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first. If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first. (Education Code 8211)

Upon establishing initial eligibility or ongoing eligibility for a full-day CSPP program, a family shall be considered to meet all eligibility and need requirements for those services for not less than 24 months. Such families shall receive those services for not less than 24 months before having eligibility or need recertified, and shall not be required to report changes to income or other changes for at least 24 months. If the eligibility period ends before the end of a program year, eligibility shall be extended until the end of the program year, provided age-eligibility requirements are met, as specified in Education Code 8205. However, a family that establishes initial eligibility or ongoing eligibility on the basis of income shall report increases in income that exceed the threshold for ongoing income eligibility, as described in Education Code 8213, and the family's ongoing eligibility for services shall at that time be recertified. In addition, a family may, at any time, voluntarily report income or other changes. This information shall be used, as applicable, to reduce

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

the family's fees, increase the family's services, or extend the period of the family's eligibility before recertification. (Education Code 8208)

### **Waiting List**

CSBA NOTE: The following section may be revised to reflect district practice. Pursuant to 5 CCR 17744, a district is required to maintain a current waiting list based on enrollment priorities for part-day and full-day preschool programs. ~~CSPP~~. The district may satisfy this requirement by participating in a "county child care centralized eligibility list" if one is available. When such centralized eligibility list is not available or the district elects not to participate in the local list, the district must establish its own waiting list in accordance with enrollment priorities.

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with applicable enrollment priorities. As vacancies occur, applicant families shall be contacted in order of priority on the waiting list. (5 CCR 17744)

### **Combined Preschool/Transitional Kindergarten Classroom**

CSBA NOTE: Education Code 8207 and 48000 allow districts to place four-year-old children enrolled in a CSPP program into a TK program and to commingle children from both programs in the same classroom as long as all of the requirements of each program are met, including, as amended by SB 153 (Ch. 38, Statutes of 2024), the district completes an observation using the Classroom Assessment Scoring System (CLASS) tool and CLASS Environment tool, and the district adheres to the requirements listed in the following section. See BP 6170.1 - Transitional Kindergarten for eligibility requirements pertaining to the TK program pursuant to Education Code 48000.

When a child is eligible for both the ~~preschool program~~ ~~CSPP~~ and the district's TK program, the district may place the child in a classroom which is commingled with children from both programs as long as the commingled program meets all of the requirements of each program as well as the following requirements: (Education Code 8207, 48000)

1. An ~~early childhood~~ observation using the Classroom Assessment Scoring System (CLASS) tool and CLASS environment rating scale, as specified in ~~5 CCR 18281, tool~~ shall be completed for the classroom
2. All children enrolled for 10 or more hours per week shall be evaluated using the Desired Results Developmental Profile, as specified in 5 CCR 18272
3. The classroom shall be taught by a teacher who holds a credential issued by the Commission on Teacher Credentialing in accordance with Education Code 44065 and 44256
4. The classroom shall comply with the adult-child ratio specified in Education Code 8241
5. Contractors of the district shall report the services, revenues, and expenditures for children in the CSPP in accordance with 5 CCR 18068

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

6. The classroom shall not include children enrolled in TK for a second year or children enrolled in a regular kindergarten classroom

## Fees and Charges

CSBA NOTE: Pursuant to Education Code 8252, as amended by AB 116 (Ch. 41, Statutes of 2023), and explained in CDE's Early Education Management Bulletin 23-07, family fees may be assessed but not collected for families receiving subsidized child care services from CSPPs administered by CDE from July 1, 2023 to September 30, 2023. Education Code 8252, as amended by AB 116, requires that no family fees be charged or assessed for families whose adjusted monthly family income falls below 75 percent of the State Median Income, and further caps family fees at one percent of a family's monthly income for all other families. As a result, the FY 2023-24 family fee schedule has been revised accordingly. In addition, family fees accrued but not collected prior to October 1, 2023, may be forgiven, and not collected.

Fees for participation in the district's full-day CSPP program shall be assessed and collected in accordance with the fee schedule established by the SPI in conjunction with the California Department of Social Services. (Education Code 8252)

~~CSBA NOTE: Pursuant to Education Code 8252, as amended by AB 116 (Ch. 41, Statutes of 2023), and explained in CDE's Early Education Management Bulletin 23-07, family fees may be assessed but not collected for families receiving subsidized child care services from CSPP programs administered by CDE from July 1, 2023 to September 30, 2023. Education Code 8252, as amended by AB 116, requires that no family fees be charged or assessed for families whose adjusted monthly family income falls below 75 percent of the State Median Income, and further caps family fees at one percent of a family's monthly income for all other families. As a result, the FY 2023-24 family fee schedule has been revised accordingly. In addition, family fees accrued but not collected prior to October 1, 2023, may be forgiven, and not collected.~~

~~Family fees accrued but uncollected prior to October 1, 2023, may be forgiven and not collected. (Education Code 8252)~~

In addition, no fee shall be charged to an eligible family whose child is enrolled in a part-day preschool program or a family that is receiving CalWORKs cash aid. (Education Code 8253; 5 CCR 17735)

A family may be exempt from the fees for up to 12 months for any child enrolled in full-day preschool on the basis of being the recipient of child protective services or as being, or at risk of being, abused, exploited, or neglected. (Education Code 8253; 5 CCR 17735)

CSBA NOTE: Education Code 8254 authorizes a district offering a CSPP program to charge a fee for field trips and/or to require parents/guardians to provide diapers, but **mandates** that the district adopt policy to include parents/guardians in the decision-making about such fees, as provided below. Pursuant to Education Code 8254, the fees cannot exceed \$25 per child in the contract year. The following paragraph may be modified to delete diapers as appropriate for the age of the children served.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers and/or whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8254)

## **Attendance**

CSBA NOTE: CDE monitors district programs and operations, including a CSPP, through its Federal Program Monitoring (FPM) process. The FPM process includes a review of a district's written policies and procedures to ensure that the program has adopted policies and procedures that are consistent with statutes and regulations on excused absences including best interest days and abandonment of care. See CDE's Early Education Division FPM Instrument.

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence, and signature of parent/guardian or the district's authorized representative if verification is made by telephone. (5 CCR 17818, 17819).

Absences shall be excused for the following reasons: (Education Code 8205; 5 CCR 17819)

1. Illness or quarantine of the child or of the parent/guardian

[CSBA NOTE: Pursuant to 5 CCR 17819, districts are **mandated** to adopt reasonable policies delineating circumstances that would constitute an excused absence for "family emergency" and "in the best interest of the child." Items #2-3 may be revised to reflect district practice.]

2. Family emergency

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of child protective services or are at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 17819)

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: Pursuant to 5 CCR 17819, if an excused absence is based on time spent with a parent/guardian or other relative as required by a court of law, the family data file is required to contain a copy of the court order.

#### 4. Time spent with a parent/guardian or other relative as required by a court of law

A child may not be disenrolled due to excessive absences, except in circumstances of abandonment of care, as described below. (5 CCR 17819, 17819.5)

CSBA NOTE: 5 CCR 17819.5 establishes procedures to follow when a child has been absent and the family has not been in communication with the district's CSPP coordinator or site supervisor for seven consecutive calendar days.

When a child has been absent and the family has not been in communication with the program coordinator or site supervisor for seven consecutive calendar days, the district, using the contact information on file, shall attempt to contact the parent/guardian through a variety of communication methods, including one attempt in writing which may be through electronic means, informing the parent/guardian that failure to communicate with the district may result in termination of preschool services. The district shall keep documentation of all such communication attempts in the family's data file, and, if there has been no communication for a total of 30 consecutive calendar days, issue a Notice of Action to disenroll the family on the basis of abandonment of care. (5 CCR 17819.5)

Parents/guardians shall be notified of the policies and procedures related to excused absences for child care and development services. (5 CCR 17819)

#### **Disenrollment Based on Reduced Funding**

CSBA NOTE: Education Code 8214 specifies the order by which families will be disenrolled from subsidized preschool services when funding levels are reduced.

When necessary to disenroll families from subsidized preschool services, families shall be disenrolled in reverse order of the priority for services specified in Education Code 8210 and 8211 and as described above in the sections "Enrollment Priorities for Part-Day CSPP Programs" and "Eligibility and Enrollment Priorities for Full-Day CSPP Programs." (Education Code 8214; 5 CCR 17744)

#### **Expulsion/Unenrollment and Suspension Based on Behavior**

CSBA NOTE: CDE's Early Education Division Management Bulletin 23-08 provides guidance to CSPP contractors regarding requirements for suspension and updated requirements for expelling or unenrolling a child from a program due to a child's behavior, in accordance with Education Code 8489.1.

*Suspension* means any removal of a child from all or part of the program day, or the prevention of a child from attending the program for one or more days, in response to the child's behavior.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

*Removing the child from the program* means moving a child to an isolated or separate room. Programs may remove children from specific situations to allow the child to calm down or regain composure, such as taking the child for a walk or accompanying the child to an outdoor environment. However, the child must return to the classroom as soon as the child has calmed down and may not be removed for longer than 30 minutes.

*Expulsion* means the permanent dismissal of a child from a program in response to a child's behavior.

*Persistent and serious behaviors* means either repeated patterns of behavior that significantly interfere with the learning of other children, or interactions with peers and adults that are not responsive to the use of developmentally appropriate guidance, including, but not limited to, physical aggression, property destruction, and self-injury.

A district preschool program shall not expel or unenroll a child or persuade or encourage a child's parents/guardians to voluntarily unenroll from the program based on the child's behavior, unless the district first takes the following actions to address the child's behavior: (Education Code 8489.1)

1. In writing, inform the parents/guardians of the child's persistent and serious behaviors and consult with the parents/guardians and teacher in an effort to maintain the child's safe participation in the program
2. If the child has an IFSP or IEP, contact, with written parent/guardian consent, the agency or district employee responsible for such plan or program to seek consultation in regard to serving the child
3. If appropriate, consider completing a comprehensive screening of the child, including, but not limited to, screening the child's social and emotional development, referring the parents/guardians to community resources, and implementing behavior supports within the program

If the district has taken the actions specified in Items #1-3 above and the child's continued enrollment would present a serious safety threat to the child or other enrolled children, the district shall refer the parents/guardians to other potentially appropriate placements, the local child care resource and referral agency, or any other referral service available in the local community. The district shall, to the greatest extent possible, support direct transition to a more appropriate placement. The district may then unenroll the child. The district shall have up to 180 days to complete the actions described above. (Education Code 8489.1)

CSBA NOTE: Pursuant to Education Code 8489.1, a child enrolled in a CSPP program may only be suspended as a last resort in extraordinary circumstances where there is a serious safety threat that cannot be eliminated or reduced without removal of the child. To suspend a child, the district must comply with specified requirements, including, collaborating with the child's parents/guardians before determining that suspension is necessary and using appropriate community resources to determine that no other reasonable option is appropriate.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

A child shall not be suspended from a CSPP ~~program~~, nor shall a child's parent/guardian be encouraged or persuaded to prematurely pick up a child before the program day ends, except as a last resort in extraordinary circumstances, when a safety threat exists that cannot be eliminated or reduced without the removal of the child.

Before determining that a suspension is necessary, the district shall collaborate with the child's parents/guardians and, as needed, shall use appropriate community resources to determine that no other reasonable option is appropriate.

When suspension is deemed necessary, the district shall help the child return to full participation in the program as soon as possible while ensuring safety, by doing the following:

1. Continuing to engage with the child's parents/guardians and continuing to use appropriate community resources
2. Developing a written plan to document the action and supports needed
3. Providing referrals to appropriate community resources
4. If the child has an IFSP or IEP, contacting, with written parent/guardian consent, the agency responsible for the child's IFSP or IEP, to seek consultation on servicing the child

Upon enrollment, the parents/guardians of each child shall be notified, in writing, of the limitations on expulsion, suspension, or any form of disenrollment and how the parents/guardians may file an appeal to CDE in the event of expulsion or suspension. If the district suspends or expels a child from any CSPP ~~program~~, the district shall, at least 24 hours before the effective date of the suspension or expulsion, issue the child's parents/guardians a written "Notice of Action, Recipient of Services," as described in 5 CCR 17783, informing the parents/guardians of the right to file an appeal of the action directly with CDE no later than 14 calendar days after receiving the notice.

CSBA NOTE: A joint statement by the U.S. Department of Education and U.S. Department of Health and Human Services, "Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings," clarifies that preschool children with exceptional needs who are eligible for services under the Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482) are entitled to the same disciplinary protections that apply to all other IDEA-eligible students with disabilities, may not be subjected to impermissible disciplinary changes of placement for misconduct that is caused by or related to their disability, and must continue to receive educational services consistent with their right to a free appropriate public education. The statement indicates the need for the child's individualized education program (IEP) team to consider the use of positive behavioral interventions and supports when developing or modifying the IEP to reduce the need for discipline of a child with disabilities and avoid suspension or expulsion from a preschool program.

Children with exceptional needs may only be suspended or expelled in conformance with the procedures and limitations of the Individuals with Disabilities Education Act.

### **Notice of Action**

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: Pursuant to 5 CCR 17757, a parent/guardian must submit an application for services which contains specified information and documentation. The application form is available on CDE's website. Upon receiving an application, a person designated by the district must certify the family's or child's eligibility.

Upon receiving a parent/guardian's application for services, the Superintendent or designee shall review the application and documentation and shall certify the eligibility of the family or child.

CSBA NOTE: Pursuant to 5 CCR 17782 the district is required to provide written notification to parents/guardians as to whether their application for subsidized services has been approved or denied. For this purpose, the district should use the Notice of Action form available on CDE's website. If the services are denied, the parent/guardian may appeal the decision in accordance with 5 CCR 17784-17785; see section "Parent Hearing" below.

The district's decision to approve or deny a child's enrollment shall be communicated to the family through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 17782)

CSBA NOTE: 5 CCR 17783 requires the district to notify a parent/guardian of any change in services or fees as described below. For such notification, the district should use the Notice of Action form available on CDE's website. Parents/guardians may appeal such actions pursuant to 5 CCR 17784; see section "Parent Hearing" below.

Subsequently, the Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 17783)

1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. An indication by the parent/guardian that the parent/guardian no longer wants the service
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

For each child enrolled in the district's preschool program, the Superintendent or designee shall maintain a family data file including, but not limited to, a completed and signed application for services, documentation of income eligibility, and a copy of all Notices of Action. For each child not receiving subsidized services, the family data file shall also include records of the specific reason(s) for enrolling each child, the child's family income, and evidence that the district has made a diligent search for children eligible for subsidized services. (5 CCR 17758)

## **Parent Hearing**

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: 5 CCR 17784-17786 require districts to provide due process to parents/guardians who disagree with certain district actions, such as when services are denied, there is a change in services or fees, or their child is disenrolled.

If a parent/guardian disagrees with any district action to deny the child's eligibility for subsidized preschool services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 17784)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 17784 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to CDE. (5 CCR 17785-17786)

**Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

---

Anything crossed out in black will be omitted if COD adopts and approves.  
Red font is additions to policy that will be adopted if COD approves.  
CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Policy 6170.1: Transitional Kindergarten

Status: ADOPTED

Original Adopted Date: 10/01/2015 | Last Revised Date: 12/01/2023~~2023~~2024 | Last Revised Date: 12/01/2023~~2023~~2024

CSBA NOTE: The following policy is for use by districts that maintain kindergarten and may be revised to reflect district practice. Education Code 33050, as amended by SB 114 (Ch. 48, Statutes of 2023), prohibits the waiver of specified provisions related to transitional kindergarten (TK) and kindergarten provided for in Education Code 48000-48003. For more information on waivers, see BP 1431 - Waivers.

~~Education Code 48000 provides that children are eligible for kindergarten enrollment if they have their fifth birthday on or before September 1 in that school year; see AR 5111—Admission. Pursuant to Education Code 48000, as amended by SB 114, for the 2023-24 school year, districts are required to admit any child whose fifth birthday is between September 2 and April 2 to a TK program as a condition of apportionment and phases in timespans for mandatory admittance requirements until the 2025-26 school year, at which time districts are required to admit any child who has their fourth birthday by September 1, as described below.~~

The California Department of Education's (CDE), "Universal Prekindergarten FAQs" and "Transitional Kindergarten FAQs," available on its website, provide guidance to districts on the implementation of universal prekindergarten and TK programs. Additionally, CDE has developed a universal prekindergarten resources website, "Universal PreKindergarten, California's Great Start," designed for use by districts that operate a California State Preschool Program (CSPP), Head Start, and/or TK program.

Education Code 48000 defines TK as the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate. Many of the requirements applicable to kindergarten (e.g., ~~such as~~ **such as** class size, minimum school day, **and** facilities), are also applicable to TK. The district will receive funding based on average daily attendance (ADA) for students in a TK program that meets the requirements specified in Education Code 48000.

Education Code 8281.5 established the California Prekindergarten Planning and Implementation Grant Program as an early learning initiative with the goal of expanding access to classroom-based prekindergarten programs. ~~The program allocates funding to all districts that operate kindergarten programs through minimum base grants, enrollment grants based on a district's kindergarten enrollment, and supplemental grants based on a district's percentage of unduplicated students.~~ Grant funds may be used for costs associated with creating or expanding preschool programs through the CSPP or TK programs, or to establish or strengthen partnerships with other providers of prekindergarten education within the district, including Head Start programs, to ensure that

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

high-quality options for prekindergarten education are available for four-year-old children. Allowable costs include, but are not necessarily limited to, planning costs, hiring and recruitment costs, staff training and professional development, classroom materials, and supplies. Since funds for this program have already been granted, CDE is authorized, pursuant to SB 114 and SB 141 (Ch. 194, Statutes of 2023), to allocate or prorate unexpended funds from the California Prekindergarten Planning and Implementation Grant Programs to districts for costs associated with the educational expenses of current and future CSPP, TK, and kindergarten professionals that support their attainment of required credentials, permits, or professional development in early childhood instruction or child development, including developing competencies in serving inclusive classrooms and dual language learners.

Education Code 17375, as amended by SB 114, extends the time that funds from the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program, which provides one-time grants to school districts to construct new school facilities or retrofit existing school facilities including for the purpose of providing TK classrooms, are available for encumbrance or expenditure by the State Allocation Board.

Pursuant to the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program (Education Code 17375), districts may be awarded grants for the construction of new preschool classrooms, the modernization of existing preschool classrooms, or the modernization of existing kindergarten-grade 12 classrooms that will be converted to provide CSPPs operated by districts on a public school site.

The Governing Board desires to offer a high-quality transitional kindergarten (TK) program for eligible children who do not yet meet the minimum age criterion for kindergarten. The TK program shall assist students in developing the academic, social, and emotional skills needed to succeed in kindergarten and beyond.

The district's TK program shall be the first year of a two-year kindergarten program. (Education Code 48000)

The Board encourages ongoing collaboration among district preschool staff, other preschool providers, elementary teachers, administrators, and parents/guardians in the development, implementation, and evaluation of the district's TK program.

## Eligibility

CSBA NOTE: While children are not required to attend Kindergarten~~Kindergarten~~ kindergarten or TK, all school districts are required to provide TK to age-eligible children pursuant to Education Code 48000. According to CDE's, "Universal Prekindergarten FAQs," no age-eligible child may be denied access to TK by being placed on a waiting list.

The district's TK program shall admit children as follows: (Education Code 48000)~~;~~.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

- ~~1. For the 2023-24 school year, children whose fifth birthday is between September 2 and April 2~~
2. 1. For the 2024-25 school year, children whose fifth birthday is between September 2 and June 2
3. 2. For the 2025-26 school year, and in each school year thereafter, children who turn four by September 1

A child's eligibility for TK enrollment shall not impact family eligibility for a preschool or childcare~~child care~~ program, including, but not limited to, a Head Start program, a childcare~~child care~~ center serving children through an alternative payment program, a general childcare~~child care~~ and development program, a California State Preschool Program (CSPP), a migrant childcare~~child care~~ and development program, childcare~~child care~~ and development services for children with special needs, or a program serving children through a CalWORKs Stage 1, Stage 2, or Stage 3 program. (Education Code 48000)

CSBA NOTE: CDE's, "Universal Prekindergarten FAQs," clarify that children are required to have documentation of required immunizations or a valid exemption prior to admission to TK. For information about required immunizations and exemptions, see BP/AR 5141.31 - Immunizations.

Parents/guardians of eligible children shall be notified of the availability of the TK program and of the age, residency, immunization, and any other enrollment requirements. Enrollment in the TK program shall be voluntary.

CSBA NOTE: The following paragraph is optional. If the district chooses to allow kindergarten-eligible children to enroll in the TK program, CDE recommends in its, "Universal Prekindergarten FAQs," that the district establish criteria to determine selection requirements. The parent/guardian of a kindergarten-eligible child who is enrolled in TK must, at the end of the year, sign a Kindergarten Continuance Form verifying agreement with the child enrolling in kindergarten the following year; see ~~section~~ "Continuation to Kindergarten" below.

On a case-by-case basis, a child whose fifth birthday is on or before September 1 may be admitted into the district's TK program upon request of a child's parents/guardians, if the Superintendent or designee, determines that it is in the child's best interest.

CSBA NOTE: The following paragraph is optional. Pursuant to Education Code 48000, the district may, at its discretion, determine whether to allow admittance of children whose fifth birthday is after the date specified for admittance for the applicable year as described above. Such students may be admitted at any time during the school year, including at the beginning of the year. Education Code 48000 provides that districts will not receive ADA apportionment for a child whose birthday is after the date specified for the applicable year until the child's fifth birthday.

At any time during the school year, the district may admit into the TK program a child whose fifth birthday is after the date specified for admittance for the applicable year as described above,

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

provided that upon the recommendation of the Superintendent or designee, the Board determines that enrollment in a TK program is in the child's best interest and the child's parents/guardians approve. Prior to such enrollment, the child's parents/guardians shall be provided information regarding the advantages and disadvantages and any other explanatory information about the effect of early admittance. (Education Code 48000)

CSBA NOTE: The following paragraph is optional and may be deleted by districts that do not allow early enrollment children in TK. Pursuant to Education Code 48000.15, as amended by SB 141, (Ch. 194, Statutes of 2023), for the ~~2023-24~~ and 2024-25 school years~~year~~, a district that offers TK to early enrollment children must concurrently offer enrollment in a CSPP program, if offered by the district, space permitting. The district may enroll an early enrollment child in a CSPP program operated by the district regardless of income, after all other eligible children have been enrolled. Districts will not receive ADA apportionment for an early enrollment child admitted to TK until the child's fifth birthday. For more information on district preschool programs, see BP/AR 5148.3 - Preschool/Early Childhood Education.

Additionally, the district may enroll an early enrollment child in TK whose fourth birthday is between June 3 and September 1, inclusive, preceding the school year during which they are enrolled in TK. The Superintendent or designee shall maintain any classroom that includes an early enrollment child with a classroom enrollment that does not exceed 20 students and an adult-to-student ratio of at least one adult to every 10 students. Additionally, if an early enrollment child is enrolled in TK, the district shall concurrently offer enrollment to the child in the district's CSPP, subject to available space. (Education Code 48000.15)

### **Curriculum and Instruction**

The district's TK program shall be based on a modified kindergarten curriculum that is age and developmentally appropriate. (Education Code 48000)

CSBA NOTE: Education Code 48000 states the Legislature's intent that the TK curriculum be aligned to the California Preschool Learning Foundations developed by CDE. These standards address essential knowledge and skills in the subject areas listed below. The standards and companion preschool curriculum frameworks are available on CDE's website.

Pursuant to Education Code 8203.3, CDE in consultation with the California Department of Social Services, is responsible for establishing and updating prekindergarten learning development guidelines that focus on preparing children for kindergarten, including developmental milestones, assessment, and suggested methods for achievement.

The program shall be aligned with the preschool learning foundations and preschool curriculum frameworks developed by the California Department of Education (CDE). It shall be designed to facilitate students' development in essential knowledge and skills related to language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: Pursuant to Education Code 313, as amended by AB 2268 (Ch. 15, Statutes of 2024), students in TK are not required to be assessed in English listening and speaking for purposes of initial identification as an English learner. However, CDE's "Interim Guidance on Transitional Kindergarten Students and English Language Proficiency Testing," provides that districts should continue to conduct the Home Language Survey during TK enrollment to identify whether the primary or native language of a student is a language other than English. Since there may be implications with other state and federal laws, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel, as necessary.

Students in TK are not required to be assessed in English listening and speaking for purposes of initial identification as an English learner. However the district shall conduct the Home Language Survey during enrollment to identify whether the primary or native language of a student is other than English.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Education Code 37202 permits districts to maintain TK and kindergarten classes for different lengths of time during the school day, either at the same or a different school site. Districts offering TK classes for different lengths of time are still required to meet the minimum and maximum length of school day provided in law. Pursuant to Education Code 46111, 46115, and 46117, at the kindergarten and TK level the minimum school day is three hours (180 minutes), including recess but excluding noon intermission, and the maximum school day is four hours (240 minutes), excluding recess, except for students in expanded learning opportunity programs intended to supplement instructional time provided by a district pursuant to Education Code 46120, or if the district has adopted an extended-day kindergarten pursuant to Education Code 8973. However, pursuant to Education Code 46119, if the district has fewer than 40 kindergarten students, the Governing Board may apply to the Superintendent of Public Instruction to maintain two kindergarten classes of 150 minutes each, including recesses, taught on the same day by the same teacher. Also see BP/AR 5148.2 - Before/After School Programs and AR 6112 - School Day.

Pursuant to Education Code 48003, districts are required to provide an annual report to CDE regarding the type of kindergarten program offered by the district, including part -day, full -day, or both. The California Basic Educational Data System (CBEDS) School Information Form, located on CDE's website, requires a report on the type of TK program offered.

The Board shall establish the length of the school day in the district's TK program, which shall be at least three hours but no more than four hours long, including recess but excluding noon intermission, except for TK students enrolled in expanded learning opportunity programs provided by the district pursuant to Education Code 46120. If the district has adopted an extended-day kindergarten, the length of the school day for the TK program may be different than the length of the school day for the kindergarten program either at the same or different school sites. The Superintendent or designee shall annually report to CDE as to whether the district's TK programs are offered full -day, part -day, or both. (Education Code 8973, 37202, 46111, 46115, 46117, 48003)

The Superintendent or designee shall collaborate with parents/guardians and relevant community groups, in accordance with the plan developed for how all children in the attendance area of the

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

district will have access to full-day learning programs the year before kindergarten that meet the needs of parents/guardians, including through partnerships with the district's expanded learning offerings opportunities, the After School Education and Safety Program, CSPP, Head Start programs, and other community-based early learning and care programs.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. According to CDE's, "Universal Prekindergarten FAQs," it is the intent of the law to provide separate and unique experiences for TK and kindergarten students. However, districts have flexibility to determine how best to meet the curricular needs of each child and whether TK and kindergarten students may be enrolled in the same classrooms.

Education Code 48000, as amended by SB 153 (Ch. 38, Statutes of 2024), requires districts that commingle TK students and CSPP children in the same classroom to complete an observation using the Classroom Assessment Scoring System (CLASS) tool and CLASS environment tool, rather than the formerly required Early Childhood Environment Rating Scale.

TK students may be placed in the same classrooms as kindergarten students when necessary, provided that the instructional program is differentiated to meet student needs.

TK students may be commingled in the same classroom with four-year-old students from a CSPP program as long as the commingled program meets all of the requirements of each program as well as the following requirements: (Education Code 8207, 48000~~);~~)

1. The classroom does not include students enrolled in TK for a second year or students enrolled in a regular kindergarten
2. An ~~early childhood environment rating scale, as specified in 5 CCR 18281,~~ is observation using the Classroom Assessment Scoring System (CLASS) tool and CLASS Environmental tool are completed for the classroom
3. All children enrolled for 10 or more hours per week are evaluated using the Desired Results Developmental Profile, as specified in 5 CCR 18272
4. The classroom is taught by a teacher that holds a credential issued by the Commission on Teacher Credentialing (CTC) in accordance with Education Code 44065 and 44256
5. The classroom is in compliance with the adult-child ratio specified in Education Code 8241
6. Contractors of the district report the services, revenues, and expenditures for children in the preschool program in accordance with 5 CCR 18068 except for contractors of the TK program

The district shall maintain an average TK class enrollment of not more than 24 students for each school site, not including students who are continuously enrolled in and meet the minimum day requirement for independent study for more than 14 school days in a school year. (Education Code 48000)

## **Staffing**

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: To be qualified to teach a TK class, the teacher must possess an appropriate multiple subjects or early childhood education credential issued by the Commission on Teacher Credentialing (CTC) authorizing instruction in TK. Education Code 48000 establishes additional requirements for credentialed teachers who are first assigned to a TK class after July 1, 2015, as provided below. CTC may issue a one-year emergency specialist teaching permit in early childhood education that authorizes teaching all subjects in a self-contained TK general education classroom, provided that certain conditions are met as specified in Education Code 44300.

Additionally, ~~CTC has amended 5 CCR 80067, and adopted 5 CCR 80067.1 and, 80067.2, which are pending approval by the Office of Administrative Law as of October 2023~~ and 80067.3, pertaining to the prekindergarten-grade 3 (PK-3) early childhood education specialist credential, include requirements, and accelerated pathways to meet the requirements, in an effort to increase the number of early childhood education teachers. The ~~proposed~~ PK-3 credential is designed to provide individuals who already hold a bachelor's degree and have gained experience in early childhood education through their work, to have an expedited pathway to earning the credential to teach in the ~~prekindergarten-grade~~ PK-3 environment. ~~See; see~~ CTC Coded Correspondence 23-0224-03 for more information regarding the ~~proposed~~ regulations. For more information about the Early Childhood Education Emergency Specialist Permit/Emergency Transitional Kindergarten Permit, see AR 4112.2 -- Certification.

TK assignments are subject to assignment monitoring and reporting by the County Superintendent of Schools in accordance with Education Code 44258.9.

The Superintendent or designee shall ensure that teachers assigned to teach in TK classes possess a teaching credential or permit from CTC that authorizes such instruction.

CSBA NOTE: Education Code 48000, ~~as amended by SB 114,~~ extends until August 1, 2025, the requirement for credentialed teachers who are first assigned to a TK class to meet additional qualifications, as described below.

A credentialed teacher who is first assigned to a TK class after July 1, 2015, shall, by August 1, 2025, have at least 24 units in early childhood education and/or child development, comparable professional experience in a preschool setting, and/or a child development teacher permit or an early childhood specialist credential issued by CTC. (Education Code 48000)

~~CSBA NOTE: Education Code 8281.5 permits the use of funding from the California Prekindergarten Planning and Implementation Grant Program for the purpose of professional development, including, but not limited to, developing competencies in serving inclusive classrooms and dual language learners; and which as amended by SB 114 and SB 141, extends the time that CDE is authorized to allocate or prorate unexpended funds.~~

The Superintendent or designee may provide professional development as needed to ensure that TK teachers are knowledgeable about the standards and effective instructional methods for teaching young children, including, but not limited to, developing competencies in serving inclusive classrooms and dual language learners.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

~~CSBA NOTE: Education Code 48000, as amended by SB 114, requires districts to maintain an average of at least one adult for every 12 students for TK classrooms and, contingent upon an appropriation of funding, maintain an average of at least one adult for every 10 students commencing with the 2025-26 school year.~~

The district shall maintain an average of at least one adult for every 12 students for TK classrooms and, contingent upon an appropriation of funding, maintain an average of at least one adult for every 10 students commencing with the 2025-26 school year. (Education Code 48000)

### **Continuation to Kindergarten**

CSBA NOTE: The following section is consistent with guidance in CDE's, "Universal Prekindergarten FAQs."

There is no requirement that an age-eligible student complete a year of TK or kindergarten before enrolling in first grade. Pursuant to Education Code 48010, a student must be six years old on or before September 1 to be eligible for first grade. However, if a student is not six years old by September 1, the student may be admitted to first grade in accordance with Education Code 48011, if the child has completed one year of kindergarten or, in some cases, has attended some kindergarten. CDE's, "Universal Prekindergarten FAQs," note that a year of TK is not equivalent to a year of kindergarten, for purposes of enrolling a 5-year-old student in first grade pursuant to Education Code 48011.

Students who complete the TK program shall be eligible to continue in kindergarten the following school year. Parents/guardians of such students shall not be required to submit a signed Kindergarten Continuance Form for kindergarten attendance.

CSBA NOTE: The following optional paragraph is for use by districts that allow kindergarten-eligible children to enroll in TK; see "Eligibility" section above. When such students are subsequently enrolled in kindergarten, the district is required to obtain a signed Kindergarten Continuance Form in order to receive kindergarten ADA for those children since they would otherwise be age-eligible for first grade. A sample Kindergarten Continuance Form is available on CDE's, "Universal Prekindergarten FAQs" website. CDE recommends that approval for a student to continue in kindergarten not be sought until near the end of the year of TK, since permission obtained unreasonably far in advance could be found invalid.

However, whenever children who would otherwise be age-eligible for kindergarten are enrolled in TK, the Superintendent or designee shall obtain a Kindergarten Continuance Form signed by the parent/guardian near the end of the TK year consenting to the child's enrollment in kindergarten the following year.

CSBA NOTE: Pursuant to Education Code 46300, the district may not include for ADA purposes the attendance of any student for more than two years in kindergarten or for more than two years in a combination of TK and kindergarten.

A student shall not attend more than two years in kindergarten or a combination of TK and kindergarten. (Education Code 46300)

### **Assessment**

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: The following section regarding assessment of TK students' development and progress may be revised to reflect district practice. One assessment resource for TK students is CDE's Desired Results Developmental Profile, which is designed to assess the developmental progression of all children from early infancy to kindergarten entry. Additionally, CDE's report, "Proposed Tools and Process for the Early identification of Developmental Delays and Learning Disabilities," provides tools and a process for the early identification of children between two and six at risk for developmental delays or learning disabilities. The Superintendent or designee may develop or identify appropriate formal and/or informal assessments of TK students' development and progress. The Superintendent or designee shall monitor and regularly report to the Board regarding program implementation, the progress of students in meeting related academic standards, and student preparedness for future education.

**Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

---

Anything crossed out in black will be omitted if COD adopts and approves.  
Red font is additions to policy that will be adopted if COD approves.  
CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Policy 6174: Education For English Learners

Status: ADOPTED

Original Adopted Date: 03/01/2017 | Last Revised Date: ~~06/12/01/2023~~2024 | Last Reviewed Date: ~~06/12/01/2023~~2024

CSBA NOTE: The following policy may be revised to reflect district practice. State and federal law establish requirements for the identification, placement, and education of English learners.

Pursuant to Education Code 42238.02 and 42238.03, the local control funding formula provides additional funding based on the number and concentration of unduplicated counts of students who are English learners, foster youth, and/or eligible for free or reduced-price meals. Such funds must be used to increase or improve services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number or concentration of unduplicated students; see BP 3100 - Budget.

In addition, 20 USC 6801-7014 (Title III) provide grant funds that may be used to supplement, but not supplant, funding from other sources for the purpose of ensuring that English learners attain English proficiency and meet the same challenging academic standards that are applicable to all students. During the Federal Program Monitoring (FPM) process, California Department of Education (CDE) staff will expect to see evidence that the district has complied with state and federal requirements. See CDE's website for FPM compliance monitoring instruments.

For further information regarding English learners, programs, and services, see CDE's, "The California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners," (Roadmap) available on its website.

Pursuant to Education Code 361, as added by AB 2074 (Ch. 946, Statutes of 2024), CDE is required to develop a statewide implementation plan for the, "EL Roadmap Policy," which includes clear and measurable statewide goals of implementation, alignment with other state initiatives, guidance for districts, and a system for monitoring implementation of the plan.

The Governing Board intends to provide English learners with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitate student achievement in the district's regular course of study.

CSBA NOTE: Pursuant to Education Code 60811, the State Board of Education (SBE) adopted state academic content standards for English language development (ELD), and the English Language Arts/English Language Development Framework aligned with the California Common Core State Standards for English language arts, for students whose primary language is a language other than English. A supplementary resource, "Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning," specifies the correspondence of the state ELD standards to the California Common Core State Standards for mathematics and the Next

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

#### Generation Science Standards.

CDE's, "California Digital Learning Integration and Standards Guidance," available on its website, provides distance learning curriculum and instructional guidance for mathematics, English language arts, and English language development.

Additionally, CDE's, "Roadmap" encourages differentiated instruction and curriculum which are integrated across all subject areas and emphasizes inquiry-based learning and critical thinking skills.

English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level. Such instruction shall be based on sound instructional theory, be aligned with state content standards, emphasize inquiry-based learning and critical thinking skills, and be integrated across all subject areas.

CSBA NOTE: The following items are for use by districts that maintain middle and/or high schools and may be revised to reflect the grade levels offered by the district. Education Code 60811.8 prohibits districts from denying any student who is an English learner the opportunity to enroll in core curriculum courses, courses required for middle school promotion or high school graduation, courses required for college admission, or advanced courses, with specified exceptions for recently arrived immigrant ~~students~~children and youth as defined in 20 USC 7011. Pursuant to Education Code 60811.8, as amended by AB 714 (Ch. 342, Statutes of 2023), "newcomer student" has the same meaning as "immigrant children and youth." However, Education Code 60811.8 does not require districts to create supplemental courses in languages other than English.

No middle or high school student who is an English learner shall be denied enrollment in any of the following: (Education Code 60811.8)

1. Courses in the core curriculum areas of reading/language arts, mathematics, science, and history/social science, courses required to meet state and local high school graduation requirements, or courses required for middle school grade promotion

However, ~~an English learner who has been enrolled in a middle or high school in the United States for less than 12 months or~~ student who is enrolled a newcomer student or an immigrant child or youth, as defined in 20 USC 7011, or is a student participating in a program designed to develop the basic English skills~~meet the academic and transitional needs~~ of newly arrived immigrant newcomer students and that has as its primary objective the development of English language proficiency, may be denied ~~participation~~enrollment in any ~~such course,~~of the courses stated above if the course of study provided to the student is designed to remedy academic deficits incurred during participation and is reasonably calculated to enable the student to attain parity of participation in the standard instructional program within a reasonable length of time after the student enters the school system.

2. A full course load of courses specified in Item #1 above
3. Other courses that meet the "A-G" course requirements for college admission or are advanced courses such as honors or Advanced Placement courses, on the sole basis of the student's classification as an English learner

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: Education Code 52060 requires the district's local control and accountability plan (LCAP) to include annual goals and specific actions, aligned to state and local priorities, for all students and for each "numerically significant" student subgroup as defined in Education Code 52052, including English learners; see BP/AR 0460 - Local Control and Accountability Plan. CDE's, "Roadmap" provides an alignment between principles outlined for English learners and the eight state priority areas required in the district's LCAP.

Education Code 52052, as amended by SB 114 (Ch. 48, Statutes of 2023), has been expanded to include long-term English learners as a numerically significant subgroup, separate from English learners. Pursuant to Education Code 52052, as amended by SB 141 (Ch. 194, Statutes of 2023), a "long-term English learner" is defined as a student who has not attained English language proficiency within seven years of initial classification as an English learner.

The district shall identify in its local control and accountability plan (LCAP) goals and specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners: and long-term English learners, in accordance with Board Policy and Administrative Regulation 0460 – Local Control and Accountability Plan.

CSBA NOTE: The following paragraph may be revised to reflect district strategies for parent/guardian and community involvement. Education Code 305 requires the district to solicit input on language acquisition programs as part of the parent/guardian and community engagement process during the development of the LCAP; see ~~section on~~ "Language Acquisition Programs" below. In addition, if district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, Education Code 52063 requires the establishment of an English learner parent advisory committee Learner Parent Advisory Committee to review and comment on the district's LCAP; see the accompanying administrative regulation and BP 0460 - Local Control and Accountability Plan.

The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners. The Superintendent or designee may also provide an English development literacy training program for parents/guardians and community members so that they may better support students' English language development.

### **Staff Qualifications and Training**

CSBA NOTE: Commission on Teacher Credentialing's (CTC) leaflet CL-622, "Serving English Learners," and "Bilingual Authorization Educator Preparation Preconditions, Program Standards, and Bilingual Teaching Performance Expectations," describe requirements pertaining to the qualifications of teachers of English learners. A teacher who is assigned to provide English language development, specially designed academic instruction in English, and/or primary language instruction to English learners must hold an appropriate authorization from CTC; see AR 4112.22 - Staff Teaching English Learners.

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

CSBA NOTE: The following paragraph reflects a requirement for districts that receive federal Title III funds to improve the education of English learners, and is recommended for use by all districts.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

20 USC 6825 lists the required uses of such funds, including the provision of professional development of sufficient intensity and duration to have a positive and lasting impact on teachers' performance in the classroom. Pursuant to 20 USC 6825, such professional development must not include one-day or short-term workshops and conferences.

The district shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. Such professional development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom. (20 USC 6825)

CSBA NOTE: The following paragraph is optional. CDE's, "Roadmap," indicates the importance of a supportive and collaborative environment in order for teachers to effectively address the complex needs of English learners.

Staff development shall also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.

### Identification and Assessment

CSBA NOTE: CDE's, "Roadmap," emphasizes the importance of early identification of English learners, as early childhood is a crucial period of time for language development. Education Code 313 requires any district that has one or more students who are English learners to assess the English language proficiency of those students using the English Language Proficiency Assessments for California (ELPAC).

However, pursuant to Education Code 313, as amended by AB 2268 (Ch. 15, Statutes of 2024), students in transitional kindergarten (TK) are exempted from this assessment requirement. CDE's, "Interim Guidance on Transitional Kindergarten Students and English Language Proficiency Testing," provides that districts should continue to conduct the Home Language Survey during TK enrollment to identify whether the primary or native language of a student is a language other than English. Since there may be implications with other state and federal laws, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel, as necessary.

The ELPAC includes an initial test for identifying students who may be English learners and an annual summative assessment for determining English learners' level of English proficiency and progress in acquiring the skills of listening, speaking, reading, and writing in English. CDE also provides a home language survey to be used to identify students who should be tested for English proficiency. See the accompanying administrative regulation for further information about test administration, identification of English learners, and reclassification criteria.

The Superintendent or designee shall maintain procedures for the early identification of English learners and an assessment of ~~their~~ the proficiency of English learners at all grade levels, except transitional kindergarten, using the English Language Proficiency Assessments for California (ELPAC). To oversee test administration, the Superintendent or designee shall annually designate a

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

district ELPAC coordinator and a site coordinator for each test site in accordance with 5 CCR 11518.40-11518.45.

Once identified as an English learner, a student shall be annually assessed for language proficiency until the student is reclassified based on criteria specified in the accompanying administrative regulation.

CSBA NOTE: In addition to testing the level of English proficiency of English learners, districts are required, pursuant to Education Code 60640, to administer the California Assessment of Student Performance and Progress (CAASPP) to English learners; see BP/AR 6162.51 - State Academic Achievement Tests. As needed, English learners may be provided with the testing resources (i.e., **such as** universal tools, designated supports, and accommodations), specified in 5 CCR 853 during test administration.

CAASPP also includes the optional California Spanish Assessment for students in grades 3-8 and high school, which measures a student's competency in reading, writing, and listening in Spanish.

Pursuant to Education Code 60900.1, ~~as added by AB 1868 (Ch. 907, Statutes of 2022)~~, CDE is required to annually post on its website CAASPP test results by English language acquisition status and to report enrollment data by English language acquisition status and disability.

In addition, English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in accordance with 5 CCR 853. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR 853)

CSBA NOTE: The following paragraph is optional. CDE's, "Roadmap," highlights the importance of formative assessments in order to continually adapt methodologies and instruction to meet the needs of English learners.

Formative assessments may be utilized to analyze student performance and appropriately adapt teaching methodologies and instructions.

### **Language Acquisition Programs**

CSBA NOTE: Education Code 305-310 authorizes parents/guardians to select a language acquisition program that best suits their child. At a minimum, the district must offer a structured English immersion program. It also may offer a dual-language immersion program, transitional and developmental program for English learners, or other language acquisition program as defined in Education Code 306. Pursuant to 20 USC 6312 and 34 CFR 100.3, parents/guardians have a right to decline or opt their child out of a language acquisition program. The following section may be revised to reflect programs offered by the district. Also see the accompanying administrative regulation.

The district shall offer research-based language acquisition programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

on the state-adopted academic content standards, including the English language development standards. (Education Code 306; 5 CCR 11300)

At a minimum, the district shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. (Education Code 305-306; 5 CCR 11309)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. The Education Code does not define the term "nearly all" for purposes of ensuring that nearly all instruction in the structured English immersion program is provided in English pursuant to Education Code 306. The following paragraph defines "nearly all" as to provide that all classroom instruction be conducted in English except for clarification, explanation, and support as needed. The district could instead establish a minimum percentage of classroom instructional time to be conducted in English or specify the types of courses to be conducted in English and the courses (e.g., science, algebra) to be taught in the student's primary language.

For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, "nearly all" means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

CSBA NOTE: Items #1-2 below are optional and may be revised to reflect district practice.

In addition, language acquisition programs offered by the district may include, but are not limited to, the following: (Education Code 305-306)

1. A dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding
2. A transitional or developmental program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards

CSBA NOTE: The following paragraph is for use by districts that maintain any of grades K-3.

The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

In establishing the district's language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. The Superintendent or designee shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)

CSBA NOTE: Pursuant to 5 CCR 11311, districts are required to establish a process with specified components for schools to receive and respond to requests from parents/guardians of enrolled students, and those enrolled for attendance in the next school year, to establish a language acquisition program other than, or in addition to, those already available at the school.

See the section "Language Acquisition Programs" in the accompanying administrative regulation.

Whenever a student is identified as an English learner based on the results of the ELPAC, the student's parents/guardians may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310; 5 CCR 11311)

CSBA NOTE: The following paragraph is optional and may be deleted if the district does not offer a dual language immersion program.

~~Pursuant to Education Code 48345, as added by SB 941 (Ch. 711, Statutes of 2022), as an alternative to cancelling classes or seeking emergency credentials for teachers, the Governing Board is authorized, until July 1, 2029, to enter into an instruction collaboration agreement (ICA) with districts, county offices of education, or charter schools to offer courses and coursework to students who have been impacted by disruptions or cancellations to dual language immersion programs, or teacher shortages to such programs. See BP 5117— Interdistrict Attendance for more information on ICAs.~~

~~Until July 1, 2029, the Superintendent or designee may, with Board approval, and as specified in BP 5117— Interdistrict Attendance, enter into an instruction collaboration agreement (ICA) with another school district, county office of education, or charter school to offer the same or similar courses and coursework to students who have been impacted by teacher shortages, disruptions, or cancellations, or teacher shortages to dual language immersion programs. (Education Code 48345)~~

### **Reclassification/Redesignation**

When an English learner is has acquired a reasonable level of English proficiency, as determined based on state and district reclassification criteria ~~to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6~~, or upon the request ~~by~~of the student's parent/guardian of an English learner, the student shall be transferred from a language acquisition program into an English language mainstream classroom.

English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read, and write English well enough to receive instruction in an English language mainstream

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

classroom and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

CSBA NOTE: Education Code 313 and 52164.6, and 5 CCR 11303, require that the district's reclassification process include, at a minimum, the criteria specified in Items #1-4 below.

Additionally, during the FPM process CDE will review, as **mandatory** evidence of program implementation and compliance, if the district has a current adopted Board policy and/or administrative regulation(s) that describes the reclassification process.

SBE has approved the use of the Summative ELPAC Overall Performance Level (PL) 4 as the statewide standardized English language proficiency (ELP) criterion for reclassification. According to CDE's, "English Language Proficiency Assessments for California Information Guide," districts are required to use Overall PL 4 to determine whether a student has met the ELP assessment criterion, as reflected in Item #1 below. All other reclassification criteria, as provided in Items #2-4 below, remain locally determined.

Additional guidance and resources regarding reclassification criteria are available on CDE's website. The district may expand the following list to reflect any additional criteria it has established.

The criteria for determining whether an English learner shall be reclassified as fluent English proficient shall include, but not be limited to: (Education Code 313, 52164.6; 5 CCR 11303)

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELPAC

CSBA NOTE: CDE's "Observation Protocol for Teachers of English Learners (OPTTEL)," is a resource to support educators in monitoring and evaluating language use of English learner.

2. Evaluation by the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student, including, but not limited to, a review of the student's curriculum mastery and academic performance

3. Parent/guardian involvement, including:

- a. Notice to parents/guardians of language reclassification and placement, including a description of the reclassification process and the parent/guardian's opportunity to participate
- b. Encouragement of parent/guardian participation in the district's reclassification procedure, including seeking parent/guardian opinion and consultation during the reclassification process
- c. Provision of an interpreter for the parent/guardian, when necessary

CSBA NOTE: Pursuant to Education Code 313, Item #4 requires comparison of student performance on an objective assessment of basic skills that provides an empirically established range of performance of English proficient students of the same age. A letter

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

from CDE to district superintendents, "Updated Reclassification Guidance for 2018-19," dated January 18, 2019, clarifies that the Smarter Balanced Summative Assessment may be used as a local measure of the fourth criterion for grades 3-8 and 11, or districts may select another local assessment for all grade levels. CDE correspondence and resources, available on its website, provide examples of appropriate measures.

4. Comparison of student performance on an objective assessment of basic skills in English against an empirically established range of performance in basic skills, based on the performance of English proficient students of the same age, which demonstrates whether the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English

The student's language proficiency assessments, the participants in the reclassification process, and any decisions regarding reclassification shall be retained in the student's permanent record. (5 CCR 11305)

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

CSBA NOTE: Pursuant to 20 USC 6841, districts receiving federal Title III funding are required to report to CDE the number and percentage of English learners, including English learners with a disability, meeting state academic standards for each of four years after they are no longer receiving services under Title III. During the FPM process, CDE will review whether the district monitors the progress of reclassified students for a minimum of four years to ensure correct classification and placement of reclassified students and the provision of additional academic support as needed. A letter from CDE to district superintendents, "Monitoring Reclassified Students," dated December 20, 2019, describes the areas in which districts should monitor students to ensure academic progress of former English learner students.

Districts that do not receive Title III funding may revise the following paragraph to reflect district practice.

The Superintendent or designee shall monitor students for at least four years following their reclassification to ensure the students have not prematurely exited, any academic deficit incurred through participation in the English learner program has been remedied, and the students are meaningfully participating in the standard instructional program compared to students who had never participated in an English learner program. (5 CCR 11304; 20 USC 6841)

## **Program Evaluation**

CSBA NOTE: The following section may be revised to reflect indicators agreed upon by the Governing Board and Superintendent or designee for measuring the effectiveness of the district's educational program for English learners. Education Code 52061 requires that the annual update of the LCAP include a review of progress toward the goals included in the LCAP, an assessment of the effectiveness of the specific actions described in the LCAP toward achieving the goals, and a description of changes the district will make as a result of this review and assessment.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

Pursuant to Education Code 313.2, CDE is required to annually determine the number of students in each district and school who are, or are at risk of becoming, long-term English learners and to report that information to districts and schools. Definitions of "long-term English learner" and "English learner at risk of becoming a long-term English learner" are contained in Education Code 313.1.

The definition of "long-term English learner" in Education Code 313.1 is an English learner who is enrolled in any of grades 6 to 12; has been enrolled in schools in the United States for six years or more; has remained at the same English language proficiency level for two or more consecutive prior years, or has regressed to a lower English language proficiency level; and a student in any of grades 6 to 9 who has scored far below basic or below basic on the prior year's English language arts standards-based achievement test administered pursuant to Education Code 60640, or a score determined by the Superintendent of Public Instruction on any successor test. This definition differs from the definition of long-term English learner pursuant to Education Code 52052 for purposes of state and local priorities set forth in the LCAP.

20 USC 6311 requires the inclusion of a performance indicator on English language proficiency within the state accountability system under Title I.

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners as defined in ~~accordance with~~ Education Code 313.1
4. The achievement of English learners on standards-based tests in core curricular areas
5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309
6. Progress toward any other goals ~~for English learners~~ identified in the district's LCAP for English learners and long-term English learners as defined in Education Code 52052
7. A comparison of current data with data from at least the previous year in regard to Items #1-6 above
8. A comparison of data between the different language acquisition programs offered by the district

The Superintendent or designee shall also provide the Board with regular reports from any district or schoolwide English learner advisory committees.

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

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

Anything crossed out in black will be omitted if COD adopts and approves.  
Red font is additions to policy that will be adopted if COD approves.  
CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Regulation 6174: Education For English Learners

Status: ADOPTED

Original Adopted Date: 03/01/2017 | Last Revised Date: ~~06~~12/01/20232024 | Last Re viewed  
Date: ~~06~~12/01/20232024

### Definitions

*English learner* means a student who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant. (Education Code 306; 20 USC 7801)

*Designated English language development* means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development standards to assist English learners to develop critical English language skills necessary for academic content learning in English. (5 CCR 11300)

*Integrated English language development* means instruction in which the state-adopted English language development standards are used in tandem with the state-adopted academic content standards. Integrated English language development includes specially designed academic instruction in English. (5 CCR 11300)

CSBA NOTE: Education Code 52052, as amended by SB 114 (Ch. 48, Statutes of 2023), has been expanded to include long-term English learners as a numerically significant subgroup, separate from English learners. Pursuant to Education Code 52052, as amended by SB 141 (Ch. 194, Statutes of 2023), a "long-term English learner" is defined as a student who has not attained English language proficiency within seven years of initial classification as an English learner. This definition differs from the definition in Educate Code 313.1 and used for the evaluation of English learner programs

Long-term English learner means:

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

1. For the purpose of setting the local control and accountability plan (LCAP) priorities, a student who has not attained English language proficiency within seven years of initial classification as an English learner (Education Code 52052)
  
2. For the purpose of English language proficiency assessment, an English learner in grades 6-12 who has been enrolled in school in the United States for six years or more and who either: (Education Code 313.1)
  - a. Has remained at the same English language proficiency level for two or more consecutive years, or has regressed to a lower proficiency level; or
  
  - b. Is a student in grades 6-9 who has scored far below basic or below basic on the prior year's English language arts standards-based achievement test, or a score determined by the Superintendent of Public Instruction on any successor test

*Native speaker of English* means a student who has learned and used English at home from early childhood and English has been the primary means of concept formation and communication. (Education Code 306)

### **Identification and Assessments**

CSBA NOTE: Education Code 52164.1 and 5 CCR 11307 require the district to administer a home language survey to all enrolled students. A sample home language survey form in English and Spanish is available on the California Department of Education's (CDE) website.

Upon enrollment in the district, each student's primary language shall be determined through the use of a home language survey. (Education Code 52164.1; 5 CCR 11307, 11518.5)

CSBA NOTE: When the home language survey indicates that a student's proficiency in English should be tested, Education Code 313 requires the district to administer a state assessment of English language proficiency. The English Language Proficiency Assessments for California (ELPAC) are used for initial identification of language proficiency and subsequently for annual assessment of language proficiency.

Although, pursuant to Education Code 313, as amended by AB 2268 (Ch. 15, Statutes of 2024), transitional kindergarten (TK) students are exempted from this assessment requirement, CDE's "Interim Guidance on Transitional Kindergarten Students and English Language Proficiency Testing," recommends that districts continue to conduct the Home Language Survey during TK enrollment to identify whether the primary or native language of a student is a language other than English.

Since there may be implications with other state and federal laws, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel, as necessary.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

Any student in kindergarten or grades 1-12, not including transitional kindergarten, who is identified as having a primary language other than English, as determined by the home language survey, and who has not previously been identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be initially assessed for English proficiency using the English Language Proficiency Assessments for California (ELPAC). Prior to administering the ELPAC, the Superintendent or designee shall notify the student's parent/guardian in writing that the student will be administered the initial ELPAC. (Education Code 313, 52164.1; 5 CCR 11518.5)

CSBA NOTE: Pursuant to 5 CCR 11518.25, the district is required to provide English learners with disabilities with the designated supports and accommodations in accordance with the student's individualized education program or Section 504 plan.

The Individuals with Disabilities in Education Act (20 USC 1412) requires that students with disabilities be included in all state assessments, including the ELPAC as appropriate. Pursuant to 5 CCR 11518.30, students with the most significant cognitive disabilities who cannot participate in the assessment, even with appropriate accommodations, must be given an alternate assessment of English proficiency.

Pursuant to Education Code 56305, CDE has developed a manual, "California Practitioners' Guide for Educating English Learners with Disabilities," which provides guidance on identifying, assessing, supporting, and reclassifying English learners with disabilities.

Administration of the ELPAC, including the use of variations and accommodations in test administration when authorized, shall be conducted in accordance with test publisher instructions and 5 CCR 11518.5-11518.37.

CSBA NOTE: The remainder of this section specifies notifications that must be sent to parents/guardians regarding assessment results and available programs for English learners. CDE has developed sample notification letters, available on its website in multiple translations, to notify parents/guardians of the initial identification of a student as an English learner or as initially fluent English proficient and to notify them of the results of an annual assessment.

Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to their parents/guardians must be written in English and in the primary language and may be answered by the parent/guardian in either language.

Based on the initial assessment, the student shall be classified either as ~~initially fluent~~ in Initial Fluent English ~~proficient~~ Proficient or as an English learner. The Superintendent or designee shall notify the student's parent/guardian, in writing, of the results of the ELPAC initial assessment within 30 calendar days after the student's date of initial enrollment, or, if administered prior to the student's initial date of enrollment, up to 60 calendar days prior to such enrollment, but not before July 1 of the school year of the student's initial enrollment. The notice shall indicate whether the

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

student met the ELPAC initial assessment criterion for proficiency and include the district's contact information for use if the parent/guardian has questions or concerns regarding the student's classification. (5 CCR 11518.5)

CSBA NOTE: The Summative ELPAC is annually administered to students who have been previously identified as English learners based on initial ELPAC results, and is used to measure progress toward English language proficiency, to inform English learner programs and services, and to help determine if a student is ready to be reclassified. Education Code 313 provides that the summative ELPAC be conducted annually during a four-month period after January 1 as determined by the Superintendent of Public Instruction (SPI) with the approval of the State Board of Education. (SBE). CDE's, "English Language Proficiency Assessments for California Information Guide," and the "Summative English Language Proficiency Assessments for California, Assessment Fact Sheet," clarify that the Summative ELPAC administration window is open from February 1 through May 31. The following paragraph is consistent with both Education Code 313 and CDE's guidance.

Each year after a student is identified as an English learner and until the student is redesignated as English proficient, the summative assessment of the ELPAC shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)

The Superintendent or designee shall notify parents/guardians of their child's results on the summative assessment of the ELPAC within 30 calendar days following receipt of the results from the test contractor or, if the results are received from the test contractor after the last day of instruction for the school year, within 15 working days of the start of the next school year. (Education Code 52164.1; 5 CCR 11518.15)

CSBA NOTE: The following paragraph is for use by districts that receive federal funds under either Title I or Title III for services to English learners, and may be adapted for use by other districts. Pursuant to Education Code 440 and 20 USC 6312, districts receiving Title I or Title III funds are required to provide parents/guardians with notification of their child's identification as an English learner and placement in a language acquisition program.

The parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title I or Title III funds shall receive notification of the assessment of the student's English proficiency. Such notice shall be provided no later than 30 calendar days after the beginning of the school year or, if the student is identified for program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following: (Education Code 313.2, 440; 20 USC 6312)

1. The reason for the identification of the student as an English learner and the need for placement in a language acquisition program
2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

3. A description of the language acquisition program in which the student is, or will be, participating, including a description of all of the following:
  - a. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction
  - b. The manner in which the program will meet the educational strengths and needs of the student
  - c. The manner in which the program will help the student develop English proficiency and meet age-appropriate academic standards for grade promotion and graduation
  - d. The specific exit requirements for the program, the expected rate of transition from the program into classes not tailored for English learners, and the expected rate of graduation from secondary school if applicable
  - e. When the student has been identified for special education, the manner in which the program meets the requirements of the student's ~~IEP~~individualized education program

CSBA NOTE: Education Code 313.2 requires that the notice contain information in regard to (1) whether the student is a long-term English learner, or English learner at risk of becoming a long-term English learner, and (2) the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help them develop English proficiency and achieve academic standards. Districts may send an alternate notice if the definitions of long-term English learners and those at risk of becoming long-term English learners used by the district are broader than those defined in Education Code 313.1, the notice states that the definitions utilized by the district are broader, and the notice contains the information specified in Item #4 below.

The definition of "long-term English learner" in Education Code 313.1 is an English learner who is enrolled in any of grades 6-12; has been enrolled in schools in the United States for six years or more; has remained at the same English language proficiency level for two or more consecutive prior years, or has regressed to a lower English language proficiency level; and a student in any of grades 6-9 who has scored far below basic or below basic on the prior year's English language arts standards-based achievement test administered pursuant to Education Code 60640, or a score determined by the SPI on any successor test. This definition differs from the definition of long-term English learner pursuant to Education Code 52052 for purposes of state and local priorities set forth in the local control and accountability plan (LCAP).

4. As applicable, the identification of a student as a long-term English learner or at risk of becoming a long-term English learner, as defined in Education Code 313.1, and the manner in which the program for English language development instruction will meet the

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

educational strengths and needs of such students and help such students develop English proficiency and meet age-appropriate academic standards

5. Information about the parent/guardian's right to have the student immediately removed from a program upon the parent/guardian's request
6. Information regarding a parent/guardian's option to decline to enroll the student in the program or to choose another program or method of instruction, if available
7. Information designed to assist a parent/guardian in selecting among available programs, if more than one program or method is offered

### Language Acquisition Programs

CSBA NOTE: Pursuant to 5 CCR 11311, districts are required to establish a process for schools to receive and respond to requests from parents/guardians of enrolled students, and those enrolled for attendance in the next school year, to establish a language acquisition program other than, or in addition to, those already available at the school. Each school is required to follow the process even when the district provides the language acquisition program at another school site. The following section includes the components of the process required by 5 CCR 11311 and may be expanded to reflect district practice.

Whenever parents/guardians of enrolled students, and those enrolled for attendance in the next school year, request that the district establish a specific language acquisition program in accordance with Education Code 310, such requests shall be addressed through the following process: (5 CCR 11311)

1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and student making the request, a general description of the request, and the student's grade level on the date of the request. ~~As needed, the school shall assist the parent/guardian in clarifying the request.~~ All requests shall be maintained for at least three years from the date of the request.

~~As needed, the school shall assist the parent/guardian in clarifying the request.~~

All requests shall be maintained for at least three years from the date of the request in accordance with Board Policy 3580 – District Records.

2. The school shall monitor requests on a regular basis and notify the Superintendent or designee when the parents/guardians of at least 30 students enrolled in the school, or at least 20 students in the same grade level, request the same or a substantially similar type of language acquisition program.

\_\_\_\_\_ If the requests are for a multilingual program model, the district shall consider requests from parents/guardians of students enrolled in the school who are native English speakers in determining whether this threshold is reached.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

3. If the number of parents/guardians described in Item #2 is attained, the Superintendent or designee shall:
  - a. Within 10 days of reaching the threshold, notify the parents/guardians of students attending the school, the school's teachers, administrators, and the district's English learner-parent advisory committee ~~learner-parent advisory committee~~ Learner Parent Advisory Committee and parent advisory committee, in writing, of the requests for a language acquisition program
  - b. Identify costs and resources necessary to implement any new language acquisition program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent/guardian and community engagement to support the proposed program goals
  - c. Within 60 calendar days of reaching the threshold number of parents/guardians described in Item #2 above, determine whether it is possible to implement the requested language acquisition program and provide written notice of the determination to parents/guardians of students attending the school, the school's teachers, and administrators
- d.        If a determination is made to implement the language acquisition program, create and publish a reasonable timeline of actions necessary to implement the program. If a determination is made that it is not possible to implement the program, provide a written explanation of the reason(s) the program cannot be provided. The district shall notify parents/guardians at the beginning of each school year or upon the student's enrollment regarding the process to request a language acquisition program, including a dual-language immersion program, for their child. The notice shall also include the following: (5 CCR 11309, 11310)
  1. A description of the programs provided, including structured English immersion
  2. Identification of any language to be taught in addition to English when the program includes instruction in a language other than English
  3. The manner in which the program is designed using evidence-based research and includes both designated and integrated English language development
  4. The manner in which the district has allocated sufficient resources to effectively implement the program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals
  5. The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language
  6. The process to request establishment of a language acquisition program not offered at the school
  7. For any dual-language immersion program offered, the specific languages to be taught.-

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

       The notice also may include the program goals, methodology used, and evidence of the proposed program's effectiveness.

The district shall provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers and academic deficits in other areas of the core curriculum. (5-CCR-11302)

### **Reclassification/Redesignation**

English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read, and write English well enough to receive instruction in an English language mainstream classroom and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

CSBA NOTE: Education Code 313 and 52164.6 and 5 CCR 11303 require that the district's reclassification process include, at a minimum, the criteria specified in Items #1-4 below.

In 2019, SBE approved the standardization of criterion used to make decisions about reclassifying English learners and approved the use of the Summative ELPAC Overall Performance Level (PL) 4 as the statewide standardized English language proficiency (ELP) criterion for reclassification. According to CDE's, "English Language Proficiency Assessments for California Information Guide," districts are required to use Overall PL 4 to determine whether a student has met the ELP assessment criterion, as reflected in Item #1 below. All other reclassification criteria, as provided in Items #2-4 below, remain locally determined.

Additional guidance and resources regarding reclassification criteria are available on CDE's website. The district may expand the following list to reflect any additional criteria it has established.

The criteria for determining whether an English learner shall be reclassified as fluent English proficient shall include, but not be limited to: (Education Code 313, 52164.6; 5 CCR 11303)

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELPAC

CSBA NOTE: Pursuant to Education Code 313.3, as amended by AB 181 (Ch. 52, Statutes of 2022), the date by which CDE is required to develop a standardized teacher observation protocol for use in evaluating a student's English language proficiency, as required by Item #2 below, as well as professional development tools to train teachers on the use of the protocol has been extended to December 31, 2023. CDE is currently developing the, "Observation Protocol for Teachers of English Learners (OPTTEL)," a resource to support educators in monitoring and evaluating language use of English learner students.

2. Evaluation by the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student, including, but not

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

~~limited to, a review of the student's curriculum mastery and academic performance~~

3.—~~Parent/guardian involvement, including:~~

- ~~a.—Notice to parents/guardians of language reclassification and placement, including a description of the reclassification process and the parent/guardian's opportunity to participate~~
- ~~b.—Encouragement of parent/guardian participation in the district's reclassification procedure, including seeking parent/guardian opinion and consultation during the reclassification process~~
- ~~c.—Provision of an interpreter for the parent/guardian, when necessary~~

CSBA NOTE: Pursuant to Education Code 313, Item #4 requires comparison of student performance on an objective assessment of basic skills that provides an empirically established range of performance of English proficient students of the same age. A letter from CDE to district superintendents, "Updated Reclassification Guidance for 2018-19," dated January 18, 2019, clarifies that the Smarter Balanced Summative Assessment may be used as a local measure of the fourth criterion for grades 3-8 and 11, or districts may select another local assessment for all grade levels. CDE correspondence and resources, available on its website, provide examples of appropriate measures.

- 4.—~~Comparison of student performance on an objective assessment of basic skills in English against an empirically established range of performance in basic skills, based on the performance of English proficient students of the same age, which demonstrates whether the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English~~

~~The student's language proficiency assessments, the participants in the reclassification process, and any decisions regarding reclassification shall be retained in the student's permanent record. (5 CCR 11305)~~

~~The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)~~

CSBA NOTE: Pursuant to 20 USC 6841, districts receiving federal Title III funding are required to report to CDE the number and percentage of English learners, including English learners with a disability, meeting state academic standards for each of four years after they are no longer receiving services under Title III. In the Federal Program Monitoring process, CDE reviews whether the district monitors the progress of reclassified students for a minimum of four years to ensure correct classification and placement of reclassified students and the provision of additional academic support as needed. A letter from CDE to district superintendents, "Monitoring Reclassified Students," dated December 20, 2019, describes the areas in which districts should monitor students to ensure academic progress of former English learner students.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

Districts that do not receive Title III funding may revise the following paragraph to reflect district practice:

~~The Superintendent or designee shall monitor students for at least four years following their reclassification to ensure the students have not prematurely exited, any academic deficit incurred through participation in the English learner program has been remedied, and the students are meaningfully participating in the standard instructional program compared to students who had never participated in an English learner program. (5 CCR 11304; 20 USC 6841~~(5 CCR 11302)

## Advisory Committees

CSBA NOTE: The following section should be revised to reflect district practice. Pursuant to 5 CCR 11308, an advisory committee on programs and services for English learners is required for any district with over 50 English learners and for each school with over 20 English learners. Duties of the advisory committees are specified in Education Code 52176 and 5 CCR 11308.

A school-level English Learner Advisory Committee (ELAC) shall be established when there are more than 20 English learners at the school. Parents/guardians of English learners, elected by parents/guardians of English learners at the school, shall constitute committee membership in at least the same percentage as English learners represent of the total number of students in the school. The school may designate for this purpose an existing school-level advisory committee provided that it meets these criteria for committee membership. (Education Code 52176; 5 CCR 11308)

The ELAC shall be responsible for assisting in the development of a schoolwide needs assessment, recommending ways to make parents/guardians aware of the importance of regular school attendance, and advising the principal and school staff in the development of a detailed master plan for English learners for the individual school and submitting the plan to the Governing Board for consideration for inclusion in the district master plan. (Education Code 52176)

CSBA NOTE: Pursuant to 5 CCR 11308, each school-level English Learning Advisory Committee (ELAC) is entitled to elect at least one member to the District English Learner Advisory Committee (DELAC). If there are more than 30 ELACs in the district, the district may use a system of proportional or regional representation. The following paragraph may be revised to reflect district practice.

When the district has more than 50 English learners, the Superintendent or designee shall establish a District English Learner Advisory Committee (DELAC), the majority of whose membership shall be composed of parents/guardians of English learners who are not employed by the district. Alternatively, the district may use a subcommittee of an existing districtwide advisory committee on which parents/guardians of English learners have membership in at least the same percentage as English learners represent of the total number of students in the district. (Education Code 52176)

CSBA NOTE: 5 CCR 11308 delineates the duties of the DELAC, as provided below. The list of DELAC duties on CDE's website omits Item #5, administration of the annual language census.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

During the federal program monitoring process, CDE will review that the district has a policy in accordance with SBE's, "English Learner Roadmap Policy," that requires the DELAC to advise the Governing Board on the development of a district master plan.

The DELAC shall advise the Board on at least the following tasks: (5 CCR 11308)

1. Developing a district master plan, including policy(ies), for education programs and services for English learners, taking into consideration the school site plans for English learners
2. Conducting a districtwide needs assessment on a school-by-school basis
3. Establishing a district program, goals, and objectives for programs and services for English learners
4. Developing a plan to ensure compliance with applicable teacher or instructional aide requirements
5. Administering the annual language census
6. Reviewing and commenting on the district's reclassification procedures
7. Reviewing and commenting on the required written parental notifications

In order to assist the advisory committee in carrying out its responsibilities, the Superintendent or designee shall ensure that DELAC and ELAC committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

### Local Control and Accountability Plan (LCAP) Advisory Committee

CSBA NOTE: The following section is applicable if the district's student enrollment includes at least 15 percent English learners, with at least 50 students who are English learners. Education Code 52063 requires that such districts establish an English learner ~~parent advisory committee~~ Learner Parent Advisory Committee to review and comment on the district's ~~local control and accountability plan~~ LCAP; see BP 0460 - Local Control and Accountability Plan. 5 CCR 15495 requires this committee to include a majority of parents/guardians of English learners. ~~The English learner parent advisory committee is not required after July 1, 2024.~~

When there are at least 15 percent English learners in the district, with at least 50 students who are English learners, a district-level English learner ~~parent advisory committee~~ Learner Parent Advisory Committee shall be established to review and comment on the district's ~~local control and accountability plan (LCAP)~~. Such advisory committee shall provide input regarding the district's existing language acquisition programs and language programs, and, where possible, the establishment of other such programs, in accordance with ~~BP~~ Board Policy 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. If the DELAC acts as the ELAC pursuant to Education Code 52063 and 52062, the DELAC shall also review and comment on the development or annual update of the LCAP. (Education Code 52062, 52063; 5 CCR 11301, 15495)

The DELAC may also serve as the LCAP English learner ~~advisory committee~~ ELAC, as specified in Board Policy 0460 – Local Control and Accountability Plan.

### **Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Bylaw 9240: Board Training

Status: ADOPTED

Original Adopted Date: 12/01/1987 | Last Revised Date: 12/01/2016~~2024~~ | Last Revised Date: 12/01/2016~~2024~~

CSBA NOTE: The following optional bylaw may be revised to reflect district practice.

CSBA's Professional Governance Standards include expectations that each individual Governing Board member will participate in professional development and commit the time and energy necessary to be an informed and effective leader. See CSBA's ~~web-site~~[website](#) for education opportunities available through CSBA, including, but not limited to, CSBA's~~the~~ Institute for New and First-Term Board Members, Masters in Governance ~~program~~[Program](#), Annual Education Conference and Trade Show, Legal Symposium for Experienced Board Members, Board Presidents Workshop, Brown Act Workshop, ~~Back to School Webcast~~,[Policy Update Webinars](#), and [Ethics Trainings](#), as well as other workshops and webinars on specific topics, and in-district governance consulting services.

The Governing Board believes that the Board's ability to effectively and responsibly govern the district is essential to promoting student achievement, building positive community relations, and protecting the public interest in district schools. Board members shall be provided sufficient [participate in mandatory ethics training, as outlined below, and are encouraged to participate in ongoing](#) opportunities for professional development ~~that helps~~[sufficient to help](#) them understand their responsibilities, stay abreast of new developments in education, and develop ~~boardsmanship~~[improve governance](#) skills.

[CSBA NOTE: Government Code 53234-53235.2 requires a Board member, except for a member whose term of office ends before January 1, 2026, to receive specified training in ethics by January 1, 2026, and at least once every two years thereafter, and for the district to maintain records of such training. Additionally, Government Code 53235, as amended by AB 2631 \(Ch. 201, Statutes of 2024\), requires the Fair Political Practices Commission, in consultation with the Attorney General, to create, maintain, and make an ethics training course available to local agency officials, including Board members.](#)

[Unless a Board member's term expires prior to January 1, 2026, each Board member shall complete ethics training in accordance with Government Code 53234-53235.2 by January 1, 2026, and at least once every two years thereafter. \(Government Code 53235\)](#)

[Once completed, the Board member shall inform the Board president and Superintendent, who shall ensure that records are retained for each Board member's participation in the required ethics training.](#)

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

The Board president and/or the Superintendent or designee shall provide an orientation to newly elected or appointed Board members ~~which includes comprehensive information regarding Board roles, policies, and procedures and the district's vision and goals, operations, and current challenges.~~ Throughout their first term, Board members shall continue to participate in additional educational opportunities designed to assist them consistent with Board Bylaw 9230 - Orientation.

The Board president shall work with the Superintendent or designee to include funds for professional development and associated reasonable travel expenses for the Board as a whole and for each individual Board member in the district's proposed annual budget.

Consistent with the availability of funds in the district's adopted annual budget, the Board president or designee shall annually develop, and bring to the Board for adoption at a Board meeting, a Board professional development calendar designed to assist the Board as a whole in understanding the principles of effective governance, including, but not limited to, information on school finance and budgets, student achievement and assessment, labor relations, community relations, program evaluation, open meeting laws (the Brown Act), conflict of interest laws, and other topics necessary to govern effectively and in compliance with law.

~~All Board members are encouraged to continuously participate in advanced training offered by the California School Boards Association in order to reinforce boardsmanship skills and build knowledge related to key education issues. Such activities may include online courses, webinars, webcasts, and in-person attendance at workshops and conferences. In addition, workshops and consultations may be held within the district on issues that involve the entire governance team.~~

CSBA NOTE: CSBA recommends that board training and travel expenses be budgeted as separate items. While training is essential to maintain an effective, well-informed Board, travel expenses are incurred for a variety of reasons.

~~It is also recommended that the Board determine the manner in which board training activities that require the use of district funds will be selected or approved. Districts may allocate funds equally to each Board member and allow each member discretion to select activities that meet his/her needs, or may require that all activities or activities over a specified cost be approved by the full Board. The following paragraph may be revised to reflect district practice.~~

CSBA NOTE: The following paragraph permits individual Board members to identify and participate in additional professional development opportunities, with the only condition that there are funds available in the district's adopted annual budget for such purpose. It may be revised to reflect district practice.

~~Funds for board training shall be budgeted annually for the Board and each Board member. In selecting appropriate activities, the Board and/or individual Board members shall consider activities that are aligned with the district's vision and goals and the needs of the Board or individual member to obtain specific knowledge and skills. The Board shall annually develop a board training calendar~~

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

~~in order to schedule and track board training activities and to schedule opportunities for Board members to report on the activities in which they participated.~~

Consistent with the availability of funds in the district's adopted annual budget, individual Board members may identify and participate in additional professional development opportunities, and shall timely inform the Board president and the Superintendent upon doing so. Additionally, the Superintendent or designee shall establish timelines and procedures for how an individual Board member shall request that the district pay for such professional development opportunities, whether in advance or by reimbursement.

Board members are encouraged to consider participating in the professional development opportunities offered by CSBA such as the Institute for New and First-Term Board Members, Masters in Governance Program, Annual Education Conference and Trade Show, Legal Symposium for Experienced Board Members, Board Presidents Workshop, Brown Act Workshop, Policy Update Webinars, and Ethics Trainings.

Individual Board members are encouraged to share the knowledge or skills acquired from individual professional development opportunities with the full Board, thereby benefiting the Board and district.

CSBA NOTE: Pursuant to Government Code 54952.2, a "meeting" subject to Brown Act requirements does not include the attendance of a majority of the Board's members at a conference or similar public gathering, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the Board. Also see BB 9320 - Meetings and Notices.

Consistent with Board Bylaw 9320 - Meetings And Notices, Board members may attend a professional development opportunity as part of a conference or similar public gathering with other Board members and/or with the Superintendent or designee in order to develop common knowledge and understanding of an issue or engage in team building exercises. In such cases, as the Annual Education Conference and Trade Show hosted by CSBA, so long as a majority of the Board members shall do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the district's jurisdiction, so as not to violate the Brown Act open meeting laws pursuant to Government Code 54952.2.

~~Board members shall report to the Board, orally or in writing, on the board training activities they attend, for the purpose of sharing the acquired knowledge or skills with the full Board and enlarging the benefit of the activity to the Board and district.~~

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

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

## CSBA Sample District Policy Manual CSBA Sample Manual Site

### Bylaw 9270: Conflict Of Interest

Status: ADOPTED

Original Adopted Date: 07/01/2010 | Last Revised Date: 03/12/01/2023/2024 | Last Reviewed

Date: 03/12/01/2023/2024

~~CSBA NOTE: The determination as to whether a conflict of interest exists must be analyzed under two separate sets of statutes:~~ CSBA NOTE: Pursuant to Government Code 87300, the Governing Board is **mandated** to adopt a conflict of interest code, as specified in "Conflict of Interest Code" below. Additionally, pursuant to Government Code 1126, the Board is **mandated** to adopt policy regarding incompatible offices and activities, as specified in "Incompatible Offices and Activities" below.

Determining whether a conflict of interest exists requires an analysis under (1) the conflict of interest provisions of the Political Reform Act (PRA) (Government Code 87100-87505), detailed in the section below entitled as specified in "Conflict of Interest under the Political Reform Act," and (2) Government Code 1090-1098, detailed in the section below entitled as specified in "Conflict of Interest under Government Code 1090 - Financial Interest in a Contract." ~~Even when a conflict does not exist pursuant to those statutes, a violation might still occur under,~~ and (3) the common law doctrine against conflict of interest; see the section below entitled, as specified in "Common Law Doctrine Against Conflict of Interest."

~~Because the~~ below. Additionally, different conflict of interest law provisions apply to different officials and definitions are quite complex positions. Therefore, it is strongly recommended that districts consult with CSBA's District and County Office of Education Legal Services or district legal counsel, and staff from the Fair Political Practices Commission (FPPC), as soon as a potential conflict is presented identified.

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. Accordingly, no "District Official," defined as a Board member, district employee, or other person in a position designated position in the district's conflict of interest code, shall participate in the making of any decision for the district when the decision will or may be affected by the Board member's, district employee's, or other designated persons District Official's financial, family, or other personal interest or consideration.

Even if a prohibited conflict of interest does not exist, as defined by law.

Additionally, a Board member shall abstain from voting on personnel matters that uniquely affect the Board member's relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which the Board member's relative belongs. Relative means an adult who is related to the Board member by blood or affinity

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

CSBA NOTE: The following paragraph reflects the common law definition of "relative within the third degree."

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner, unless the individual is widowed or divorced.

### Conflict of Interest Code

CSBA NOTE: The Governing Board is required to adopt a conflict of interest code in compliance with Government Code 87300-87313. ~~Board members and employees designated in the district's conflict of interest code are required by Government Code 87500 to annually file a Statement of Economic Interest/Form 700 to disclose any assets and income which may be materially affected by official actions.~~ Pursuant to Government Code 87303, the district's conflict of interest code is required to Under the PRA, there are two separate categories of Form 700 disclosure requirements. For the first category pursuant to Government Code 87302, which is applicable to most school districts, the disclosure requirements are determined by the district and set forth in the district's conflict of interest code. The second category, pursuant to Government Code 87200, is only applicable to Board members and designated employees who "manage public investments"; see section below entitled "Additional Requirements for Boards that Manage Public Investments." Those Board members and designated employees, referred to by the FPPC as Government Code 87200/Article 2 filers, must file broader disclosure statements pursuant to the disclosure requirements specified in law and FPPC regulation.

Pursuant to Government Code 87303, the district's conflict of interest code must be approved by the appropriate code reviewing body. For districts located entirely in one county, the code reviewing body is the board of supervisors of the county in which the district is located. The FPPC is the code reviewing body for those school districts located in more than one county.

Pursuant to 2 CCR 18730, the requirements of the Government Code are satisfied if a district adopts a conflict of interest code that incorporates 2 CCR 18730 by reference, along with a list of designated positions District Officials and disclosure categories. The accompanying exhibit (E-9270) contains a sample resolution that includes an appendix with designated positions District Officials and disclosure categories which, once adopted by the Board, will comprise the terms of the district's conflict of interest code that should be submitted to the code reviewing body.

The Board shall adopt for the district a conflict of interest code for the district that incorporates the provisions of 2 CCR 18730 by reference, ~~specifies~~ delineates the district's designated positions District Officials, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the district's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. (~~Government Code 87303~~)

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

Upon direction by the code reviewing body, the Board shall review ~~the district's~~ sits conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new ~~designated positions,~~ District Officials or changes to the duties assigned to existing positions, amendments, or revisions of District Officials, the amended ~~code~~ Board shall amend the code, which shall then be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (~~Government Code 87311~~)

~~Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office or district employment. (Government Code 87302, 87302.6) (Government Code 87311)~~

### **Conflict of Interest under the Political Reform Act**

CSBA NOTE: The FPPC has adopted an eight-step analysis, detailed in Government Code 87100-87500, 2 CCR 18700-18755 18707, and interpretive opinions, to determine whether a conflict of interest exists under the PRA: for a District Official. When such a conflict exists, the affected ~~district official must~~ individual with a conflict is required to disclose the interest and not participate in the decision, as specified below. Because Family Code 297.5 grants a registered domestic partner the same rights, protections, and benefits as a spouse under state law, analysis of a conflict of interest with regards regard to a Board member's spouse is also applicable to a registered domestic partner.

~~A district official, including a Board member, designated employee, or other person in a designated position~~ A District Official shall not make, participate in making, or in any way use or attempt to use an official position to influence a governmental decision in which the ~~district official~~ District Official knows or has reason to know that there is a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the ~~district official,~~ the ~~district official's~~ District Official's immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18707)

~~A district official~~ District Official makes a governmental decision when, acting within the authority of the office or position, the ~~district official~~ District Official authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before ~~another district~~

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

~~official~~other District Officials for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

CSBA NOTE: 2 CCR 18705 permits a ~~Board member~~District Official who is financially interested in a contract to participate in making a decision on the contract if (1) the ~~Board member~~District Official discloses the existence of the conflict and describes with particularity the nature of the financial interest in the contract; (2) gives a summary description of the circumstances under which the ~~Board member~~District Official believes the conflict may arise; and (3) either the ~~Board member~~, District Official, or another ~~Board member~~, or a district employee District Official, discloses the legal basis for concluding that no alternative source of decision exists for the district. In general, this rule will permit a district to acquire an essential supply or service. CSBA strongly recommends that CSBA's District and County Office of Education Legal Services or district legal counsel be consulted when situations arise involving the rule of necessity, as strict compliance is required.

However, a district official shall participate District Official is not prohibited from participating in the making of a contract in which the ~~district official~~District Official has a financial interest if such participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

### Conflict of Interest from Campaign Contributions

CSBA NOTE: Pursuant to Government Code 84308, as amended by SB 1439 1181 (Ch. 848 785, Statutes of 2022), ~~elected district officers, such as Board members,~~2024 and "agency heads", which likely include Superintendents, are prohibited from participating in decisions involving parties who have provided campaign contributions SB 1243 (Ch. 1017, Statutes of more than \$250 in the prior 12 months to the officer's campaign committee. Such officers are also prohibited from 2024, imposes specified disclosure requirements and restrictions on accepting, soliciting, or directing campaign contributions of more than \$250 500 by board members and superintendents from a party or participant who has a financial interest in a ~~Board~~to a proceeding before the district involving a contract, license, permit, or other entitlement for use, as defined, or from an agent of such a party or participant, with limited statutory exceptions. Some disclosure requirements and restrictions apply before the district's decision; to any campaign committee on the proceeding is made, some apply while the decision is pending, and for 12 months some apply after the decision is made. These provisions do not apply to labor contracts, competitively bid contracts, and personal employment contracts has been made.

To avoid improper influence over Prior to the Board's decision-making involving the issuance of a license, permit, or other entitlements for use, including a contract, district officers, which includes Board members or agency heads, shall comply with Government Code 84308, including the following: (Government Code 84308) A district officer is prohibited from accepting, soliciting, or directing rendering a contribution of more than \$250 from any party or participant to decision in a proceeding before the district involving a contract, license, permit, or other entitlement for use, including as defined by Government Code 84308, a contract, or from that person's agent, while the proceeding is pending before the Board and for 12 months following the date a final decision is rendered in the proceeding, if the Board member knows or has reason to know that the party or participant has a financial interest in the Board's decision.

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

2. ~~Any district officer who~~ whose campaign committee received a contribution of more than ~~\$250~~500 from any party or participant to the proceeding, or from an agent of such a party or participant, in the ~~preceding~~prior 12 months, and the party who made such a contribution, shall both publicly disclose that fact on the record of the proceeding ~~prior to the Board rendering a decision in the proceeding.~~ Additionally, if a Board member willfully or knowingly received ~~the contribution~~a contribution to the Board member's campaign committee of more than \$500 from any party or participant to such a proceeding, or from an agent of a party or participant, in the prior 12 months, and knows or has reason to know that the participant has a financial interest in the ~~Board's~~district's decision, the ~~district officer~~Board member shall not make, participate in making, or in any way attempt to use the Board member's official position to influence the ~~Board's~~district's decision.
3. ~~A district officer who receives~~ in the proceeding. However, a contribution that would otherwise require disqualification as described in Item #2 above Board member may make, participate in making, or attempt to use the ~~preceding~~Board member's official position to influence the decision if the contribution is returned within 30 days ~~from~~after the ~~time~~decision was made or after the ~~district officer~~Board member knows or should have known about the contribution and the proceeding.
4. ~~A district officer who unknowingly accepts, solicits, or directs a contribution of more than \$250 during the 12 months after the date of the Board's final,~~ whichever is later.

All Board members and the Superintendent are prohibited from accepting, soliciting, or directing a contribution of more than \$500 to a candidate or ballot measure campaign committee from any party or participant to a proceeding before the district involving a contract, license, permit, or other entitlement for use, as defined by Government Code 84308, or from an agent of a party or participant, while the proceeding is pending before the district and for 12 months following the date the district renders a final decision in the proceeding, if the Board member or Superintendent knows or has reason to know that the participant has a financial interest in the district's decision on the proceeding may cure the violation by returning the . However, if a Board member or the Superintendent does accept, solicit, or direct such a contribution during those 12 months but did not do so knowingly or willingly, the Board member or the Superintendent may cure the violation by ensuring that the contribution, or the portion exceeding \$250,500, is returned within 1430 days of accepting, soliciting, or directing the contribution, provided the district officer did not knowingly or willfully accept, solicit, or direct the prohibited contribution. The district officer Board member or Superintendent shall maintain records of curing the violation.

The provisions in (Government Code 84308 as specified)

For a Board member or the Superintendent, a proceeding becomes "pending" when an item involving the contract, license, permit, or other entitlement for use, as defined by Government Code 84308, is placed on a Board agenda for discussion or decision or when it is reasonably foreseeable that the proceeding will come before the district for a decision. For a party or participant, and the agent of a party of participant, a proceeding becomes "pending" when an application is filed with the district, or, if the proceeding process does not require an application, when the proceeding is before the district for a decision or other action. (Government Code 84308)

The contributions disclosure requirements and restrictions above do not apply to contracts that are

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

required to be competitively bid, labor contracts, ~~competitively bid contracts~~, and personal employment contracts, contracts valued under \$50,000, contracts where no party receives financial compensation, or contracts with another governmental agency. (Government Code 84308)

### **Additional Requirements for Boards that Manage Public Investments** Form 700

CSBA NOTE: The following optional section is for use only by districts in which the Board and/or designated employees are considered to be "officials who manage public investments" and who are required to file a full financial disclosure statement in accordance with Government Code 87200. It should be deleted by all other districts. See the accompanying exhibit for further information.

According to the FPPC, officials who manage public investments are boards or designated employees who manage the investment of district surplus or special reserve funds in permitted securities and investments pursuant to Education Code 41015. Those boards that direct the investment of these funds, formulate or approve policies for the investment of these funds, even if they delegate day-to-day investment decisions to staff, or approve investment transactions involving these funds are considered officials who manage public investments.

The Board does not manage public investments when the district does not have any surplus or special reserve funds to invest and merely deposits all funds it receives (1) in the county treasury pursuant to Education Code 41001-41002.5 or (2) in a fund where a Tax and Revenue Anticipation Note (TRANS) is issued. Board members and superintendents in these types of situations are not considered to have discretion regarding the investment of the district's money and are therefore not officials who manage public investments.

CSBA NOTE: Government Code 87500 requires all District Officials to annually file a Form 700 (also known as a Statement of Economic Interest). Under the PRA, there are two separate categories of Form 700 disclosure requirements.

For the first category, pursuant to Government Code 87302, which is applicable to most school districts, the disclosure requirements are determined by the district and set forth in its conflict of interest code. The second category, pursuant to Government Code 87200, is applicable to Board members, district employees, or district consultants who "manages public investments." Individuals in such positions, referred to by the FPPC as Government Code 87200/Article 2 filers, are required to file broader disclosure statements in accordance with the disclosure requirements specified in law and FPPC regulation. See "Additional Requirements for Boards that Manage Public Investments" below.

Each District Official shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. An individual who ceases to be a District Official shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date the individual ceased to be a District Official. (Government Code 87302)

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

### Additional Requirements for Boards that Manage Public Investments

CSBA NOTE: The following optional section is for use only by districts with Government Code 87200/Article 2 filers and should be deleted by all other districts. See the accompanying exhibit for further information.

According to the FPPC, Government Code 87200/Article 2 filers are those positions which manage the investment of district surplus or special reserve funds in permitted securities and investments pursuant to Education Code 41015. Such filers include board members on boards that direct the investment of these funds, formulate or approve policies for the investment of these funds, even if the boards delegate day-to-day investment decisions to staff, or approve investment transactions involving these funds. Such filers do not include board members on boards where the district does not have any surplus or special reserve funds to invest and merely deposits all funds it receives (1) in the county treasury pursuant to Education Code 41001-41002.5 or (2) in a fund where a Tax and Revenue Anticipation Note (TRANS) is issued.

Any Board member, district employee, or district consultant who manages public investments pursuant to, as defined by Government Code 87200, and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Not discuss or vote on the matter, or otherwise act in violation of Government Code 87100.  
The

2. For a Board member, the Board member shall not be counted toward achieving a quorum while the item is discussed.

~~However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. The Board member may listen to the public discussion and deliberations of the matter with members of the public.~~

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless

3. However, the Board member, district employee, or district consultant who manages public investments, as defined by Government Code 87200, may speak on the issue during the time that the general public speaks on it. Additionally, for a Board member, if the matter has been placed on the ~~portion of the agenda reserved for uncontested matters.~~

~~If the item is on the consent calendar, the Board member shall either make a motion to remove~~abstain from voting on the consent calendar or, if the Board removes the item from the consent calendar ~~or,~~ the Board member shall abstain from voting on the consent

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

~~calendar~~item. In any event, the Board member shall refrain from discussing or voting on the item. However, the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose the interest orally during the open session preceding the closed session.

4. This disclosure shall be limited to a declaration that the recusal is because of a conflict of interest pursuant to Government Code 87100. The Board member, district employee, or district consultant who manages public investments, as defined by Government Code 87200, shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the ~~Board's~~ decision.

### **Conflict of Interest under Government Code 1090 - Financial Interest in a Contract**

CSBA NOTE: Pursuant to Government Code 1090, if a ~~Board member~~District Official has a financial interest in a contract, it is an absolute bar for that district to enter into the contract. The Attorney General has opined in 69 Ops.Cal.Atty.Gen. 255 (1986) that, unlike the PRA, the prohibitions in Government Code 1090 cannot, in most instances, be resolved by having the financially interested ~~Board member abstain~~District Official recuse themselves from participating in the matter. However, there are two categories of exceptions. ~~If a financial interest meets the definition of a "noninterest" as specified in Government Code 1091.5, then the restrictions in Government Code 1090 do not apply and the district can enter into the contract. Secondly, if a Board member's interest is deemed a "~~"remote interest" pursuant Government Code 1091, then the district can enter into the contract as long as certain conditions~~" and "noninterest", both of which are satisfied, as specified below.~~

~~While the~~The prohibitions in the PRA ~~only~~Government Code 1090 generally apply to designated employees, the prohibitions in Government Code 1090 apply to all district employees and consultants. California appellate courts have ruled in McGee v. Balfour Beatty Construction LLC and Davis v. Fresno Unified School District that Government Code 1090 applies to consultants, including corporate consultants, who fill the roles and positions of officers, employees, and agents of the district.District Officials. However, the Attorney General has opined in 63 Ops.Cal.Atty.Gen. 868 (1980) that, in contrast to a Board member, an employee's financial interest would not prohibit the district from entering into a contract as long as the employee has not participated in the making of the contract, such as in discussions and planning, as detailed below.

Government Code 1090 does not define financial interest, but courts have held that, for the purposes of this statute, the definition of "financial interest" is not the same as the definition in the PRA which requires a "material financial effect" in order for a conflict to exist. ~~Because the determination of whether a financial interest exists involves a review of statutes, court decisions, and Attorney General opinions as they apply to the particular facts at issue, the analysis can be complex and CSBA's District and County Office of Education Legal Services or district legal counsel should be consulted as appropriate.~~

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

Violators of Government Code 1090 may be subject to a fine or, unlike the PRA, even criminal charges and/or imprisonment.

~~Board members, employees, or district consultants~~ A District Official shall not be financially interested in any contract made by the ~~Board on behalf of the district~~, including in the development, preliminary internal discussions, negotiations, ~~compromises~~ modifications, planning, reasoning deliberation of issues, and specifications and solicitations for bids. If a ~~Board member~~ District Official has such a financial interest in a contract made by the ~~Board~~ district, the contract is void. (Government Code 1090)

### Remote Interest Exception to Government Code 1090

CSBA NOTE: The district may enter into a contract when a Board member's interest is a "remote interest" as defined in Government Code 1091. Generally, this issue arises when the district wishes to enter into a contract with the Board member's employer. When the CSBA NOTE: When the "remote interest" conditions specified in Government Code 1091 are satisfied (e.g., Board member is an employee of a nonprofit organization, the employer has at least 10 employees, and the Board member has been employed more than three years), then the district may enter into the contract as long as the affected Board member discloses the remote interest and abstains from the matter.

~~Board members who willfully fail to disclose a remote interest in a contract may be subject to a fine or imprisonment pursuant to Government Code 1097.~~ The "remote interest" exception only applies to Board members and not to other District Officials.

A Board member shall not be considered to be financially interested in a contract in which there is only a "remote interest," as specified in Government Code 1091, if the interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member ~~or district official~~ to enter into the contract. (Government Code 1091)

### Noninterest Exception to Government Code 1090

CSBA NOTE: Pursuant to Government Code 1091.5, certain financial interests are defined as "noninterests," meaning a conflict of interest does not exist and the district can enter into the contract. The "noninterest" exception applies to all District Officials.

One of the noninterests listed in Government Code 1091.5 is when a Board member's spouse has been employed by the district for at least one year prior to the Board member's election or appointment. If the spouse has not been employed by the district for at least one year prior to the Board member's election or appointment, the ~~exception does not apply and Government Code 1090 prohibits the district from entering into a new contract to hire the spouse.~~ (Attorney General opined in 80 Ops.Cal.Atty.Gen. 320 (1997))

~~Attorney General opinions~~ that the exception does not apply. The Attorney General, in 92 Ops.Cal.Atty.Gen. 26 (2009) and 87 Ops.Cal.Atty.Gen. 23 (2004), and case law have further clarified the application of this noninterest exception when a previously employed spouse changes to a

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

different position during the Board member's term. Generally, these opinions have held that a lateral transfer or change of classification that does not require Board approval (e.g., second year probationary teacher automatically achieving permanent status, step increase) is the same employment not requiring a new contract and thus constitutes a noninterest. (92

However, the Attorney General has also opined in 69 Ops.Cal.Atty.Gen. 26 (2009), 87 Ops.Cal.Atty.Gen. 23 (2004)) However, 255 (1986) that when a new contract is involved (e.g., promotion from classroom teacher to principal, substitute employee becoming a probationary employee), the exception in Government Code 1091.5 does not apply and the action would be prohibited under Government Code 1090 because Board approval of the contract is required. (Thorpe v. Long Beach Community College District, 69 Ops.Cal.Atty.Gen. 255 (1986))

~~Because this area of law is complex, it is strongly recommended that CSBA's District and County Office of Education Legal Services or district legal counsel be consulted if a Board member's spouse is an employee of the district or when analyzing whether an interest is a noninterest or remote interest.~~

In addition, a Board member A District Official shall not be considered to be financially interested in a contract in which if the interest is a "noninterest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed reimbursement for actual and necessary expenses incurred in the performance of official duties, in the employment of a spouse/registered domestic partner who has been a district employee for at least one year prior to the Board member's election or appointment, or in any other applicable circumstance "noninterest" specified in Government Code 1091.5.

### **Common Law Doctrine Against Conflict of Interest**

CSBA NOTE: Even when there is not a conflict pursuant to the PRA (~~Government Code 87100-87505~~) or Government Code 1090, the Attorney General has found that special situations may still exist under the common law doctrine against conflict of interest which, unlike the statutes, extends to noneconomic interests. In 92 Ops.Cal.Atty.Gen. 19 (2009), the Attorney General opined that a redevelopment board member should abstain from voting on a loan agreement where the recipient of the loan was a corporation owned by the board member's adult son. Although the board member was not financially interested in the contract under the PRA or Government Code 1090, the Attorney General determined that abstention was necessary in order to avoid a conflict between the member's official and personal interests and to avoid the appearance of impropriety.

~~Districts are encouraged to consult CSBA's District and County Office of Education Legal Services or legal counsel if situations arise that raise the question as to whether such a conflict exists.~~ advisable under the common law doctrine against conflict of interest.

A Board member District Official shall abstain from any official action in which the Board member's District Official's private or personal interest may conflict with official duties pursuant to the common law doctrine against conflict of interest.

### **Incompatible Offices and Activities**

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

CSBA NOTE: Government Code 1099 and 1126 prohibit Board members and employees from engaging in any employment or activity which is inconsistent, incompatible, in conflict with, or inimical to their duties with the district. Government Code 1126 mandates that the district to adopt procedures regarding this prohibition. See BP 4136/4236/4336 - Nonschool Employment for language implementing this mandate relative to employees.

The Attorney General opinions have indicated in 105 Ops.Cal.Atty.Gen. 69 (2022), 85 Ops.Cal.Atty.Gen. 60 (2002), 68 Ops.Cal.Atty.Gen. 171 (1985), and 65 Ops.Cal.Atty.Gen. 606 (1982) that it would be incompatible for Board members to serve on other elected or appointed boards, councils, or commissions that have interests which may conflict with the interests of the district (105 Ops.Cal.Atty.Gen. 60 (2002); 68 Ops.Cal.Atty.Gen. 171 (1985); 65 Ops.Cal.Atty.Gen. 606 (1982)). If a Board member is sworn into an incompatible office, then the Board member's position in the prior office is automatically terminated.

Pursuant to Education Code 35107, an employee of a school district may not be sworn into office as an elected or appointed member of that district's Board unless the ~~Board member~~employee resigns ~~as an employee~~. If the employee does not resign, the employment automatically terminates when the employee is sworn into office. See BB 9220 - Governing Board Elections.

The determination as to whether an activity or office is incompatible is complex and requires a case-by-case analysis of the particular activities or duties of the office; therefore, it is recommended that CSBA's District and County Office of Education Legal Services or district legal counsel be consulted as appropriate.

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

## Gifts

CSBA NOTE: Pursuant to 2 CCR ~~18730~~18940.2, the gift ~~limitation~~limit is currently \$590. ~~This amount is adjusted in odd-numbered years by \$630 for the FPPC.~~term January 1, 2025 through December 31, 2026. Pursuant to Government Code 89503, Board members and candidates are subject to gift ~~limitation~~limits for gifts from all sources ~~except when~~unless exempted by law or regulation. For those Board members who file a Form 700 based on the disclosure categories specified in the district's conflict of interest code pursuant to Government Code 87302 (see the accompanying exhibit), the gift limit is only applicable as to those individuals and entities that are disclosed on the Form 700.

Several exceptions exist within the Government Code's definitions of gifts, income, interest in real property, and investment; see Government Code 82028, 82030, 82033, and 82034. If questions arise as to such exceptions, the district may seek clarification from the FPPC through email to [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov) or consult CSBA's District and County Office of Education Legal Services or district legal counsel.

~~Board members and designated employees~~District Officials may accept gifts only under the conditions and limitations specified in law including, but not limited to, Government Code 89503

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

and 2 CCR 18730.

~~The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)~~

~~In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)~~

CSBA NOTE: ~~Board members and designated employees~~ **District Officials** may, in the circumstances described in Government Code 89506, receive payments, advances, or reimbursements for travel and related lodging and subsistence, which will not be subject to the gift limit set in Government Code 89503.

Gifts of travel and related lodging and subsistence shall be subject to the current gift ~~limitation~~ **conditions and limitations**, except when: (Government Code 89506)

1. The travel is in connection with a speech given by a ~~Board member or designated employee~~ **District Official**, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.
2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

Gifts of travel exempted from the gift limitation, as described in Items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form 700 as required by law.

A gift of travel does not include travel provided by the district for ~~Board members and designated employees~~ **District Officials**. (Government Code 89506)

## **Honoraria**

~~Board members and designated employees~~ **District Officials** shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession, unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

### **Advice**

Any District Official, who, in good faith, believes that they may be subject to the requirements of this Bylaw and has questions, is unclear, or is unsure regarding the application of the requirements of this Bylaw to any particular instance or situation, may seek advice from the district's legal counsel with the permission of the Superintendent, Board President, or majority of the Board.

### **Training**

CSBA NOTE: Government Code 53234-53235.2 require a Board member, except for a member whose term of office ends before January 1, 2026, to receive specified training in ethics by January 1, 2026, and at least once every two years thereafter, and for the district to maintain records of such training. Additionally, Government Code 53235, as amended by AB 2631 (Ch. 201, Statutes of 2024), requires the FPPC, in consultation with the Attorney General, to create, maintain, and make an ethics training course available to local agency officials, including Board members.

Unless a Board member's term expires prior to January 1, 2026, each Board member shall complete ethics training in accordance with Government Code 53234-53235.2 by January 1, 2026, and at least once every two years thereafter as specified in Board Bylaw 9240 – Board Training.

### **Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

---

Anything crossed out in black will be omitted if COD adopts and approves.  
Red font is additions to policy that will be adopted if COD approves.  
CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

**CSBA Sample District Policy Manual**  
**CSBA Sample Manual Site**

**Exhibit 9270-E(1): Conflict Of Interest**

**Status:** ADOPTED

**Original Adopted Date:** 07/01/2010 | **Last Revised Date:** 05~~12~~/01/2016~~2024~~ | **Last Re viewed**  
**Date:** 05~~12~~/01/2016~~2024~~

**RESOLUTION ADOPTING A  
CONFLICT OF INTEREST CODE**

CSBA NOTE: The Governing Board is required to adopt a conflict of interest code in compliance with Government Code 87300-87313 of the Political Reform Act (~~PRA~~). Pursuant to 2 CCR 18730, the requirements of the Government Code are satisfied if a district adopts a conflict of interest code that incorporates 2 CCR 18730 by reference along with a list of District Officials, defined as a Board member or position designated ~~positions~~ in the district's conflict of interest code, and disclosure categories. ~~Board members and designated employees must~~ District Officials are required to annually file a Form 700 (also known as a Statement of Economic Interest/~~Form 700~~) pursuant to the disclosure requirements of the district's conflict of interest code.

Government Code 87303 requires a district's conflict of interest code to be approved by a code reviewing body. For school districts located entirely in one county, the code reviewing body is the board of supervisors of the county in which the district is located. The Fair Political Practices Commission (~~FPPC~~) is the code reviewing body for school districts with jurisdiction in more than one county.

The code reviewing body needs to review only the portion of the district's conflict of interest code that ~~specifies~~ delineates the district's designated ~~positions~~ District Officials and the disclosure categories as detailed in the following sample ~~Resolution~~ resolution, including its Appendix, and not the other legal requirements related to conflict of interest reflected in the accompanying sample bylaw. The ~~Resolution~~ resolution, including the Appendix, should be adopted by the Board and, as necessary, forwarded to the code reviewing body. Pursuant to Government Code 87306.5, the code reviewing body is required to notify the district in even-numbered years of the need to review the district's conflict of interest code. Upon such notification, the district should review the Appendix and make any necessary changes. In some counties, the code reviewing body requires that a resolution be adopted during each review and that the Board's resolution and amended ~~appendix~~ Appendix be submitted to that body. In other counties, only the ~~appendix~~ Appendix needs to be submitted. In both cases, districts need not submit BB 9270 - Conflict of Interest to the code reviewing body.

In addition to the biannual review, districts should modify the Appendix and submit it, and the resolution, if required, to the code reviewing body when any changed circumstances within the district require amendments to the Appendix, such as the creation of a new ~~designated~~

Anything crossed out in black will be omitted if COD adopts and approves.  
Red font is additions to policy that will be adopted if COD approves.  
CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

~~positions~~District Official or a change of duties assigned to existing positionsof a District Official.

The following resolution should be modified to reflect district practice as well as any specific requirements of the district's code reviewing body.

WHEREAS, the Political Reform Act, Government Code 87300-87313, ~~requires~~require each public agency in California, including each school district, to adopt a conflict of interest code; and

~~WHEREAS, the Governing Board of the \_\_\_\_\_ School District has previously adopted a local conflict of interest code; and~~

~~WHEREAS, past and future amendments~~

WHEREAS, a district is permitted to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

~~WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation~~create its conflict of interest code by incorporating by reference of the terms of that regulation2 CCR 18730, along with an agency-specific appendix designating positions and a list of District Officials to whom the code applies and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with , in accordance with Government Code 87300 and 87306; and

WHEREAS, the Governing Board of the YES Charter Academy School District ("District") has previously adopted a local conflict of interest code in this manner; and

WHEREAS, the District has recently reviewed its ~~positions~~list of District Officials, and the duties of each ~~position~~, and has determined that (changes/no changes) to the current conflict of interest code are necessary;~~and~~

~~WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and.~~

NOW THEREFORE BE IT RESOLVED that the \_\_\_\_\_ School District, the Governing Board of the District adopts the following Conflict of Interest Code, including ~~its~~the accompanying Appendix of Designated EmployeesDistrict Officials and Disclosure Categories.

~~PASSED AND ADOPTED THIS \_\_\_\_\_ day, and~~

BE IT FURTHER RESOLVED, any earlier resolutions, bylaws, and/or appendices containing the District's conflict of interest code are hereby rescinded and superseded by this Resolution and Appendix.

Anything crossed out in black will be omitted if COD adopts and approves.  
Red font is additions to policy that will be adopted if COD approves.  
CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

[Add final resolution language template including date of \_\_\_\_\_, \_\_\_\_\_ at a meeting, by the following passage, vote: count, and requisite signatures]

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Secretary/President

**Conflict of Interest Code ("Code") of the  
\_\_\_\_\_ School District ("District")**

The ~~provisions~~ Political Reform Act (PRA) (Government Code 81000-87505) requires the District to adopt a conflict of interest code. 2 CCR 18730 contains the terms of a conflict of interest code, which may be amended by the Fair Political Practices Commission (FPPC) to conform to amendments in the PRA. Therefore, the terms of 2 CCR 18730 and any amendments to it duly adopted by the ~~Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories,~~ FPPC are hereby incorporated by reference. This Code and the attached Appendix, designating positions and establishing disclosure categories, shall constitute the ~~district's~~ district's conflict of interest code. ~~Governing Board members and designated employees~~ of the district.

District Officials, defined as those positions listed herein, shall file a Form 700 (also known as a Statement of Economic Interest/Form 700) in accordance with the disclosure categories listed in the attached Appendix. The ~~Statement of Economic Interest~~ Form 700 shall be filed with the district's filing officer and/or, if so required, with the district's code reviewing body. The district's filing officer shall make the statements available for public review and inspection.

**APPENDIX**

**Disclosure Categories**

CSBA NOTE: The following list must be modified to reflect the specific disclosure categories in the district.

- 1. Category 1: A person District Official designated "Category 1" shall disclose: the following:

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.-
  - b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district, or manufacture or sell supplies, books, machinery, or equipment of the type used by the district.-
1. Category 2: A person District Official designated "Category 2" shall disclose: the following:
- a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs.
  - b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. ~~For the purposes of this category, a principal's department is his/her entire school.~~

For a principal in this category, the principal's department is the principal's entire school.

CSBA NOTE: Item #3 below is for use only by districts in which the Board and Superintendent "manage public investments." All other districts must delete item #3.

Government Code 87500 requires public officials and designated employees to annually file a Statement of Economic Interest/Form 700 to disclose any assets and income which may be materially affected by official actions. Under the PRA, there are two separate categories of Form 700 disclosure requirements. For the first category pursuant to Government Code 87302, which is applicable to most school districts, the disclosure requirements are determined by the district and set forth in the district's conflict of interest code. The second category, pursuant to Government Code 87200, is only applicable to Board members and Superintendents who "manage public investments." Those Board members and designated employees, referred to by the FPPC as Government Code 87200/Article 2 filers, must file broader disclosure statements pursuant to the disclosure requirements specified in law and FPPC regulation. See section in accompanying bylaw entitled "Additional Requirements for Boards that Manage Public Investments" for a further discussion of this issue. CSBA NOTE: Category #3 below is for use only by districts in which certain positions "manage public investments," as defined by Government Code 87200; see the accompanying Board Bylaw. All other districts should delete Category #3.

2. ~~Full Disclosure:~~ Because it has been determined Category 3 (Applicable to positions that the district's Board members and/or Superintendent "manage public investments," they and other persons as defined by Government Code 87200): A District Official designated for "full disclosure" Category 3" shall disclose, in accordance with Government Code 87200: 87210, the following:

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.-
- b. Investments, business positions, and sources of income, including gifts, loans, and travel payments.

### Designated Positions

CSBA NOTE: The district should modify the following list ~~must be modified~~ to reflect the specific designated positions and applicable disclosure categories in the district. ~~For districts in which the Board and Superintendent "manage public investments," the disclosure category for Board members and the Superintendent in the list below must be modified to "Full Disclosure."~~

Designated Position <u>District Officials</u>	Disclosure Category
Governing Board Members	1 <u>or 3</u>
Superintendent of Schools	1 <u>or 3</u>
Assistant/Associate Superintendent	1 <u>or 3</u>
Purchasing Agent	1
Director	2
Principal	2
<del>Assistant Principal</del>	<del>2</del>
Maintenance and Operations Director	2
<del>Program Coordinator</del>	<del>2</del>
Project Specialist	2
<del>Supervisor</del>	<del>2</del>
Dean of Students	2

### Disclosures for Consultants

CSBA NOTE: The definition of designated employees in Government Code 82019 includes consultants. To preclude amending the conflict of interest code whenever retaining a consultant in a decision-making capacity, the following section provides that the Superintendent or designee shall make case-by-case determinations of the disclosures necessary, depending on the range of duties to be performed by the consultant.

~~Consultants are designated employees~~ The Superintendent or designee shall annually determine, on a case-by-case basis, which district consultants, if any, shall constitute District Officials and who

Anything crossed out in black will be omitted if COD adopts and approves.

Red font is additions to policy that will be adopted if COD approves.

CSBA notes in blue and are for information only and will not be included in adopted and approved policy.

~~must~~**shall** disclose financial interests as ~~determined on a case-by-case basis by the Superintendent or designee.~~ The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18700.3)

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the district to enter into, modify, or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item
7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18704, ~~subsections (a) and (b)~~, or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18700.3)

**Policy Reference UPDATE Service**

Copyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

---



**Yuba Environmental Science Charter Academy**  
Board Policy Manual

## Board Policy Manual

---

### 3000. Business and Noninstructional Operations

Regulation 3231: Impact Aid  
Policy 3513.3: Tobacco-Free Schools  
Regulation 3513.3: Tobacco-Free Schools

### 4000. Personnel

Regulation 4030: Nondiscrimination In Employment  
Policy 4033: Lactation Accommodation  
Regulation 4041.2: Cellular Telephones And/or Equipment  
Regulation 4112.23: Special Education Staff  
Policy 4112.42: Drug And Alcohol Testing For School Bus Drivers  
Regulation 4112.42: Drug And Alcohol Testing For School Bus Drivers

### 5000. Students

Policy 5030: Student Wellness   
Policy 5112.3: Student Leave Of Absence  
Regulation 5113.1: Chronic Absence And Truancy  
Policy 5131.2: Bullying  
Regulation 5131.2: Bullying  
Policy 5131.8: Mobile Communication Devices  
Policy 5141.21: Administering Medication And Monitoring Health Conditions  
Policy 5141.4: Child Abuse Prevention And Reporting  
Regulation 5144.1: Suspension And Expulsion/Due Process  
Policy 5144.1: Suspension And Expulsion/Due Process  
Regulation 5144.2: Suspension And Expulsion/Due Process (Students With Disabilities)  
Regulation 5144.4: Required Parental Attendance  
Policy 5144.4: Required Parental Attendance  
Regulation 5145.13: Response To Immigration Enforcement  
Policy 5145.13: Response To Immigration Enforcement

### 6000. Instruction

Policy 6171: Title I Programs  
Policy 6173: Education For Homeless Children  
Regulation 6173: Education For Homeless Children  
Policy 6173.4: Education For American Indian Students

**Regulation 3231: Impact Aid**

Status: DRAFT

Original Adopted Date: 05/01/2020

Any federal Title VII Impact Aid funds received by the district based on the concentration of children residing on lands owned by the federal government shall be used to support district programs and activities in accordance with the budget approved by the Governing Board. Such expenditures may include, but are not limited to, the salaries of teachers and paraprofessionals, capital expenditures, instructional materials, computers and other equipment, supplemental instructional programs, after-school programs, Advanced Placement classes, and special enrichment programs.

Any Impact Aid funds received for children with disabilities shall be used to provide a free appropriate public education to those children. (20 USC 7703, 7703a; 34 CFR 222.53)

Whenever Impact Aid funds are received based on students living on Indian lands, the Superintendent or designee shall consult and involve American Indian tribes and parents/guardians of students living on Indian lands in the planning and development of the district's general education program and of the policies and procedures for programs and activities supported by Impact Aid funding. (20 USC 7704; 34 CFR 222.94)

The Superintendent or designee shall: (20 USC 7704; 34 CFR 222.91, 222.94)

1. Disseminate relevant applications, evaluations, program plans, and information related to the district's education program and activities with sufficient advance notice to allow Indian tribes and parents/guardians of American Indian students the opportunity to review and make recommendations
2. Afford an opportunity for tribes and parents/guardians of American Indian students to present their views regarding the district's educational program and activities, including an opportunity to make recommendations on the needs of those students and how the district may help those students realize the benefits of the programs and activities

The Superintendent or designee shall notify tribes and parents/guardians of the opportunity to submit comments and recommendations, considering the tribe's preference for method of communication. If necessary, the Superintendent or designee shall modify the method of and time for soliciting views to ensure the maximum participation of tribes and parents/guardians.

3. At least annually, assess the extent to which American Indian students participate on an equal basis with other students in the district's education program and activities by:
  - a. Sharing relevant information with tribes and parents/guardians related to the participation of American Indian students in the district's education program and activities
  - b. Allowing tribes and parents/guardians the opportunity and time to review and comment on whether American Indian students participate on an equal basis with non-Indian students
4. At least annually, respond in writing to any comments and recommendations made by tribes or parents/guardians and disseminate the responses to the tribe and parents/guardians prior to the submission of the district's policies and procedures to the federal Impact Aid program director
5. Modify the district's policies and procedures as necessary based on any assessments or input from tribes or parents/guardians of Indian students
6. Annually provide a copy of the district's policy and procedures to the affected tribe(s)

The district shall annually review the district's procedures to ensure that they comply with law and are implemented by the district. If the district determines that its procedures do not comply with law, it shall revise the policy and procedures within 90 days of its determination. Within 30 days following any such revision, the district shall send a copy of the policy and procedures to the federal Impact Aid program director and the affected tribe(s). (34 CFR

222.94)

**Records**

The Superintendent or designee shall maintain records of any Impact Aid funds received by the district, including, but not limited to, data and certifications in support of funds received. Such records shall be maintained for three years after completion of the activity for which the funds are expended and, when requested, shall be provided to the appropriate federal authority. (20 USC 1232f, 7703; 34 CFR 222.9-222.10)

---

**Policy 3311: Bids**

Status: DRAFT

Original Adopted Date: 08/01/2013

The Governing Board is committed to promoting public accountability and ensuring prudent use of public funds. When leasing, purchasing, or contracting for equipment, materials, supplies, or services for the district, including when contracting for public projects involving district facilities, the Board shall explore lawful opportunities to obtain the greatest possible value for its expenditure of public funds. When required by law, or if the Board determines that it is in the best interest of the district, such contracts shall be made using competitive bidding.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 20116)

The Superintendent or designee shall establish comprehensive bidding procedures for the district in accordance with law. The procedures shall include a process for advertising bids, instructions and timelines for submitting and opening bids, and other relevant requirements.

For award of contracts which, by law or Board policy, require prequalification, the procedures shall identify a uniform system for rating bidders on the basis of a completed questionnaire and financial statements.

When calling for bids, the Superintendent or designee shall ensure that the bid specifications clearly describe in appropriate detail the quality, delivery, and service required and include all information which the district knows, or has in its possession, that is relevant to the work to be performed or that may impact the cost of performing the work.

Except as authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

When the Board has determined that it is in the best interest of the district, the district may piggyback onto the contract of another public agency or corporation to lease or purchase any personal property to the extent authorized by law. (Public Contract Code 20118)

---

**Regulation 3311: Bids**

Status: DRAFT

Original Adopted Date: 10/01/2015

**Advertised/Competitive Bids**

The district shall advertise for any of the following: (Public Contract Code 20111)

1. A public project contract that involves an expenditure of \$15,000 or more, including a contract for construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, or repair work involving a district owned, leased, or operated facility
2. A contract that exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following:
  - a. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district
  - b. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters
  - c. Repairs that are not a public project, including maintenance

*Maintenance* means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. Maintenance includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. Maintenance does not include painting, repainting, or decorating other than touchup, or among other types of work, janitorial or custodial services and protection provided by security forces. (Public Contract Code 20115)

**Instructions and Procedures for Advertised Bids**

The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the district, or if no such newspaper exists, then in some newspaper of general circulation that is circulated in the county. The Superintendent or designee also may post the notice on the district's website or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and website where bids will be opened. (Public Contract Code 20112)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting and details regarding when and where project documents, including the final plan and specifications, are available. Any such mandatory visit or meeting shall occur not less than five calendar days after the publication of the initial notice. For lease-leaseback, design-build, and alternative design-build projects, the notice shall specify that the project is subject to skilled and trained workforce requirements. (Education Code 17250.25, 17250.62, 17407.5; Public Contract Code 2600, 6610)

Bid instructions and specifications shall include the following requirements and information:

1. All bidders shall certify in writing the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)
2. All bids for construction work shall be presented under sealed cover. The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20111, 20112)

The bid shall be accompanied by a form of bidder's security, including either cash, a cashier's check payable to the district, a certified check made payable to the district, or a bidder's bond executed by an admitted surety insurer and made payable to the district. The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111, 20112)

3. When a standardized proposal form is provided by the district, bids not presented on the standard form shall

be disregarded. (Public Contract Code 20111.5)

4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
5. When two or more identical lowest or highest bids are received, the Governing Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)
6. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in Item #6a below shall be used. (Public Contract Code 20103.8)
  - a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.
  - b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
  - c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.

The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the district before the ranking of all bidders from lowest to highest has been determined. (Public Contract Code 20103.8)

7. In determining the lowest bid, the district shall consider only responsive bids that conform to bid specifications and are submitted by responsible bidders who have demonstrated trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the public works contract.
  - a. When a bid is determined to be nonresponsive, the Superintendent or designee shall notify the bidder and give the bidder an opportunity to respond to the determination.
  - b. When the lowest bidder is determined to be not responsible, the Superintendent or designee shall notify the bidder of the right to present evidence of the bidder's responsibility at a hearing before the Board.
8. After being opened, all submitted bids become public records pursuant to Government Code 7920.530 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.

### **Prequalification Procedure**

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized prequalification questionnaire and financial record which, when completed, shall indicate a bidder's statement of financial ability and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

When any public project involves an expenditure of \$1,000,000 or more and is funded or reimbursed wholly or partly by the School Facilities Program funds or other future state school bond, the district shall prequalify prospective bidders either quarterly or annually. The prequalification shall be valid for one year and the following requirements shall apply: (Public Contract Code 20111.6)

1. Prospective bidders, including, but not limited to, prime, general engineering, and general building contractors and electrical, mechanical, and plumbing subcontractors, as defined in Public Contract Code 4113 or Business and Professions Code 7056 or 7057, as applicable, shall submit a standardized questionnaire and financial

statement 10 or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

2. Prospective bidders shall be prequalified by the district five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

If the project includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, the Superintendent or designee shall make available to all bidders a list of prequalified general contractors and electrical, mechanical, and plumbing subcontractors five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids. (Public Contract Code 20111.6)

For all other contracts requiring competitive bidding, the district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. Prospective bidders for such contracts shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids and shall be prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

### **Award of Contract**

The district shall award each contract to the lowest responsible bidder, except in the following circumstances:

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)
2. When the contract is for any transportation service which involves an expenditure of more than \$10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of a student who is to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)
3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)
4. When procuring a lease-leaseback contract, in which case the Board shall award the contract based on objective criteria for determining the best combination of price and qualifications in accordance with Education Code 17400 and 17406
5. When procuring a design-build contract for a public works project in excess of \$1,000,000 in accordance with Education Code 17250.20, in which case the Board may award the contract to either the low bid or the best value to the district, taking into consideration, at a minimum, price, technical design and construction expertise, and life-cycle costs (Education Code 17250.20, 17250.25)
6. When procuring an alternative design-build contract for a public works project in excess of \$5,000,000 in accordance with Education Code 17250.62, in which case the Board may award the contract to either the low bid or the best value, taking into consideration, at a minimum design cost, general conditions, overhead, and profit as a component of the project price; technical design and construction expertise; and life-cycle costs (Education Code 17250.61, 17250.62)

### **Protests by Bidders**

If the bidder believes that the award is not in compliance with law, Board policy, or the bid specification, the bidder may protest the award. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protested documents in a timely manner shall constitute a waiver of the right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision

in writing within 30 working days. The Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the problem.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

### **Limitation on Use of Sole Sourcing**

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall ensure that the bid specification: (Public Contract Code 3002, 3400)

1. Does not directly or indirectly limit bidding to any one specific concern
2. Does not call for a designated material, product, thing, or service by a specific brand or trade name, unless the specification is followed by the words "or equal," so that bidders may furnish any equal material, product, thing, or service

In any such case, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract.

When the bid is for a roof project, a material, product, thing, or service is considered "equal" to that designated if it is equal in quality, durability, design, and appearance; will perform the intended function equally well; and conforms substantially to the detailed requirements in the bid specification. (Public Contract Code 3002)

However, the Superintendent or designee may designate a specific material, product, thing, or service by brand or trade name, also known as sole sourcing, if the Board has made a finding, described in the invitation for bids or request for proposals (RFP), that a particular material, product, thing, or service is designated for any of the following purposes: (Public Contract Code 3400)

1. To conduct a field test or experiment to determine its suitability for future use
2. To match others in use on a particular public improvement that has been completed or is in the course of completion
3. To obtain a necessary item that is only available from one source
4. To respond to the Board's declaration of an emergency, as long as the declaration has been approved by four-fifths of the Board when issuing the invitation for bid or RFP

### **Bids Not Required**

Without advertising for bids and upon a determination that it is in the best interest of the district, the Board may "piggyback" by authorizing another public corporation or agency, by contract, lease, requisition, or purchase order, to lease data-processing equipment or to purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor. Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the district may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the district and meet the cost effectiveness requirements specified in Government Code 4217.12. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be

based on a cost and saving comparison finding specified in Government Code 4217.12. (Government Code 4217.12)

Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)

Perishable foodstuffs and seasonal commodities needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

Bids shall not be required for day labor under circumstances specified in Public Contract Code 20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

The district may purchase any surplus property from the federal government or any of its agencies in any quantity needed for the operation of its schools without taking estimates or advertising for bids. (Education Code 17602)

---

**Policy 3312: Contracts**

Status: DRAFT

Original Adopted Date: 11/01/2003

The Governing Board recognizes its responsibility to enter into contracts on behalf of the district for the acquisition of equipment, supplies, services, and other resources necessary for the achievement of district goals. In exercising this authority to enter into a contract, the Board shall ensure that the district's interest is protected, that the terms of the contract conform to applicable legal standards, including the bidding requirements in Public Contract Code 20111.

In addition, Board members and district employees involved in the making of contracts on behalf of the district shall comply with the district's conflict of interest policy as specified in Board Bylaw 9270 - Conflict of Interest.

The Board may, by a majority vote, delegate to the Superintendent or designee the authority to enter into contracts on behalf of the district. To be valid or to constitute an enforceable obligation against the district, all such contracts must be approved and/or ratified by the Board.

Every contract entered into on behalf of the district shall be made available for public inspection, except when the law prohibits disclosure. No contract shall prohibit a district employee from disparaging the goods or services of any contracting party.

**Contracts for Non-nutritious Foods or Beverages**

The district shall not enter into or renew a contract for the sale of foods or beverages that do not meet applicable nutritional standards specified in Education Code 49431-49431.7, 5 CCR 15500-15501 or 15575-15578, or 7 CFR 210.11 or 220.12, unless the contract specifies that such sale will occur off campus or outside the time restriction specified in the applicable law.

Before the district enters into or renews a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious foods as defined in law, the Board shall ensure that the district has sufficient internal controls in place to protect the integrity of public funds and to ensure that funds raised as a result of the contract benefit public education. (Education Code 35182.5)

The Superintendent or designee shall develop the district's internal control procedures to protect the integrity of public funds. Such internal controls may include, but not be limited to, the following:

1. Procedures that produce accurate and reliable financial statements and, at the same time, safeguard the assets, financial resources, and integrity of every employee responsible for handling money or property. Control systems shall be systematically evaluated and revised to keep pace with the changing responsibilities of management.
2. Procedures to ensure that district personnel do not handle cash or product at the school site. The contract shall specify that the vendor stock the machines and shall provide cash accounting, along with a check, for district proceeds directly to the control office.

To ensure that funds raised by the contract benefit district schools and students:

1. The Superintendent or designee may invite parents/guardians, students, staff, and interested community members to make recommendations regarding the contract, including recommendations as to how the funds will be spent in a manner that benefits public education.
2. Prior to ratifying the contract, the Board shall designate the specific programs and activities that will be funded by the proceeds of the contract and consider how the contract reflects the district's vision and goals.

3. The contract shall specify that the contractor report, on a quarterly basis, to the Superintendent or designee the number of food items or beverages sold within the district and the amount of money raised by the sales. The Superintendent or designee shall report these amounts to the Board on a regular basis.
4. The Superintendent or designee shall ensure that the contract does not limit the ability of student and parent organizations to plan and operate fundraising activities.

Any contract for the sale or advertisement of non-nutritious foods or carbonated or non-nutritious beverages shall be entered into on a competitive bid basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. (Education Code 35182.5)

**OPTION 1: (Annual public hearing to review and discuss existing and potential contracts)**

The Board shall hold an annual public hearing to review and discuss all existing and potential contracts for the sale of foods and beverages on campus, including those sold as full meals or through competitive sales, fundraisers, or vending machines. The Board shall hold a public meeting for any contract not discussed at the annual public hearing. (Education Code 35182.5)

**OPTION 1 ENDS HERE**

**OPTION 2: (Public hearing for the making or renewal of each contract)**

The Board shall not enter into or renew any contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, on non-nutritious foods until parents/guardians, students, and members of the public have had an opportunity to comment on the contract at a public hearing held during a regularly scheduled Board meeting. The Board shall clearly, and in a manner recognizable to the general public, identify in the agenda the contract to be discussed at the meeting. (Education Code 35182.5)

**OPTION 2 ENDS HERE**

The public hearing shall include, but not be limited to, a discussion of the nutritional value of foods and beverages sold within the district; the availability of fresh fruit, vegetables, and grains in school meals and snacks, including locally grown and organic produce; the amount of fat, sugar, and additives in the foods and beverages discussed; and barriers to student participation in school breakfast and lunch programs. (Education Code 35182.5)

The contract shall be accessible to the public and may not include a confidentiality clause that would prevent the district or a district school from making any part of the contract public. (Education Code 35182.5)

**Contracts for Electronic Products or Services**

The Board shall not enter into a contract for electronic products or services that requires the dissemination of advertising to students, unless the Board: (Education Code 35182.5)

1. Enters into the contract at a noticed, public hearing of the Board.
2. Makes a finding that the electronic product or service is or would be an integral component of the education of students.
3. Makes a finding that the district cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students.
4. As part of the district's normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning center.
5. Offers parents/guardians the opportunity to request in writing that their child not be exposed to the program that contains the advertising. A request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

**Contracts for Digital Storage and Maintenance of Student Records**

The district may enter into or renew a contract with a third party for the purpose of providing services, including cloud-based services, for the digital storage, management, and retrieval of student records and/or to provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records. For these purposes, student records include any information maintained by the district that is directly related to a student and any information acquired directly from the student through the use of instructional software or applications assigned to the student by a teacher or other district employee, and do not include de-identified information. (Education Code 49073.1)

Any such contract shall contain all of the following: (Education Code 49073.1)

1. A statement that student records continue to be the property of and under the control of the district
2. If applicable, a description of the means by which students may retain possession and control of their own student-generated content, as defined in Education Code 49073.1, including options by which a student may transfer student-generated content to a personal account
3. A prohibition against the third party using any information in the student record for any purpose other than those required or specifically permitted by the contract
4. A description of the procedures by which a parent/guardian or a student age 18 years or older may review personally identifiable information in the student's records and correct erroneous information
5. A description of the actions the third party will take, including the designation and training of responsible individuals, to ensure the security and confidentiality of student records
6. A description of the procedures for notifying the affected parent/guardian, or the affected student if age 18 years or older, in the event of an unauthorized disclosure of the student's records
7. A certification that a student's records shall not be retained or available to the third party upon completion of the terms of the contract and a description of how that certification will be enforced, except that these requirements shall not apply to student-generated content if the student chooses to establish or maintain an account with the third party for the purpose of storing that content
8. A description of how the district and the third party will jointly ensure compliance with the federal Family Educational Rights and Privacy Act, 20 USC 1232g
9. A prohibition against the third party using personally identifiable information in student records to engage in targeted advertising

### **Contracts for Personal Services**

In order to achieve cost savings, the district may enter into or renew a contract for any personal service that is currently or customarily performed by classified employees, if the contract does not displace school district employees and meets other conditions specified in Education Code 45103.1. To enter into or renew such a contract, the Board shall ensure that the district meets the numerous conditions specified in Education Code 45103.1.

In addition, the district may enter into or renew any contract for personal service without meeting the conditions described above, if any of the following conditions exists: (Education Code 45103.1)

1. The contract is for new district functions and the Legislature has specifically mandated or authorized the performance of the work by independent contractors
2. The services contracted are not available within the district, cannot be performed satisfactorily by district employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the district
3. The services are incidental to a contract for the purchase or lease of real or personal property, including, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented

4. The district's policy, administrative, or legal goals and purposes cannot be accomplished through the utilization of persons selected pursuant to the regular or ordinary district hiring process
  5. The nature of the work is such that the criteria for emergency appointments, as defined in Education Code 45103.1, apply
  6. The contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the district in the location where the services are to be performed
  7. The services are of such an urgent, temporary, or occasional nature that the delay that would result from using the district's regular or ordinary hiring process would frustrate their very purpose
-

**Policy 3470: Debt Issuance And Management**

Status: DRAFT

Original Adopted Date: 12/01/2016

The Governing Board is committed to long-term capital and financial planning and recognizes that the issuance of debt is a key source for funding the improvement and maintenance of school facilities and managing cash flow. Any debt issued by the district shall be consistent with law and this policy.

The district shall not enter into indebtedness or liability that in any year exceeds the income and revenue provided for such year, unless two-thirds of the voters approve the obligation or one of the exceptions specified in law applies. (California Constitution, Article 16, Section 18)

When the Board determines that it is in the best interest of the district, the Board may issue debt or order an election to issue debt. The Superintendent or designee shall make recommendations to the Board regarding appropriate financing methods for capital projects or other projects that are authorized purposes for debt issuance. When approved by the Board and/or the voters as applicable, the Superintendent or designee shall administer and coordinate the district's debt issuance program and activities, including the timing of issuance, sizing of issuance, method of sale, structuring of the issue, and marketing strategies.

The Superintendent or designee shall retain a financial advisor, municipal advisor, investment advisor, and other financial services professionals as needed to assist with the structuring of the debt issuance and to provide general advice on the district's debt management program, financing options, investments, and compliance with legal requirements. Contracts for services provided by such advisors may be for a single transaction or for multiple transactions, consistent with the contracting requirements in Education Code 17596. In the event that the district issues debt through a negotiated sale, underwriters may be selected for multiple transactions if multiple issuances are planned for the same project. In addition, the district shall select a legal team on an as-needed basis to assist with debt issuances or special projects.

**Goals**

The district's debt issuance activities and procedures shall be aligned with the district's vision and goals for providing adequate facilities and programs that support student learning and well-being. When issuing debt, the district shall ensure that it:

1. Maintains accountability for the fiscal health of the district, including prudent management and transparency of the district's financing programs
2. Attains the best possible credit rating for each debt issue in order to reduce interest costs, within the context of preserving financial flexibility and meeting capital funding requirements
3. Takes all practical precautions and proactive measures to avoid any financial decision that will negatively impact current credit ratings on existing or future debt issues
4. Maintains effective communication with rating agencies and, as appropriate, credit enhancers such as bond insurers or other providers of credit or liquidity instruments in order to enhance the creditworthiness, liquidity, or marketability of the debt
5. Monitors the district's statutory debt limit in relation to assessed valuation within the district and the tax burden needed to meet long-term debt service requirements
6. When determining the timing of debt issuance, considers market conditions, cash flows associated with repayment, and the district's ability to expend the obtained funds in a timely, efficient, and economical manner consistent with federal tax laws
7. Determines the amortization (maturity) schedule which will fit best within the overall debt structure of the district at the time the new debt is issued

8. Considers the useful lives of assets funded by the debt issue, as well as repair and replacement costs of those assets to be incurred in the future
9. Preserves the availability of the district's general fund for operating purposes and other purposes that cannot be funded by the issuance of voter-approved debt
10. Meets the ongoing obligations and accountability requirements associated with the issuance and management of debt under state and federal tax and securities laws

### **Authorized Purposes for the Issuance of Debt**

The district may issue debt for any of the following purposes:

1. To pay for the cost of capital improvements, including acquiring, constructing, reconstructing, rehabilitating, replacing, improving, extending, enlarging, and/or equipping district facilities
2. To refund existing debt
3. To provide for cash flow needs

Pursuant to Government Code 53854, general operating costs, including, but not limited to, items normally funded in the district's annual operating budget, shall not be financed from debt payable later than 15 months from the date of issuance. The district may deem it desirable to finance cash flow requirements under certain conditions so that available resources better match expenditures within a given fiscal year. To satisfy both state constitutional and statutory constraints, such cash flow borrowing shall be payable from taxes, income, revenue, cash receipts, and other moneys attributable to the fiscal year in which the debt is issued.

### **Authorized Types of Debt**

The Superintendent or designee shall recommend to the Board potential financing method(s) that result in the highest benefit to the district, with the cost of staff and consultants considered. Potential financing sources may include:

1. Short-Term Debt
  - a. Short-term debt, such as tax and revenue anticipation notes (TRANS), when necessary to allow the district to meet its cash flow requirements (Government Code 53850-53858)
  - b. Bond anticipation notes (BANs) to provide interim financing for capital bond projects that will ultimately be paid from general obligation bonds (Education Code 15150)
  - c. Grant anticipation notes (GANs) to provide interim financing pending the receipt of grants and/or loans from the state or federal government that have been appropriated and committed to the district (Government Code 53859-53859.08)
2. Long-Term Debt
  - a. General obligation bonds for projects approved by voters (California Constitution, Article 13A, Section 1; Education Code 15100-15262, 15264-15276; Government Code 53506-53509.5)
  - b. Special tax bonds issued pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code 53311-53368.3)
3. Lease financing, including certificates of participation (COPs)
  - a. Lease financing to fund the highest priority capital equipment purchases when pay-as-you-go financing is not feasible (Education Code 17450-17453.1)
  - b. Lease financing to fund facilities projects when there is insufficient time to obtain voter approval or in instances where obtaining voter approval is either not feasible or unavailable (Education Code 17400-

17429)

4. Special financing programs or structures offered by the federal or state government, such as Qualified Zone Academy Bonds or other tax credit obligations or obligations that provide subsidized interest payments, when the use of such programs or structures is determined to result in sufficiently lower financing costs compared to traditional tax-exempt bonds and/or COPs
5. Temporary borrowing from other sources such as the County Treasurer

COPs, TRAns, revenue bonds, or any other non-voter approved debt instrument shall not be issued by the district in any fiscal year in which the district has a qualified or negative certification, unless the County Superintendent of Schools determines, pursuant to criteria established by the Superintendent of Public Instruction, that the district's repayment of that indebtedness is probable. (Education Code 42133)

### **Relationship of Debt to District Facilities Program and Budget**

Decisions regarding the issuance of debt for the purpose of financing capital improvement shall be aligned with current needs for acquisition, development, and/or improvement of district property and facilities as identified in the district's facilities master plan or other applicable needs assessment, the projected costs of those needs, schedules for the projects, and the expected resources.

The cost of debt issued for major capital repairs or replacements shall be evaluated against the potential cost of delaying such repairs and/or replacing such facilities.

When considering a debt issuance, the Board and the Superintendent or designee shall evaluate both the short-term and long-term implications of the debt issuance and additional operating costs associated with the new projects involved. Such evaluation may include, but is not limited to, the projected ratio of annual debt service to the tax burden on the district's taxpayers and the ratio of annual debt service secured by the general fund to general fund expenditures.

The district may enter into credit enhancement agreements such as municipal bond insurance, surety bonds, letters of credit, and lines of credit with commercial banks, municipal bond insurance companies, or other financial entities when their use is judged to lower borrowing costs, eliminate restrictive covenants, or have a net economic benefit to the financing.

### **Structure of Debt Issues**

The district shall consider the overall impact of the current and future debt burden of the financing when determining the duration of the debt issue.

The district shall design the financing schedule and repayment of debt so as to take best advantage of market conditions, ensure cost effectiveness, provide flexibility, and, as practical, recapture or maximize its debt capacity for future use. Principal amortization will be structured to meet debt repayment, tax rate, and flexibility goals.

For new money debt issuances for capital improvements, the district shall size the debt issuance with the aim of funding capital projects as deemed appropriate by the Board, as long as the issuance is consistent with the overall financing plan, does not exceed the amount authorized by voters, and, unless a waiver is sought and received from the state, will not cause the district to exceed the limitation on debt issuances specified in the California Constitution or Education Code 15106.

To the extent practicable, the district shall also consider credit issues, market factors, and tax law when sizing the district's bond issuance. The sizing of refunding bonds shall be determined by the amount of money that will be required to cover the principal of, any accrued interest on, and any redemption premium for the debt to be paid on the call date and to cover appropriate financing costs.

Any general obligation bond issued by the district shall mature within 40 years of the issuance date or as otherwise required by law. (California Constitution, Article 16, Section 18; Government Code 53508.6)

The final maturity of equipment or real property lease obligations will be limited to the useful life of the assets to be financed but, with respect to a lease purchase of equipment, no longer than a period of 10 years. (Education Code 17452)

### **Method of Sale**

For the sale of any district-issued debt, the Superintendent or designee shall recommend the method of sale with the potential to achieve the lowest financing cost and/or to generate other benefits to the district. Potential methods of sale include:

1. A competitive bidding process through which the award is based on, among other factors, the lowest offered true interest cost
2. Negotiated sale, subject to approval by the district to ensure that interest costs are in accordance with comparable market interest rates
3. Private placement sale, when the financing can or must be structured for a single or limited number of purchasers or where the terms of the private placement are more beneficial to the district than either a negotiated or competitive sale

### **Investment of Proceeds**

The district shall actively manage the proceeds of debt issued for public purposes in a manner that is consistent with state law governing the investment of public funds and with the permitted securities covenants of related financing documents executed by the district. Where applicable, the district's official investment policy and legal documents for a particular debt issuance shall govern specific methods of investment of bond-related proceeds. Preservation of principal shall be the primary goal of any investment strategy, followed by the availability of funds and then by return on investment.

With regard to general obligation bonds, the district shall invest new money bond proceeds in the county treasury pool as required by law. (Education Code 15146)

The management of public funds shall enable the district to respond to changes in markets or changes in payment or construction schedules so as to ensure liquidity and minimize risk.

### **Refunding/Restructuring**

The district may consider refunding or restructuring outstanding debt if it will be financially advantageous or beneficial for debt repayment and/or structuring flexibility. When doing so, the district shall consider the maximization of the district's expected net savings over the life of the debt issuance and, when using a general obligation bond to refund an existing bond, shall ensure that the final maturity of the refunding bond is no longer than the final maturity of the existing bond.

### **Internal Controls**

The Superintendent or designee shall establish internal control procedures to ensure that the proceeds of any debt issuance are directed to the intended use. Such procedures shall assist the district in maintaining the effectiveness and efficiency of operations, properly expending funds, reliably reporting debt incurred by the district and the use of the proceeds, complying with all laws and regulations, preventing fraud, and avoiding conflict of interest.

The district shall be vigilant in using bond proceeds in accordance with the stated purposes at the time such debt was incurred as defined in the text of the voter-approved bond measure. (Government Code 53410)

When feasible, the district shall issue debt with a defined revenue source in order to preserve the use of the general fund for general operating purposes.

The district shall annually conduct a due diligence review to ensure its compliance with all ongoing obligations applicable to issuers of debt. Such a review may be conducted by general legal counsel or bond counsel. Any district personnel involved in conducting such reviews shall receive periodic training regarding their responsibilities.

In addition, the Superintendent or designee shall ensure that the district completes, as applicable, all performance and financial audits that may be required for any debt issued by the district, including disclosure requirements applicable to a particular transaction.

### **Records/Reports**

At least 30 days prior to the sale of any debt issue, the Superintendent or designee shall submit a report of the proposed issuance to the California Debt and Investment Advisory Commission (CDIAC). Such report shall include a self-certification that the district has adopted a policy concerning the use of debt that complies with law and that the contemplated debt issuance is consistent with that policy. (Government Code 8855)

On or before January 31 of each year, the Superintendent or designee shall submit a report to the CDIAC regarding the debt authorized, the debt outstanding, and the use of proceeds of the issued debt for the period from July 1 to June 30. (Government Code 8855)

The Superintendent or designee shall provide initial and any annual or ongoing disclosures required by 17 CFR 240.10b-5 and 240.15c2-12 to the Municipal Securities Rulemaking Board, investors, and other persons or entities entitled to disclosure, and shall ensure that the district's disclosure filings are updated as needed.

The Superintendent or designee shall maintain transaction records of decisions made in connection with each debt issuance, including the selection of members of the financing team, the structuring of the financing, selection of credit enhancement products and providers, and selection of investment products. Each transaction file shall include the official transcript for the financing, interest rates and cost of issuance on the day when the debt was sold ("final number runs"), and a post-pricing summary of the debt issue. In addition, documentation evidencing the expenditure of proceeds, the use of debt-financed property by public and private entities, all sources of payment or security for the debt, and investment of proceeds shall be kept for as long as the debt is outstanding, plus the period ending three years after the financial payment date of the debt or the final payment date of any obligations or series of bonds issued to refund directly or indirectly all of any portion of the debt, whichever is later.

The Superintendent or designee shall annually report to the Board regarding debts issued by the district, including information on actual and projected tax rates, an analysis of bonding capacity, ratings on the district's bonds, market update and refunding opportunities, new development for California bond financings, and the district's compliance with post-issuance requirements.

---

**Policy 3513.3: Tobacco-Free Schools**

Status: DRAFT

Original Adopted Date: 03/01/2011

The Governing Board recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with district goals to provide a healthy environment for students and staff.

The Board prohibits smoking and/or the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (Health and Safety Code 104420, 104559)

These prohibitions apply to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code 48901)

Tobacco products include: (Business and Professions Code 22950.5; Education Code 48901)

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff
2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah
3. Any component, part, or accessory of a tobacco product, whether or not sold separately

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (Health and Safety Code 104495)

---

**Regulation 3513.3: Tobacco-Free Schools**

Status: DRAFT

Original Adopted Date: 07/01/2002

**Notifications**

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community. (Health and Safety Code 104420)

The Superintendent or designee may disseminate this information through annual written notifications, district and school web sites, student and parent handbooks, and/or other appropriate methods of communication.

The Superintendent or designee shall ensure that signs stating "Tobacco use is prohibited" are prominently displayed at all entrances to school property. (Health and Safety Code 104420, 104559)

**Enforcement/Discipline**

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time

The Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to the district or any employee. (Labor Code 6404.5)

---

**Regulation 4030: Nondiscrimination In Employment**

Status: DRAFT

Original Adopted Date: 12/01/2015

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to the district shall be investigated and resolved in accordance with procedures specified in this administrative regulation. However, complaints alleging sex discrimination under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to organize and manage the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

Louise Miller

Principal

9841 Texas Hill Road, Oregon  
House, CA 95962

(address)

530-692-2210

(telephone  
number)

lmiller@yescharteracademy.org

(email)

**Measures to Prevent Discrimination**

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

1. Display in a prominent and accessible location at every work site where the district has employees, and post electronically in a conspicuous location on computers for employee use, up-to-date California Civil Rights Department (CRD) posters on the prohibition of workplace discrimination and harassment, including sex-based harassment, the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth (Government Code 12950; 2 CCR 11013, 11023, 11049)
2. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.8)
  - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
  - b. Posting them in all district schools and offices, including staff lounges and other prominent locations
  - c. Posting them on the district's website and providing easy access to them through district-supported social media, when available
3. Disseminate the district's nondiscrimination policy and administrative regulation to all employees by one or more of the following methods: (2 CCR 11023)
  - a. Printing and providing a copy to all employees, with an acknowledgment form for each employee to sign and return
  - b. Sending a copy via email with an acknowledgment return form

- c. Posting a copy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies

- d. Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session
  - e. Any other way that ensures employees receive and understand the policy
4. Post in a prominent location on the district's website and include in each handbook, catalog, announcement, bulletin, and application form for students, parents/guardians or other authorized legal representative, and employees, the Title IX notice of nondiscrimination which includes the following: (34 CFR 106.8)
- a. The district does not discriminate on the basis of sex in any education program or activity that it operates
  - b. Inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or the U.S. Department of Education Office for Civil Rights
  - c. The name or title, office and email address, and telephone number of the district's Title IX Coordinator
  - d. How to locate the district's nondiscrimination policy and the district's grievance procedures for Title IX complaints
  - e. How to report conduct that may constitute sex discrimination under Title IX
  - f. How to make a complaint of Title IX sex discrimination

If necessary due to the format or size of any publication specified above, the district may include only the statement that the district prohibits sex discrimination in any education program or activity that it operates, that individuals may report concerns or questions to the Title IX Coordinator, and the location of the complete notice on the district's website.

The district shall not distribute a publication stating that the district treats students, employees or applicants differently on the basis of sex, unless such treatment is permitted by Title IX.

- 5. Provide to employees a handbook which contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior
- 6. Provide training regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made, as well as any additional training as specified in 34 CFR 106.8 related to the prohibition of Title IX sex discrimination

The district may also provide bystander intervention training to employees that includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

- 7. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law and Board Policy 4111 - Recruitment and Selection
- 8. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023)

### **Complaint Procedure**

Any complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

- 1. Notice and Receipt of Complaint: A complainant may inform a direct supervisor, another supervisor, the

coordinator, the Superintendent or, if available, a complaint hotline or an ombudsman. The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a written complaint.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, any available evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

2. Investigation Process: The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The coordinator shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed as necessary to conduct an effective investigation.

If the coordinator determines that a detailed fact-finding investigation is necessary, the investigation shall begin immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out the investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The coordinator shall also determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed in order to prevent further incidents. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. Written Report on Findings and Remedial/Corrective Action: No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of the findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report shall also include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. The report shall be presented to the Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

4. Appeal to the Governing Board: The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

## **Other Remedies**

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either CRD or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. For filing a complaint with CRD alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)
2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. For filing a complaint with EEOC after first filing a complaint with CRD, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by CRD, whichever is earlier (42 USC 2000e-5)

An employee may also file a complaint with the Wage and Hour Division of the U.S. Department of Labor for an alleged violation of the PUMP Act and/or the Equal Employment Opportunity Commission for failure to provide reasonable accommodations pursuant to the Pregnant Workers Fairness Act. (29 USC 218c, 218d, 42 USC 2000gg-2)

Additionally, an employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)

---

**Policy 4033: Lactation Accommodation**

Status: DRAFT

Original Adopted Date: 07/01/2011

The Governing Board recognizes the immediate and long-term health benefits of breastfeeding and desires to provide a supportive environment for any district employee to express breast milk for an infant child upon returning to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any district employee for seeking an accommodation to express breast milk for an infant child while at work.

An employee shall notify the employee's supervisor or other appropriate district administrator in advance of the intent to request an accommodation. The supervisor or appropriate district administrator shall respond to the request and shall work with the employee to make arrangements. If needed, the supervisor or appropriate district administrator shall address scheduling in order to ensure that the employee's essential job duties are covered during the break time.

Lactation accommodations shall be granted unless limited circumstances exist as specified in law. (Labor Code 1031, 1032; 29 USC 218d, 42 USC 2000gg-1)

Before a determination is made to deny lactation accommodations to an employee, the employee's supervisor shall consult with the Superintendent or designee. When lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

The Superintendent or designee shall provide a written response to any employee who was denied the accommodation(s). (Labor Code 1034)

The district shall include this policy in its employee handbook or in any set of policies that the district makes available to employees. In addition, the Superintendent or designee shall distribute this policy to new employees upon hire and when an employee makes an inquiry about or requests parental leave. (Labor Code 1034)

**Break Time and Location Requirements**

The district shall provide a reasonable amount of break time to accommodate an employee each time the employee has a need to express breast milk for an infant child. (Labor Code 1030; 42 USC 2000gg-1; 34 CFR 106.57)

To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 218d)

The employee shall be provided a lactation space which may be used by the employee for expressing breast milk or breastfeeding as needed. The lactation space shall be a private room or location, other than a bathroom, which may be the employee's work area or another location that is in close proximity to the employee's work area, and shall meet the following requirements: (Labor Code 1031; 29 USC 218d; 34 CFR 106.57)

1. Is shielded from view and free from intrusion while the employee is expressing breast milk
2. Is safe, clean, and free of hazardous materials, as defined in Labor Code 6382
3. Contains a place to sit and a surface to place a breast pump and personal items
4. Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump
5. Has access to a sink with running water and a refrigerator or, if a refrigerator cannot be provided, another

cooling device suitable for storing breast milk in close proximity to the employee's workspace

If a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over other uses for the time it is in use for lactation purposes. (Labor Code 1031)

### **Dispute Resolution**

Complaints alleging sex discrimination under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Additionally, an employee may file a complaint with the Wage and Hour Division of the U.S. Department of Labor for an alleged violation of the Providing Urgent Maternal Protections for Nursing Mothers Act and/or the Equal Employment Opportunity Commission for failure to provide reasonable accommodations pursuant to the Pregnant Workers Fairness Act. (29 USC 218c, 218d, 42 USC 2000gg-2).

In addition, an employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)

---

**Regulation 4041.2: Cellular Telephones And/or Equipment**

Status: DRAFT

Original Adopted Date: Pending | Last Reviewed Date: 01/23/2025

## **YES Charter Academy Employee CELL PHONE POLICY**

Personal cell phone use is not permitted while you are working. Cell phones should be turned off and stored with your other personal belongings while you are working.

Notwithstanding the foregoing, employees may, in the event of an “emergency condition,” access their mobile device or other communications device for seeking emergency assistance, assessing the safety of the situation, or communicating with a person to verify their safety. For purposes of this policy, an “emergency condition” is defined as:

- o Conditions of disaster or extreme peril to the safety of persons or property at the workplace or worksite caused by natural forces or a criminal act; or
- o An order to evacuate a workplace, a worksite, a worker's home, or the school of a worker's child due to natural disaster or a criminal act.

If you are required to perform business on a cell phone for YES Charter Academy while driving, you must utilize the hands-free option on the cell phone or a headset/earpiece device. Sending, writing, or reading text-based communications on your cell phone while driving a YES Charter Academy vehicle or your own vehicle to conduct YES Charter Academy business is prohibited. Text-based communications include, but are not limited to, text messages, instant messages and email.

Employees whose job responsibilities do not specifically include driving as an essential function, but who use a cell phone for business purposes, whether issued by YES Charter Academy or not, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves or others at risk to fulfill business needs.

Any employee who fails to comply with this policy will be deemed to have engaged in grossly negligent conduct beyond the course and scope of their employment. As a result, any employee who is charged with a traffic violation or incurs any other form of liability resulting from a violation of this policy will, to the extent allowed by applicable law, be solely responsible for any such liability.

If you are assigned a YES Charter Academy cell phone to conduct YES Charter Academy business, please notify your supervisor if the cell phone is misplaced, stolen, or damaged. Personal calls, received or placed, are not allowed on YES Charter Academy cell phones.

This policy is not intended, nor shall it be interpreted, to in any way limit the ability of an employee to:

- Communicate with others regarding the terms and conditions of their employment, including such topics as wages, job performance, workplace safety, workload, supervisors, staffing or other terms and conditions of employment; or
- Otherwise engage in protected concerted activity that employees have the right to engage in under federal, state or local law.

## **TELEPHONE CALLS AND TEXTING**

While at work and during staff meetings, the employee's undivided attention is expected. Cell phones, texting, and pagers are not allowed so that the activities or discussion are not disturbed. Employees should wait to make personal phone calls during breaks.

ALTERNATIVELY:

## **PERSONAL PHONE AND PERSONAL CELL PHONE USE**

Personal phone calls should not be made or received during working hours. Any such calls must be made during employee breaks. Friends and relatives should be discouraged from calling during business hours unless there is an emergency. All emergency calls should be directed to the main office. When the call is received, the employee will be contacted.

In addition, the use of personal cell phones for placing or receiving calls, sending or receiving text messages, checking voicemail, or any other form of communication supported by the YES Charter Academy's cell phone provider during working hours is strictly prohibited. Cell phones should be placed out of sight and completely silenced to avoid disruption to the learning environment. In the event of a field trip or other class outing where personal cell phones may be used for safety purposes, communication should be limited to YES Charter Academy staff only. The YES Charter Academy will not be responsible for lost or stolen cell phones or other personal property.

Notwithstanding the foregoing, employees may, in the event of an "emergency condition," access their mobile device or other communications device for seeking emergency assistance, assessing the safety of the situation, or communicating with a person to verify their safety. For purposes of this policy, an "emergency condition" is defined as:

- o Conditions of disaster or extreme peril to the safety of persons or property at the workplace or worksite caused by natural forces or a criminal act; or
- o An order to evacuate a workplace, a worksite, a worker's home, or the School of a worker's child due to natural disaster or a criminal act.

This policy is not intended, nor shall it be interpreted, to in any way limit the ability of an employee to:

- Communicate with others regarding the terms and conditions of their employment, including such topics as wages, job performance, workplace safety, workload, supervisors, staffing or other terms and conditions of employment; or
- Otherwise engage in protected concerted activity that employees have the right to engage in under federal, state or local law.

ALTERNATIVELY

Personal telephone calls should be made and received during non-teaching times. Personal calling cards or cell phones should be used for long distance personal calls. YES Charter Academy expects that cell phones will be turned on a silent/meeting answer mode while employees are on the job and includes, but is not limited to, staff meetings and professional development.

Notwithstanding the foregoing, employees may, in the event of an "emergency condition," access their mobile device or other communications device for seeking emergency assistance, assessing the safety of the situation, or communicating with a person to verify their safety. For purposes of this policy, an "emergency condition" is defined as:

- o Conditions of disaster or extreme peril to the safety of persons or property at the workplace or worksite caused by natural forces or a criminal act; or
- o An order to evacuate a workplace, a worksite, a worker's home, or the School of a worker's child due to natural disaster or a criminal act.

This policy is not intended, nor shall it be interpreted, to in any way limit the ability of an employee to:

- Communicate with others regarding the terms and conditions of their employment, including such topics as wages, job performance, workplace safety, workload, supervisors, staffing or other terms and conditions of employment; or
  - Otherwise engage in protected concerted activity that employees have the right to engage in under federal, state or local law.
-

**Regulation 4112.23: Special Education Staff**

Status: DRAFT

Original Adopted Date: 11/01/2010

**Qualifications/Assignment of Special Education Teachers**

Any teacher assigned to serve students with disabilities shall possess an appropriate credential or other authorization issued by the Commission on Teacher Credentialing (CTC) that specifically authorizes him/her to teach students with the primary disability within the program placement recommended in the students' individualized education program (IEP). (5 CCR 80046.1-80048.9.4)

The district may employ a person with an appropriate district intern credential to provide classroom instruction to students with disabilities, provided he/she has met the subject matter requirement specified in Education Code 44325 and receives guidance, supervision, and professional development through an established district intern program. (Education Code 44325, 44326, 44830.3)

The Superintendent or designee may request that the CTC issue a special education limited assignment teaching permit which authorizes a qualified special education teacher, with his/her written consent, to serve outside the specialty area of his/her credential. If the teacher has not yet obtained permanent status, the Superintendent or designee shall assign one or more experienced educators in the special education subject area(s) of the permit, who have at least three years of full-time teaching experience in each of the subject area(s) of the permit, to provide guidance and assistance to the permit holder. (5 CCR 80026, 80027.1)

As needed, the district may apply to the CTC for an emergency permit for resource specialist services pursuant to 5 CCR 80023.2 and 80024.3.1.

When requesting either a limited assignment teaching permit or an emergency resource specialist permit, the Superintendent or designee shall submit a Declaration of Need for Fully Qualified Educators that satisfies the requirements of 5 CCR 80026 and has been approved by the Board at a regularly scheduled Board meeting. (5 CCR 80026)

If there is a need to immediately fill a classroom vacancy or a suitable credentialed teacher cannot be found after a diligent search, the Superintendent or designee may, as appropriate, apply to the CTC for a short-term staff permit pursuant to 5 CCR 80021, a provisional internship permit pursuant to 5 CCR 80021.1, or, as a last resort, a credential waiver.

Individuals providing related services to students with disabilities, including developmental, corrective, and other supportive and related services, shall meet the applicable qualifications specified in 5 CCR 3051-3051.24. (5 CCR 3051; 34 CFR 300.34, 300.156)

The Superintendent or designee shall provide ongoing professional development as needed to assist special education staff in updating and improving their knowledge and skills.

Whenever a candidate for a clear education specialist credential is employed by the district, the Superintendent or designee shall, within 60 days of employment, collaborate with the candidate and, as applicable, with the college or university to develop an individualized induction plan including supported induction and job-related course of advanced preparation. (5 CCR 80048.8.1)

**Resource Specialists**

The duties of resource specialists shall include, but are not limited to: (Education Code 56362; 5 CCR 80070.5)

1. Providing instruction and services for students with disabilities whose needs have been identified in an IEP

2. Conducting educational assessments
3. Providing information and assistance for students with disabilities and their parents/guardians
4. Providing consultation, resource information, and material regarding students with disabilities to staff members in the regular education program and the students' parents/guardians
5. Coordinating special education services with the regular school program for each student with disabilities enrolled in the resource specialist program
6. Monitoring student progress on a regular basis, participating in the review and revision of IEPs as appropriate, and referring students who do not demonstrate appropriate progress to the IEP team
7. Providing services for secondary students that emphasize academic achievement, career and vocational development, and preparation for adult life

Any student who receives resource specialist services shall be assigned to regular classroom teacher(s) for a majority of the school day, unless his/her IEP team approves enrollment in the resource specialist program for a majority of the school day. (Education Code 56362; 5 CCR 80070.5)

Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes. (Education Code 56362)

The district's resource specialist program shall be under the direction of a resource specialist who possesses the qualifications specified in Education Code 56362.

### **Caseloads**

The Superintendent or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, the collective bargaining agreement, and/or the comprehensive plan of the Special Education Local Plan Area (SELPA) in which the district participates.

No resource specialist shall have a caseload which exceeds 28 students. As necessary and with the agreement of the resource specialist, the Governing Board may request a waiver from the State Board of Education to increase the caseload to no more than 32 students, provided that an individual resource specialist does not have a caseload exceeding 28 students for more than two school years and has the assistance of an instructional aide at least five hours daily during the period of the waiver. (Education Code 56362, 56362.1; 5 CCR 3100)

The average caseload for language, speech, and hearing specialists shall not exceed 55 cases, unless the SELPA plan specifies a higher average caseload and states the reasons for the higher average caseload. The maximum caseload for speech and language specialists exclusively serving children with disabilities age 3-5 years shall not exceed 40. (Education Code 56363.3, 56441.7)

---

**Policy 4112.42: Drug And Alcohol Testing For School Bus Drivers**

Status: DRAFT

Original Adopted Date: 02/01/1996

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

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

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

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

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

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

**Consequences Based on Test Results**

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

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

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

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

Any driver provided with an opportunity to return to a safety-sensitive duty following a violation shall be evaluated by a qualified substance abuse professional and complete the evaluation recommendations before returning to such duty. (49 CFR 40.289)

If the substance abuse professional recommends that further and ongoing services are needed to assist the driver to maintain sobriety or abstinence from drug use, the Superintendent or designee shall require the driver to participate

in the recommended services as part of a return-to-duty agreement and shall monitor the driver's compliance. Any drop from a rehabilitation or return-to-duty program or a subsequent positive test result shall be reported to the DMV. (Vehicle Code 13376; 49 CFR 40.285, 40.287, 40.303, 382.605)

### **Voluntary Self-Identification**

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

1. No adverse action shall be taken against the driver by the district.
2. The driver shall be allowed sufficient opportunity to seek evaluation, education, or treatment to establish control over the drug or alcohol problem.
3. The driver shall be permitted to participate in safety-sensitive functions only after:
  - a. Successfully completing an education or treatment program, as determined by a drug and alcohol abuse evaluation expert, such as an employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor
  - b. Undergoing a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 and/or a verified negative result for drug use

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

---

**Regulation 4112.42: Drug And Alcohol Testing For School Bus Drivers**

Status: DRAFT

Original Adopted Date: 08/01/2013

**Definitions**

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

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. (49 CFR 40.3, 382.107)

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

**Designated Employer Representative**

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

**Pre-employment Testing**

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

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

The driver shall not be permitted to perform safety-sensitive functions if the driver refuses to provide consent to obtain the information from previous employers or from the Clearinghouse; the information from previous employers is not received within 30 days of the date on which the driver first performed safety-sensitive functions for the district; or the driver, the Clearinghouse, or a previous employer reports a violation of a drug or alcohol regulation without subsequent completion of the return-to-duty process. (49 CFR 40.25, 382.413, 382.701, 382.703)

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

1. The driver has participated in a qualified drug testing program within the previous 30 days.
2. While participating in the program, the driver either was tested within the past six months from the date of application or participated in a random drug testing program for the previous 12 months from the date of

application.

3. No prior employer of the driver of whom the district has knowledge has records of the driver's violation of federal drug testing regulations within the previous six months.

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

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

### **Post-Accident Testing**

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

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

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

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

### **Random Testing**

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

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

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

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

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

### **Reasonable Suspicion Testing**

A driver shall be required to submit to a drug or alcohol test whenever the Superintendent or designee has reasonable suspicion that the driver has violated the prohibitions against the use of drugs or alcohol. Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations, conducted during,

immediately before, or immediately after the performance of safety-sensitive functions, concerning the driver's appearance, behavior, speech, and/or body odors. Reasonable suspicion of drug use may also include indications of the chronic and withdrawal effects of drugs. (49 CFR 382.307)

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

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

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

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

### **Return-to-Duty Testing**

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

### **Follow-Up Testing**

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

### **Mandatory Reporting and Annual Queries to the Drug and Alcohol Clearinghouse**

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

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

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

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

### **Notifications**

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

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

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

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

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

## **Records**

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

---

**Policy 5030: Student Wellness** 

Status: ADOPTED

Original Adopted Date: 08/22/2024 | Last Reviewed Date: 08/22/2024

The Governing Council of Directors recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for YES Charter Academy students. The Principal or designee shall coordinate and align YES Charter Academy efforts to support student wellness through health education, physical education and activity, health services, nutrition services, psychological and counseling services, and a safe and healthy school environment. In addition, the Principal or designee shall develop strategies for promoting staff wellness and for involving parents/guardians and the community in reinforcing students' understanding and appreciation of the importance of a healthy lifestyle.

### **School Wellness Council**

The Principal or designee shall encourage parents/guardians, students, food service employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public to participate in the development, implementation, and periodic review and update of the YES Charter Academy's student wellness policy. (42 USC 1758b; 7 CFR 210.31)

To fulfill this requirement, the Principal or designee may appoint a school wellness council or other YES Charter Academy committee and a wellness council coordinator. The council may include representatives of the groups listed above, as well as health educators, curriculum directors, counselors, before- and after-school program staff, health practitioners, and/or others interested in school health issues.

The Principal or designee may make available to the public and school community a list of the names, position titles, and contact information of the wellness council members.

The wellness council shall advise the YES Charter Academy on health-related issues, activities, policies, and programs. At the discretion of the Principal or designee, the duties of the council may also include the planning, implementation, and evaluation of activities to promote health within the school or community.

### **Goals for Nutrition, Physical Activity, and Other Wellness Activities**

The Board shall adopt specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. In developing such goals, the Board shall review and consider evidence-based strategies and techniques. (42 USC 1758b; 7 CFR 210.31)

The YES Charter Academy's nutrition education and physical education programs shall be based on research, shall be consistent with the expectations established in the state's curriculum frameworks and content standards, and shall be designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

The nutrition education program shall include, but is not limited to, information about the benefits of healthy eating for learning, disease prevention, weight management, and oral health. Nutrition education shall be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program, before- and after-school programs, summer learning programs, and school garden programs.

All students shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through school athletic programs, extracurricular programs, before- and after-school programs, summer learning programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

The Council of Directors may enter into a joint use agreement or memorandum of understanding to make YES Charter Academy facilities or grounds available for recreational or sports activities outside the school day and/or to

use community facilities to expand students' access to opportunity for physical activity.

Professional development may be regularly offered to the nutrition program director, managers, and staff, as well as health education teachers, physical education teachers, coaches, activity supervisors, and other staff as appropriate to enhance their knowledge and skills related to student health and wellness.

In order to ensure that students have access to comprehensive health services, the YES Charter Academy may provide access to health services at or near YES Charter Academy schools and/or may provide referrals to community resources.

The Council of Directors recognizes that a safe, positive school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health condition.

The Principal or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness programs and may provide opportunities for regular physical activity among employees.

### **Nutrition Guidelines for All Foods Available at School**

For all foods and beverages available on each campus during the school day, the YES Charter Academy shall adopt nutrition guidelines which are consistent with 42 USC 1758, 1766, 1773, and 1779 and federal regulations and which support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

In order to maximize the YES Charter Academy's ability to provide nutritious meals and snacks, all YES Charter Academy schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, the YES Charter Academy may sponsor a summer meal program.

The Principal or designee shall provide access to free, potable water in the food service area during meal times in accordance with Education Code 38086 and 42 USC 1758, and shall encourage students' consumption of water by educating them about the health benefits of water and by serving water in an appealing manner.

The Board believes that all foods and beverages sold to students at YES Charter Academy schools, including those available outside the YES Charter Academy's reimbursable food services program, should support the health curriculum and promote optimal health. Nutrition standards adopted by the YES Charter Academy for foods and beverages provided through student stores, vending machines, or other venues shall meet or exceed state and federal nutrition standards.

The Principal or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes.

He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

School staff shall encourage parents/guardians or other volunteers to support the YES Charter Academy's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Class parties or celebrations shall be held after the lunch period when possible.

To reinforce the YES Charter Academy's nutrition education program, the Board prohibits the marketing and advertising of foods and beverages that do not meet nutrition standards for the sale of foods and beverages on campus during the school day. (Education Code 49431.9; 7 CFR 210.31)

### **Program Implementation and Evaluation**

The Principal designates the individual(s) identified below as the individual(s) responsible for ensuring that each school site complies with the YES Charter Academy's wellness policy. (42 USC 1758b; 7 CFR 210.31)

Sheila Rolfer  
Wellness Council Coordinator  
530-692-2210  
srolfer@yeshcharteracademy.org

The Principal or designee shall assess the implementation and effectiveness of this policy at least once every three years. (42 USC 1758b; 7 CFR 210.31)

The assessment shall include the extent to which YES Charter Academy schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

The Principal or designee shall invite feedback on YES Charter Academy and school wellness activities from food service personnel, school administrators, the wellness council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons.

The Council of Directores and the Principal or designee shall establish indicators that will be used to measure the implementation and effectiveness of the YES Charter Academy activities related to student wellness. Such indicators may include, but are not limited to:

1. Descriptions of the YES Charter Academy's nutrition education, physical education, and health education curricula and the extent to which they align with state academic content standards and legal requirements
2. An analysis of the nutritional content of school meals and snacks served in all YES Charter Academy programs, based on a sample of menus and production records
3. Student participation rates in all school meal and/or snack programs, including the number of students enrolled in the free and reduced-price meals program compared to the number of students eligible for that program
4. Extent to which foods and beverages sold on campus outside the food services program, such as through vending machines, student stores, or fundraisers, comply with nutrition standards
5. Extent to which other foods and beverages that are available on campus during the school day, such as foods and beverages for classroom parties, school celebrations, and rewards/incentives, comply with nutrition standards
6. Results of the state's physical fitness test at applicable grade levels
7. The number of minutes of physical education offered in each grade span, and the estimated percentage of class time spent in moderate to vigorous physical activity
8. A description of the YES Charter Academy's efforts to provide additional opportunities for physical activity outside the physical education program
9. A description of other YES Charter Academy-wide or school-based wellness activities offered, including the number of sites and/or students participating, as appropriate

As feasible, the assessment report may include a comparison of results across multiple years, a comparison of YES Charter Academy data with county, statewide, or national data, and/or a comparison of wellness data with other student outcomes such as academic indicators or student discipline rates.

In addition, the Principal or designee shall prepare and maintain the proper documentation and records needed for the administrative review of the YES Charter Academy's wellness policy conducted by the California Department of Education (CDE) every three years.

The assessment results of both the YES Charter Academy and state evaluations shall be submitted to the Board for the purposes of evaluating policy and practice, recognizing accomplishments, and making policy adjustments as needed to focus YES Charter Academy resources and efforts on actions that are most likely to make a positive impact on student health and achievement.

### **Notifications**

The Principal or designee shall inform the public about the content and implementation of the YES Charter Academy's wellness policy and shall make the policy, and any updates to the policy, available to the public on an annual basis. He/she shall also inform the public of the YES Charter Academy's progress towards meeting the goals of the wellness policy, including the availability of the triennial YES Charter Academy assessment. (Education Code 49432; 42 USC 1758b; 7 CFR 210.31)

The Principal or designee shall distribute this information through the most effective methods of communication, including YES Charter Academy or school newsletters, handouts, parent/guardian meetings, YES Charter Academy and school websites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and wellness and academic performance.

Each school may post a summary of nutrition and physical activity laws and regulations prepared by the CDE.

### **Records**

The Principal or designee shall retain records that document compliance with 7 CFR 210.31, including, but not limited to, the written student wellness policy, documentation of the triennial assessment of the wellness policy for each school site, and documentation demonstrating compliance with the community involvement requirements, including requirements to make the policy and assessment results available to the public. (7 CFR 210.31)

---

**Policy 5112.3: Student Leave Of Absence**

Status: DRAFT

Original Adopted Date: 12/01/1988

The Governing Board recognizes the importance of regular school attendance in promoting student achievement. However, the Board also recognizes that, in rare circumstances, it may be beneficial for a student to participate in opportunities outside the school which contribute to his/her educational experience.

The Superintendent or designee may grant student leaves of absence for the purpose of supervised travel, study, training, or work not available to the student under another educational option. Such leave may be granted to a student 15 years of age or older in the regular program and to a student age 16-18 in the continuation education program. (Education Code 48232, 48416)

No more than one percent of the students enrolled and attending a school shall be granted a leave of absence during any school year. (Education Code 48232, 48416)

When feasible, students shall be encouraged to instead enroll in the district's independent study program to allow for greater contact and coordination with district staff.

---

**Regulation 5113.1: Chronic Absence And Truancy**

Status: DRAFT

Original Adopted Date: 11/01/2010

**Definitions**

Chronic absentee means a student who is absent for any reason on 10 percent or more of the school days in the school year, when the total number of days the student is absent is divided by the total number of days the student is enrolled and school was actually taught in the regular schools of the district, exclusive of Saturdays and Sundays. (Education Code 60901)

Truant means a student who is absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. (Education Code 48260)

Habitual truant means a student who has been reported as a truant three or more times within the same school year, provided the district has made a conscientious effort to hold at least one conference with the student and the student's parent/guardian after either of the two previous reports. (Education Code 48262, 48264.5)

Chronic truant means a student who has been absent from school without a valid excuse for 10 percent or more of the school days in one school year, from the date of enrollment to the current date, provided the district has met the requirements of Education Code 48260, 48260.5, 48261, 48262, 48263, and 48291. (Education Code 48263.6)

For purposes of classifying a student as a truant, valid excuse includes, but is not limited to, the reasons for which a student shall be excused from school pursuant to Education Code 48205 and 48225.5 and AR 5113 - Absences and Excuses. A valid excuse may include other reasons that are within the discretion of school administrators and, based on the facts of the student's circumstances, are deemed to constitute a valid excuse. (Education Code 48260)

**Addressing Chronic Absence**

When a student is identified as a chronic absentee, the Superintendent, attendance supervisor, or designee shall communicate with the student and the student's parents/guardians to determine the reason(s) for the excessive absences, ensure the student and parents/guardians are aware of the adverse consequences of poor attendance, and jointly develop a plan for improving the student's school attendance.

The student may be referred to a student success team or school-site attendance review team to assist in evaluating the student's needs and identifying strategies and programs to assist the student. When necessary, the student may be referred to a school attendance review board (SARB) program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee, in accordance with Education Code 48263 and item #3 in the section "Addressing Truancy" below.

A student who is struggling academically may be offered tutoring or other supplemental instruction, extended learning opportunities, and/or alternative educational options as appropriate.

Students who are absent shall be given an opportunity to make up missed assignments or assessments and shall receive full credit for satisfactory completion of the work. Students with excessive absences shall be supported to the extent possible to limit the impact of absences on the student's grades.

Whenever chronic absenteeism is linked to a health, social-emotional, family, or other non-school issue, the Superintendent or designee may recommend school or community resources and/or collaborate with community agencies and organizations to address the needs of the student and the student's family.

**Addressing Truancy**

An attendance supervisor or designee, peace officer, probation officer, or school administrator or designee may, as applicable, arrest or assume temporary custody during school hours of any minor student found away from home who is absent from school without a valid excuse. Any person arresting or assuming temporary custody of a minor

student shall deliver the student and make reports in accordance with Education Code 48265 and 48266.  
(Education Code 48264, 48265, 48266)

The Superintendent, attendance supervisor, or designee shall investigate a complaint from any person that a parent/guardian has violated the state compulsory education laws contained in Education Code 48200-48341.  
(Education Code 48290)

When a student has been identified as a truant as defined above, the following steps shall be implemented based on the number of trancies the student has committed:

1. Initial truancy

- a. The student shall be reported to the Superintendent, attendance supervisor, or designee. (Education Code 48260)
- b. The student's parent/guardian shall be notified by the most cost-effective method possible, which may include email or a telephone call, that: (Education Code 48260.5)
  - i. The student is truant.
  - ii. The parent/guardian is obligated to compel the student to attend school and, if the parent/guardian fails to meet this obligation, the parent/guardian may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.
  - iii. Alternative educational programs are available in the district.
  - iv. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.
  - v. The student may be subject to arrest or held in temporary custody by a probation officer, a peace officer, a school administrator or designee, or attendance supervisor or designee pursuant to Education Code 48264 if found away from home and absent from school without a valid excuse.
  - vi. If the student is at least 13 years of age but under age 18, the student may be subject to the suspension, restriction, or delay of driving privilege pursuant to Vehicle Code 13202.7.
  - vii. It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.
- c. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)
- d. The student and, as appropriate, the student's parent/guardian may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the student's attendance. (Education Code 48264.5)
- e. The Superintendent, attendance supervisor, or designee may notify the district attorney and/or probation officer of the student's name and the name and address of the student's parents/guardians. (Education Code 48260.6)

2. Second truancy

- a. Any student who has once been reported as a truant shall again be reported to the Superintendent, attendance supervisor, or designee as a truant if the student is absent from school without a valid excuse one or more days or is tardy on one or more days during the school year. (Education Code 48261)
- b. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)
- c. The student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, the student shall be subject to item #3 below. (Education Code 48264.5)

- d. An appropriate district staff member shall make a conscientious effort to hold at least one conference with the student and the student's parent/guardian by communicating with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call. (Education Code 48262)
  - e. The student may be given a written warning by a peace officer. A record of that warning may be kept at the school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school. (Education Code 48264.5)
  - f. The Superintendent or designee may notify the district attorney and/or probation officer when the student continues to be classified as a truant after the parents/guardians have been notified in accordance with item #1b above. (Education Code 48260.6)
3. Third truancy (habitual truancy)
- a. A student who is habitually truant, a chronic absentee, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a SARB program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee. (Education Code 48263, 48264.5)
  - b. Upon making a referral to the SARB or the probation department, the Superintendent, attendance supervisor, or other person designated to make the referral shall provide the student, the student's parent/guardian, and SARB or probation department with documentation of the interventions undertaken at the school. The attendance supervisor or designee shall also provide the student and the student's parent/guardian, in writing, the name and address of the SARB or probation department and the reason for the referral. This notice shall indicate that the student and the student's parent/guardian shall be required, along with the district staff person making the referral, to meet with the SARB or a probation officer to consider a proper disposition of the referral. (Education Code 48263)
  - c. If the student does not successfully complete the truancy mediation program or other similar program, the student shall be subject to item #4 below. (Education Code 48264.5)
  - d. If the Superintendent or designee determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or the student's parents/guardians have failed to respond to the directives of the district or to services provided, the Superintendent or designee may so notify the district attorney and/or the probation officer. (Education Code 48263)
4. Fourth truancy
- a. Upon the fourth truancy within the same school year, the student may be referred to the jurisdiction of the juvenile court. (Education Code 48264.5; Welfare and Institutions Code 601)
  - b. If a student has been adjudged by the county juvenile court to be a habitual truant, the Superintendent or designee shall notify the juvenile court and the student's probation or parole officer whenever the student is truant or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be notified within 10 days of the violation. (Education Code 48267)
5. Chronic truancy (unexcused absence for 10 percent of school days)
- a. The Superintendent or designee shall ensure that the student's parents/guardians are offered language-accessible support services to address the student's truancy.
  - b. If a chronically truant student is at least age six years and is in any of grades K-8, the Superintendent or designee shall notify the student's parents/guardians that failure to reasonably supervise and encourage the student's school attendance may result in the parent/guardian being found guilty of a misdemeanor pursuant to Penal Code 270.1.

## Records

The Superintendent, attendance supervisor, or designee shall maintain accurate attendance records for students identified as habitual or chronic truants. In addition, the attendance supervisor, designee, and/or the staff persons who have direct contact with the student or parent/guardian shall document all their contacts regarding the student's attendance, including a summary of all conversations and a record of all intervention efforts.

The Superintendent, attendance supervisor, or designee shall gather and transmit to the County Superintendent of Schools the number and types of referrals made to the SARB and of requests for petitions made to the juvenile court. (Education Code 48273)

---

**Policy 5131.2: Bullying**

Status: DRAFT

Original Adopted Date: 07/01/2015

This policy shall apply to all acts constituting bullying related to school activity or to school attendance occurring within a district school, to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

The Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a welcoming, safe, and supportive school environment that protects students from physical, mental, and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in Administrative Regulation 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code 48900, the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code 46600, the Superintendent or designee shall allow the transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable.

District families are encouraged to model respectful behavior, contribute to a safe and supportive learning environment, and monitor potential causes of bullying.

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

---

**Regulation 5131.2: Bullying**

Status: DRAFT

Original Adopted Date: 05/01/2019

**Examples of Prohibited Conduct**

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code 48900(r).

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images, which may be shared, sent, or posted publicly. Cyberbullying may include, but is not limited to, personal or private information that causes humiliation, false or negative information to discredit or disparage, or threats of physical harm. Cyberbullying may also include breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

Examples of the types of conduct that may constitute bullying and are prohibited by the district include, but are not limited to:

1. Physical bullying: An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
2. Verbal bullying: An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm
3. Social/relational bullying: An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
4. Cyberbullying: An act that occurs on electronic devices such as computers, tablets, or cell phones, such as sending demeaning or hateful text messages, direct messages or public posts on social media apps, gaming forums, or emails, spreading rumors by email or by posting on social networking sites, shaming or humiliating by allowing others to view, participate in, or share disparaging or harmful content, or posting or sharing embarrassing photos, videos, website, or fake profiles

**Measures to Prevent Bullying**

The Superintendent or designee shall implement measures to prevent bullying in district schools, including, but not limited to, the following:

1. Developing a strategic plan for school connectedness and social skills with benchmark tracking, which may include providing regular opportunities and spaces for students to develop social skills and strengthen relationships and promoting adult support from family and school staff, peer-led programs, and partnerships with key community groups, implementing socially based educational techniques such as cooperative learning projects that can improve educational outcomes as well as peer relations, creating a supportive school environment that fosters belonging through equitable classroom management, mentoring, and peer support groups that allow students to lean on each other and learn from each other's experiences, and building social connection into health education courses including information on the consequences of social connection on physical and mental health, key risk and protective factors, and strategies for increasing social connection
2. Ensuring that each school establishes clear rules for student and staff conduct and implements strategies to promote a positive, supportive, and collaborative school climate
3. Providing information to students, through student handbooks, district and school websites and social media, and other age-appropriate means, about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying

4. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously
5. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias
6. Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

### **Staff Development**

The Superintendent or designee shall annually make available to all certificated staff and to other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying. (Education Code 32283.5)

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

### **Information and Resources**

The Superintendent or designee shall post on the district's website, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)

1. The district's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6
2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8
3. Title IX information included on the district's website pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's website pursuant to Education Code 221.6
4. District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying
5. A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media
6. A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5

7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment

### **Student Instruction**

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character development, respect for cultural and individual differences, self-esteem development, assertiveness skills, digital and media literacy skills, and appropriate online behavior.

The district shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff are responsible for teaching and modeling respectful behavior and building safe and supportive learning environments, and are expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

### **Reporting and Filing of Complaints**

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with Administrative Regulation 1312.3 - Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Within one business day of receiving such a report, a staff member shall notify the principal of the report, regardless of whether a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a district compliance officer, regardless of whether the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in Administrative Regulation 1312.3.

Any individuals with information about cyberbullying activity shall save and print any electronic or digital messages that they feel constitute cyberbullying and shall notify a teacher, the principal, or other employee so that the matter may be investigated. When an investigation concludes that a student used a social networking site or service to bully or harass another student, the Superintendent or designee may report the cyberbullying to the social media platform and may request the material be removed.

### **Discipline/Corrective Actions**

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention, and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

When a student has been suspended, or other means of correction have been implemented against the student, for

an incident of racist bullying, harassment, or intimidation, the principal or designee shall engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal or designee shall also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and shall regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

### **Support Services**

The Superintendent, principal, or designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement, in accordance with Board Policy and Administrative Regulation 5141.52 - Suicide Prevention.

---

**Policy 5131.8: Mobile Communication Devices**

**Status:** DRAFT

**Original Adopted Date:** | **Last Revised Date:** Pending | **Last Reviewed Date:** 09/20/2024

The YES Charter Academy Council of Directors recognizes that the use of smartphones and other mobile communication devices are a distraction from learning and are disruptive of the instructional learning while at school. The Council of Directors recognizes that the use of cell-phones while at school can lead to cyberbullying which is detrimental to students' health, wellbeing and safety.

***A growing body of peer-reviewed research is examining the connection between technology use and teenage student mental health. Impact of smartphone use on student achievement, and the use of smartphones in schools.***

The U.S. Surgeon General issued an advisory about the effects of social media use has on youth mental health in 2023. The Surgeon General issued a call for urgent action by policymakers, technology companies, researchers, families, and young people alike to gain a better understanding of the full impact of social media use, maximize the benefits and minimize the harms of social media platforms, and create safer, healthier online environments to protect children. The advisory stated:

Studies have also shown a relationship between social media use and poor sleep quality, reduced sleep duration, sleep difficulties, and depression among youth.

There is an increasing body of research on the impact of technology on adolescent student outcomes in grades K-12.

There is growing evidence that unrestricted use of smartphones by students during the school day interferes with the educational mission of schools; lowers pupil performance, particularly among low-achieving pupils; promotes cyberbullying; and contributes to an increase in teenage anxiety, depression and suicide.

Usage of mobile communication devices such as use cell phones, smart watches, pagers, or other mobile communication devices are prohibited while on campus during any time at YES Charter Academy which is in accordance with law which permits any schools governing board of any school, or its designee, to regulate the possession or use of any electronic signaling device that operates through the transmission or receipt of radio waves, including, but not limited to, paging and signaling equipment, by pupils of the school district while the pupils are on campus, while attending school-sponsored activities, or while under the supervision and control of school district employees. (EC 48901.5)

Current Legislation (AB216) on cell phone usage has been amended to require, no later than July 1, 2026, the governing body of a school district, a COE, or a charter school to adopt a policy to limit or prohibit the use by its pupils of smartphones while the pupils are at a school site or while the pupils are under the supervision and control of an employee or employees of that school district, COE, or charter school.

**YES Charter Academy Student Cell Phone Protocol**

Mobile communication devices shall be turned in prior to entering the classroom. YES Charter will collect cell phones and keep them in special lock boxes outside the office until the student leaves on the bus or is picked up by a parent/guardian. Cell-phones are prohibited on school buses unless to communicate with parent or guardian. Devices are distributed to students who attend aftercare but are to be kept turned off and in the student's backpack unless to communicate with a parent or guardian.

However, a student shall not be prohibited from possessing or using a mobile communication device under any of the following circumstances: (Education Code 48901.5, 48901.7)

1. In the case of an emergency, or in response to a perceived threat of danger
2. When a teacher or administrator grants permission to the student to possess or use a mobile communication device, subject to any reasonable limitation imposed by that teacher or administrator
3. When a licensed physician or surgeon determines that the possession or use is necessary for the student's health and well-being

4. When the possession or use is required by the student's individualized education program

Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person.”

When a school official reasonably suspects that a search of a student's mobile communication device will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

When a student uses a mobile communication device in an unauthorized manner, the student may be disciplined and a YES Charter Academy employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

A student may also be subject to discipline, in accordance with law, Council of Directors policy, or administrative regulation, for off-campus use of a mobile communication device which poses a threat or danger to the safety of students, staff, or YES Charter Academy property or substantially disrupts school activities.

The Principal or designee shall inform students that the YES Charter Academy will not be responsible for a student's mobile communication device which is brought on campus or to a school activity and is lost, stolen, or damaged.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**Policy 5141.21: Administering Medication And Monitoring Health Conditions**

Status: DRAFT

Original Adopted Date: 11/01/2011

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 be able to participate in the educational program.

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.

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 parents/guardians to administer medication to their child at school, designate other individuals to do so on their behalf, and, with the student's authorized health care provider's approval, request the district's permission for the student 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.

The Superintendent or designee shall make epinephrine auto-injectors available at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction.

In accordance with law, the Superintendent or designee may make naloxone hydrochloride or another opioid antagonist and stock albuterol inhalers available at each school for providing emergency medical aid to any person suffering or reasonably believed to be suffering from opioid overdose or respiratory distress. (Education Code 49414.3, 49414.7)

**OPTION 1:** The parent/guardian of a student who is a qualified patient pursuant to Health and Safety Code 11362.7-11362.85 may administer medicinal cannabis, excluding medicinal cannabis or cannabis products in a smokeable or vape-able form, to the student at a school site. School personnel are not authorized to administer medicinal cannabis to a student. (Education Code 49414.1)

Before administering medicinal cannabis at a school site, the parent/guardian shall provide to the principal or designee a valid written medical recommendation for the student to be given medicinal cannabis, which shall be kept on file at the school. The parent/guardian shall sign in at the school site before administering the medication, and shall not administer the medication in a manner that disrupts the educational environment or exposes other students. After the parent/guardian administers the medication, the parent/guardian shall remove any remaining medicinal cannabis from the school site. (Education Code 49414.1)

**END OF OPTION 1**

**OPTION 2:**

YES Charter Academy's Council of Directors choose Option two (2), because of the conflict between state and federal law regarding the legality of medicinal cannabis, the Board prohibits the administration of medicinal cannabis to students on school grounds by parents/guardians or school personnel.

**END OF OPTION 2**

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.



When allowed by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, administrative regulation, and, as applicable, the written statement provided by the student's parent/guardian and authorized health care provider. Such personnel shall be afforded appropriate liability protection.

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.

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.

---

**Policy 5141.4: Child Abuse Prevention And Reporting**

Status: DRAFT

Original Adopted Date: 07/01/2002

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

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

**Child Abuse Prevention**

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

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

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

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

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

**Child Abuse Reporting**

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

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

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

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

**Regulation 5144.1: Suspension And Expulsion/Due Process**

Status: ADOPTED

Original Adopted Date: 09/26/2024 | Last Reviewed Date: 09/26/2024

**Definitions**

Suspension means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910, so long as removal from a particular class does not occur more than once every five school days.

*Expulsion* means removal of a student from the immediate supervision and control or the general supervision of school personnel. (Education Code 48925)

**Notice of Regulations**

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, including suspension and expulsion. (Education Code 35291, 48900.1, 48980)

**Grounds for Suspension and Expulsion: Grades K-12**

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows and in the sections "Additional Grounds for Suspension and Expulsion: Grades 4-12" and "Additional Grounds for Suspension and Expulsion: Grades 9-12" below:

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))
3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11059, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11059, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the same as a controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))
7. Stole or attempted to steal school property or private property (Education Code 48900(g))
8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except

that this restriction shall not prohibit a student from using or possessing prescription products (Education Code 48900(h))

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))
10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))
11. Knowingly received stolen school property or private property (Education Code 48900(l))
12. Possessed an imitation firearm (Education Code 48900(m))

*Imitation firearm* means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 287, 288, 289, or former 288a, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))
14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))
15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))
16. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

*Hazing* means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. (Education Code 48900(q))

17. Engaged in an act of bullying (Education Code 48900(r))

*Bullying* means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student(s) in fear of harm to self or property; cause the student to experience a substantially detrimental effect on physical or mental health; or cause the student to experience substantial interferences with academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code 48900(r))

*Bullying* includes any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in the section "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

*Bullying* also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

*Electronic act* means the creation or transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to: (Education Code 48900(r))

- a. A message, text, sound, video, or image

- b. A post on a social network Internet web site, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

*Reasonable student* means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of the student's age, or for a person of the student's age and disability. (Education Code 48900(r))

*Burn page* means an internet web site created for the purpose of causing a reasonable student any of the effects of bullying described above. (Education Code 48900(r))

*Credible impersonation* means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that the student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated. (Education Code 48900(r))

*False profile* means a profile of a fictitious student or profile using the likeness or attributes of an actual student other than the student who created the false profile. (Education Code 48900(r))

An electronic act is not considered pervasive conduct solely on the basis that it has been transmitted to the internet or is currently posted on the internet. (Education Code 48900(r))

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))
19. Made terrorist threats against school officials and/or school property (Education Code 48900.7)

*A terrorist threat* includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying out the crime. (Education Code 48900.7)

#### **Additional Grounds for Suspension and Expulsion: Grades 4-12**

A student in grades 4-12 shall be subject to suspension or recommendation for expulsion when it is determined that the student:

1. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

*Sexual harassment* means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

*Hate violence* means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

3. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment. (Education Code 48900.4)

#### **Additional Grounds for Suspension and Expulsion: Grades 9-12**

Any student in grades 9-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

### **Suspension from Class by a Teacher**

A teacher may suspend a student from class for the remainder of the day and the following day for any of the acts specified in Education Code 48900 and listed as Items #1-19 under "Grounds for Suspension and Expulsion: Grades K-12" above or for disruption or willful defiance at any grade level, including grades K-8. (Education Code 48910)

When suspending a student from class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, the student shall be appropriately supervised during the class periods from which the student has been suspended. (Education Code 48910)

As soon as possible after the teacher decides to suspend the student, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the principal or designee. (Education Code 48910)

A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which the student was suspended. (Education Code 48910)

A teacher may also refer a student, for any of the acts specified above in Education Code 48900, to the principal or designee for consideration of a suspension from school. (Education Code 48910)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

### **Suspension by Superintendent, Principal or Principal's Designee**

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity away from school to have committed any of the acts listed in the Board policy under "Authority to Expel" for which a recommendation of expulsion is required. (Education Code 48915(c))

The Superintendent, principal, or designee may impose a suspension for a first offense if it is determined that the student violated any of Items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

When other means of correction are implemented prior to imposing suspension upon a student, including supervised suspension, the Superintendent, principal, or designee shall document the other means of correction used and retain the documentation in the student's record. (Education Code 48900.5)

### **Length of Suspension**

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school or class, or continuation school or class for the purpose of adjustment, the student may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

### **Due Process Procedures for Suspension**

Suspensions shall be imposed in accordance with the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, including the other means of correction that were attempted before the suspension as required pursuant to Education Code 48900.5, and the evidence against the student, and shall be given the opportunity to present the student's version and evidence in the student's defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, the student, the student's parent/guardian, or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the Indian child's tribal social worker and, if applicable, county social worker, shall be notified of the student's right to a conference and the right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student waives the right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school for the conference. (Education Code 48911)

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian, or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the Indian child's tribal social worker, and, if applicable, the county social worker, in person, by email, or by telephone. Whenever a student is suspended, the parent/guardian, or, if applicable, the foster youth's educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, the county social worker, shall also be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

4. In addition, the notice may state the date and time when the student may return to school.
5. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may conduct a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

If school officials request to meet with the parent/guardian, a foster youth's educational rights holder, attorney, and county social worker, or an Indian child's tribal social worker, and, if applicable, the county social worker, the notice may state that the law requires such individuals to respond to the request without delay. However, the student shall not be penalized for the failure of the parent/guardian, a foster youth's educational rights holder, attorney, and county social worker, or an Indian child's tribal social worker, and, if applicable, the county social worker, to attend such a conference. The student may not be denied reinstatement solely

because such individuals failed to attend the conference. (Education Code 48911)

6. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed: (Education Code 48911)
  - a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.
  - b. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process.
  - c. If the student involved is a foster youth or Indian child, the Superintendent or designee shall notify the district's educational liaison of the need to invite the foster youth's educational rights holder, attorney and county social worker, or the Indian child's tribal social worker or, if applicable, the county social worker, to attend the meeting. (Education Code 48853.5, 48911, 48918.1)
  - d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code 48918.1)
  - e. In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct the behavior and keep the student in school.

### **Suspension by the Board**

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," and "Additional Grounds for Suspension and Expulsion: Grades 9-12" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to disclosure of information that would violate a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

The Board shall provide the student and parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

### **On-Campus Suspension**

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to on-campus suspension in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The on-campus suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student

during the suspension.

4. The student shall be responsible for contacting the student's teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian, or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or, if the student is an Indian child, the Indian child's tribal social worker and, if applicable, county social worker, in person, by email, or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

### **Superintendent or Principal's Authority to Recommend Expulsion**

Unless the Superintendent or principal determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, the Superintendent or principal shall recommend a student's expulsion for any of the following acts: (Education Code 48915)

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11059, except for:
  - a. The first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
  - b. The student's possession of over-the-counter medication for use by the student for medical purposes
  - c. Medication prescribed for the student by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

### **Student's Right to Expulsion Hearing**

Any student recommended for expulsion shall be entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

### **Stipulated Expulsion**

After a determination that a student has committed an offense for which the student may be expelled, the Superintendent, principal, or designee shall offer the student, the student's parent/guardian, or, when applicable, other person holding the right to make educational decisions for the student, the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after written notice of the expulsion hearing pursuant to Education Code 48918 has been given.

The stipulation agreement shall be in writing and shall be signed by the student, the student's parent/guardian, or, when applicable, the person holding the right to make educational decisions for the student. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of the right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student, the student's parent/guardian, or, when applicable, the person holding the right to make educational decisions for the student, shall be effective upon approval by the Board.

### **Rights of Complaining Witness**

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, the Superintendent or designee shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of the right to: (Education Code 48918.5)

1. Receive five days' notice of the scheduled testimony at the hearing
2. Have up to two adult support persons present at the hearing at the time the witness testifies
3. Have a closed hearing during the time the witness testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

### **Written Notice of the Expulsion Hearing**

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment

This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney adviser

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney adviser means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing
7. The opportunity to confront and question all witnesses who testify at the hearing
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

### **Additional Notice of Expulsion Hearing for Foster Youth, Homeless Students, and Indian Children**

If the student facing expulsion is a foster student or Indian child, the Superintendent or designee shall also send notice of the hearing to the foster youth's' educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, county social worker, at least 10 calendar days prior to the hearing. (Education Code 48918.1)

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 calendar days prior to the hearing. (Education Code 48918.1)

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

### **Conduct of Expulsion Hearing**

1. Closed Session: Notwithstanding Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public to the extent that privacy rights of other students are not violated. (Education Code 48918)
2. Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to testify in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, a videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

3. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))
4. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be

considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in Item #6 below. (Education Code 48918(i))

5. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," and "Additional Grounds for Suspension and Expulsion: Grades 9-12" above. (Education Code 48918(h))
6. Findings of fact shall be based solely on the evidence at the hearing. Although no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

7. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
  - a. Any complaining witness shall be given five days' notice before being called to testify.
  - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during the testimony.
  - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
  - d. The person presiding over the hearing may remove a support person who is disrupting the hearing.
  - e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
  - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
  - g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
    - i. The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
    - ii. At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which the complaining witness may leave the hearing room.
    - iii. The person conducting the hearing may:

- A. Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
- B. Limit the time for taking the testimony of a complaining witness to normal school hours, if there is no good cause to take the testimony during other hours
- C. Permit one of the support persons to accompany the complaining witness to the witness stand

8. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from school, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

#### **Alternative Expulsion Hearing: Hearing Officer or Administrative Panel**

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. The Board may also appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918)

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by the student's parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code 48917, 48918)

#### **Final Action by the Board**

Whether the expulsion hearing is conducted in closed or open session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. (Education Code 48918(j))

The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any "mandatory recommendation and mandatory expulsion" act

listed in the section "Authority to Expel" in the accompanying Board policy, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

### **Written Notice to Expel**

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," or "Additional Grounds for Suspension and Expulsion: Grades 9-12" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

### **Decision to Suspend Expulsion Order**

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)

2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," or "Additional Grounds for Suspension and Expulsion: Grades 9-12" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

### **Appeal**

If a student is expelled from school, the student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. (Education Code 48919)

If the student submits a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board, the district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

### **Notification to Law Enforcement Authorities**

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance, or of any student acts involving the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate county or district law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

### **Placement During Expulsion**

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the

program is offered at a community day school established at any of these

3. Not housed at the school site attended by the student at the time of suspension

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in Items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and Items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

### **Readmission After Expulsion**

Prior to the date set by the Board for the student's readmission:

1. The Superintendent or designee shall hold a conference with the student's parent/guardian, or other person holding the right to make educational decisions for the student, and the student. At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and the student's parent/guardian or other person holding the right to make educational decisions for the student shall be asked to indicate in writing their willingness to comply with these regulations.
2. The Superintendent or designee shall transmit to the Board a recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the student's parent/guardian or other person holding the right to make educational decisions for the student, or adult student, it shall be honored to the extent that privacy rights of other students are not violated.
3. If the readmission is granted, the Superintendent or designee shall notify the student and the student's parent/guardian, or other person holding the right to make educational decisions for the student, by registered mail, of the Board's decision regarding readmission.
4. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
5. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.
6. The Board shall provide written notice to the expelled student and the student's parent/guardian, or other person holding the right to make educational decisions for the student, describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district.

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

### **Maintenance of Records**

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8)

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

---

**Policy 5144.1: Suspension And Expulsion/Due Process**

Status: ADOPTED

Original Adopted Date: 09/26/2024 | Last Reviewed Date: 09/26/2024

The Council of Directors desires to provide YES Charter Academy students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulations.

Except when otherwise permitted by law, a student may be suspended or expelled only when the behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus
4. During, going to, or coming from a school-sponsored activity
5. Online or by electronic means relating to school, school staff, and/or fellow students

YES Charter Academy staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

**Appropriate Use of Suspension Authority**

Except when a student's act violates Education Code 48900(a)-(e), as listed in Items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when the student's presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

**OPTION 1: (Students in grades 9-12 may be suspended for disruption and/or willful defiance)**

No student in grades K-8 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

**OPTION 1 ENDS HERE**

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

**On-Campus Suspension**

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school

and for whom expulsion proceedings have not been initiated, the Principal or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

### **Authority to Expel**

A student may be expelled only by the Board. (Education Code 48918(j))

As required by law, the principal shall recommend expulsion and the Council of Directors shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 287, 288, or 289, or former 288a, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulations, the principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Council of Directors shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That, due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others.

A vote to expel a student shall be taken in an open session of a Board meeting.

The Council of Directors may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulations. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

No child enrolled in a preschool program shall be expelled except under limited circumstances as specified in AR 5148.3 - Preschool/Early Childhood Education.

### **Due Process**

The Council of directors shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The Principal or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulations. (Education Code 48911, 48915, 48915.5, 48918)

### **Maintenance and Monitoring of Outcome Data**

The Principal or designee shall maintain outcome data related to student suspensions and expulsions in accordance

with Education Code 48900.8 and 48916.1, including, but not limited to, the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Council of Directors, the types of referral made after each expulsion, and the disposition of the students after the expulsion period. For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Board annually and to the California Department of Education when so required.

In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

---

**Regulation 5144.2: Suspension And Expulsion/Due Process (Students With Disabilities)**

**Status: ADOPTED**

**Original Adopted Date:** 09/26/2024 | **Last Reviewed Date:** 09/26/2024

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this administrative regulation. Suspension or expulsion of a student with disabilities shall be in accordance with Council of Directors Policy 5144.1 - Suspension And Expulsion/Due Process and this administrative regulation. When a student with disabilities exhibits behavior which impedes the student's own learning or that of others, the student's individualized education program (IEP) team shall consider positive behavioral interventions and supports, and other strategies, to address the behavior. (Education Code 56521.2; 20 USC 1414)

**Suspension**

The Superintendent, principal, or designee may suspend a student from school for up to five consecutive school days, unless the suspension has been extended following a recommendation for expulsion. (Education Code 48911) A student may usually be suspended from school for up to 20 cumulative school days, or 30 cumulative school days as permitted by Education Code 48903, in a school year as long as the pattern of suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530) The Principal or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from the student's current educational placement for disciplinary reasons constitutes a change of placement.

A change of placement shall be deemed to have occurred under either of the following circumstances: (34 CFR 300.536)

1. A decision has been made that would result in the removal of the student for more than 10 consecutive school days
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
  - a. The series of removals total more than 10 school days in a school year
  - b. The student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals
  - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another

If a student's removal is determined to be a change of placement as specified in Items #1-2 above, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in the student's IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the YES Charter Academy to provide the student with transportation, the YES Charter Academy shall provide the student with an alternative form of transportation at no cost to the student or the student's parent/guardian when, as a result of a suspension, the student is excluded from school bus transportation. (Education Code 48915.5)

The principal or designee shall monitor the number of days, including portions of days, in which a student with an IEP has been suspended during the school year.

## **Interim Alternative Educational Placement Due to Dangerous Behavior**

The YES Charter Academy may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by the student's IEP team. (20 USC 1415(k)(1)(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from the student's current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow the student to participate in the general education curriculum and to progress toward meeting the goals set out in the IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation, so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

### **Manifestation Determination**

The following procedural safeguards shall apply when a decision has been made to suspend a student with a disability for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the YES Charter Academy's code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504

If the student is a foster youth, the notice shall be given to the student's educational rights holder, attorney, and county social worker, and, if the student is an Indian child, the student's tribal social worker and, if applicable, county social worker. (Education Code 48853.5; 20 USC 1415(k)(1)(H); 34 CFR 300.530)

2. Manifestation Determination Review: Immediately, if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action (20 USC 1415(k)(1)(E); 34 CFR 300.530)

If the student is a foster youth or Indian child, the foster youth's educational rights holder, attorney, or county social worker, or the Indian child's tribal social worker and, if applicable, county social worker, shall be invited to participate in the manifestation determination review. (Education Code 48915.5)

At the manifestation determination review, the YES Charter Academy, the student's parent/guardian, and relevant members of the IEP team (as determined by the YES Charter Academy and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

1.
  - a. Caused by or had a direct and substantial relationship to the student's disability

1.

- b. A direct result of the YES Charter Academy's failure to implement the student's IEP, in which case the YES Charter Academy shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of the student's disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the student's conduct has been determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student

If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which the student was removed, unless the parent/guardian and Principal or designee agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

4. Determination that Behavior is Not a Manifestation of the Student's Disability: When it has been determined that the student's conduct was not a manifestation of the disability, the student may be disciplined in accordance with the procedures for students without disabilities

However, the student's IEP team shall determine services necessary to enable the student to participate in the general education curriculum in another setting and to allow the student to progress toward meeting the goals set out in the IEP. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

### **Due Process Appeals**

If the parent/guardian disagrees with any YES Charter Academy decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances), 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), the parent/guardian may appeal the decision by requesting a hearing. The YES Charter Academy may request a hearing if the YES Charter Academy believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

Whenever a hearing is requested as specified above, the parent/guardian or the YES Charter Academy shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the YES Charter Academy has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and YES Charter Academy agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

### **Readmission**

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

### **Decision Not to Enforce Expulsion Order**

The Governing Council of Directors' criteria for suspending the enforcement of an expulsion order shall be applied

to students.

With disabilities in the same way as they are applied to all other students. (Education Code 48917)

### **Notification to Law Enforcement Authorities**

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in Administrative Regulation 5144.1 - Suspension And Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that the student's information or records will not be disclosed to any other person without the prior written consent of the student's parent/guardian. (Education Code 49076)

### **Report to County Principal of Schools**

The Principal or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. (Education Code 48203)

### **Procedures for Students Not Yet Eligible for Special Education Services**

A student who has not been determined to be eligible for special education and related services and who has violated the YES Charter Academy's code of student conduct may nevertheless assert any of the protections under IDEA, if the YES Charter Academy had knowledge of the student's disability. (20 USC 1415(k)(5); 34 CFR 300.534)

*Knowledge* means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian, in writing, has expressed concern to YES Charter Academy supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311
3. The teacher of the student or other YES Charter Academy personnel has expressed specific concerns directly to the YES Charter Academy's director of special education or other supervisory YES Charter Academy personnel about a pattern of behavior demonstrated by the student

However, the YES Charter Academy shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed the student to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the YES Charter Academy determined that the student was not an individual with a disability. (20 USC 1415(k)(5); 34 CFR 300.534)

When the YES Charter Academy is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

**Regulation 5144.4: Required Parental Attendance**

Status: DRAFT

Original Adopted Date: 04/01/2015

Whenever a teacher requires a parent/guardian to attend a portion of a school day with his/her child for the child's commission of an act specified in Education Code 48900(i) or (k), the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is required pursuant to law. (Education Code 48900.1)

The notice shall:

1. Inform the parent/guardian of the date that his/her presence is expected, the length of the visit, and by what means he/she may arrange an alternate date
2. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student
3. Direct the parent/guardian to meet with the principal after the visit and before leaving school
4. Direct the parent/guardian to contact the school if there are reasonable factors that would prevent him/her from complying with the attendance requirement

Attendance of the parent/guardian shall be limited to the class from which the student was removed. (Education Code 48900.1)

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

At the meeting with the student's parent/guardian, the principal or designee shall explain the district's and school's discipline policies, including the disciplinary strategies that may be used to achieve proper student conduct.

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by any method that maintains the confidentiality of the student's records.

---

**Policy 5144.4: Required Parental Attendance**

Status: DRAFT

Original Adopted Date: 04/01/2015

The Governing Board is committed to providing a safe school environment and setting expectations for appropriate student conduct. The Superintendent or designee may involve parents/guardians in student discipline as necessary to improve a student's behavior and encourage personal responsibility.

When removing a student from class pursuant to Education Code 48910 for committing an act of obscenity, habitual profanity or vulgarity, disruption of school activities, or willful defiance, the teacher of the class may require any parent/guardian who lives with the student to accompany the student for a portion of a school day in the class from which the student has been removed. (Education Code 48900.1)

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code 48900.1)

District and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. (Education Code 48900.1)

---

**Regulation 5145.13: Response To Immigration Enforcement**

Status: DRAFT

Original Adopted Date: 05/01/2018

**Responding to Requests for Information**

Unless authorized by the Family Educational Rights and Privacy Act pursuant to 20 USC 1232g, student information shall not be disclosed to immigration law enforcement authorities without parental consent, a court order, or judicial subpoena. The Superintendent or designee shall annually notify parents/guardians that the district will not release student information to third parties for immigration enforcement purposes, unless the parent/guardian consents or as required to do so by a court order or judicial subpoena.

Upon receiving any verbal or written request for information related to a student's or family's immigration or citizenship status, district staff shall:

1. Notify the Superintendent or designee about the information request
2. Provide students and families with appropriate notice and a description of the immigration officer's request
3. Document any request for information by immigration authorities
4. Provide students and parents/guardians with any documents provided by the immigration enforcement officer, unless such disclosure is prohibited by a subpoena served on the district or in cases involving investigations of child abuse, neglect, or dependency

Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. (Government Code 8310.3)

**Responding to Requests for Access to Students or School Grounds**

District staff shall receive parent/guardian consent before a student is interviewed or searched by any officer seeking to enforce civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge or a valid, effective court order. A student's parent/guardian shall be immediately notified if a law enforcement officer requests or gains access to the student for immigration enforcement purposes, unless the judicial warrant or subpoena restricts disclosure to the parent/guardian.

All visitors and outsiders, including immigration enforcement officers, shall register with the principal or designee upon entering school grounds during school hours. Each visitor or outsider shall provide the principal or designee with his/her name, address, occupation, age if less than 21, purpose in entering school grounds, proof of identity, and any other information required by law. (Penal Code 627.2, 627.3)

District staff shall report the presence of any immigration enforcement officers to on-site district police and other appropriate administrators.

As early as possible, district staff shall notify the Superintendent or designee of any request by an immigration enforcement officer for access to the school or a student or for review of school documents, including service of lawful subpoenas, petitions, complaints, warrants, or other such documents.

In addition, district staff shall take the following actions in response to an officer present on the school campus specifically for immigration enforcement purposes:

1. Advise the officer that before school personnel can respond to the officer's request, they must first receive notification and direction from the Superintendent or designee, except under exigent circumstances that necessitate immediate action

2. Request to see the officer's credentials, including his/her name and badge number, and the phone number of the officer's supervisor, and note or make a copy of all such information
3. Ask the officer for his/her reason for being on school grounds and document the response
4. Request that the officer produce any documentation that authorizes his/her school access
5. Make a copy of all documents produced by the officer and retain one copy for school records
6. If the officer declares that exigent circumstances exist and demands immediate access to the campus, comply with the officer's orders and immediately contact the Superintendent or designee
7. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation, as follows:
  - a. If the officer has an Immigrations and Customs Enforcement (ICE) administrative warrant, district staff shall inform the agent that they cannot consent to any request without first consulting with the district's legal counsel or other designated district official.
  - b. If the officer has a federal judicial warrant, such as a search and seizure warrant or an arrest warrant signed by a federal judge or magistrate, district staff shall promptly comply with the warrant. If feasible, district staff shall consult with the district's legal counsel or designated administrator before providing the officer with access to the person or materials specified in the warrant.
  - c. If the officer has a subpoena for production of documents or other evidence, district staff shall inform the district's legal counsel or other designated official of the subpoena and await further instructions as to how to proceed.
8. Do not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, district staff shall document the officer's actions while on campus.
9. After the encounter with the officer, promptly make written notes of all interactions with the officer, including:
  - a. A list or copy of the officer's credentials and contact information
  - b. The identity of all school personnel who communicated with the officer
  - c. Details of the officer's request
  - d. Whether the officer presented a warrant or subpoena to accompany his/her request, what was requested in the warrant or subpoena, and whether the warrant or subpoena was signed by a judge
  - e. District staff's response to the officer's request
  - f. Any further action taken by the officer
  - g. A photo or copy of any documents presented by the officer
10. Provide a copy of these notes and associated documents collected from the officer to the district's legal counsel or other designated district official

The district's legal counsel or other designated official shall submit a timely report to the Governing Board regarding the officer's requests and actions and the district's responses. (Education Code 234.7)

The Superintendent or designee shall also email the Bureau of Children's Justice in the California Department of Justice (BCJ@doj.ca.gov) regarding any attempt by a law enforcement officer to access a school site or a student for immigration enforcement purposes.

### **Responding to the Detention or Deportation of Student's Family Member**

The Superintendent or designee shall encourage students and their families to update their emergency contact

information as needed throughout the school year and to provide alternative contacts, including an identified trusted adult guardian, in case a student's parent/guardian is detained or is otherwise unavailable. The Superintendent or designee shall notify students' families that information provided on the emergency cards will only be used in response to specific emergency situations and not for any other purpose.

The Superintendent or designee shall also encourage all students and families to learn their emergency phone numbers and be aware of the location of important documentation, including birth certificates, passports, social security cards, physicians' contact information, medication lists, lists of allergies, and other such information that would allow the students and families to be prepared in the event that a family member is detained or deported.

In the event that a student's parent/guardian is detained or deported by federal immigration authorities, the Superintendent or designee shall release the student to the person(s) designated in the student's emergency contact information or to any individual who presents a caregiver's authorization affidavit on behalf of the student. The Superintendent or designee shall only contact child protective services if district personnel are unable to arrange for the timely care of the student by the person(s) designated in the emergency contact information maintained by the school or identified on a caregiver's authorization affidavit.

The Superintendent or designee shall notify a student whose parent/guardian was detained or deported that the student continues to meet the residency requirements for attendance in a district school, provided that the parent/guardian was a resident of California and the student lived in California immediately before he/she moved out of state as a result of the parent/guardian's departure. (Education Code 48204.4)

The Superintendent or designee may refer a student or his/her family members to other resources for assistance, including, but not limited to, an ICE detainee locator, legal assistance, or the consulate or embassy of the parent/guardian's country of origin.

---

**Policy 5145.13: Response To Immigration Enforcement**

Status: DRAFT

Original Adopted Date: 05/01/2018

The Governing Board is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.

District staff shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members or provide assistance with immigration enforcement at district schools, except as may be required by state and federal law. (Education Code 234.7)

No student shall be denied equal rights and opportunities nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the district's programs and activities on the basis of his/her immigration status. (Education Code 200, 220, 234.1)

The Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. (Education Code 234.7)

Consistent with requirements of the California Office of the Attorney General, the Superintendent or designee shall develop procedures for addressing any requests by a law enforcement officer for access to district records, school sites, or students for the purpose of immigration enforcement.

Teachers, school administrators, and other school staff shall receive training regarding immigration issues, including information on responding to a request from an immigration officer to visit a school site or to have access to a student.

---

The Superintendent or designee shall report to the Board in a timely manner any requests for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws. Such notification shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

**Policy 6171: Title I Programs**

Status: DRAFT

Original Adopted Date: 11/01/2002

The Governing Board desires to provide a high-quality education that enables all students to meet challenging state academic standards. In schools with a large number or percentage of economically disadvantaged families, the district shall use Title I funds to provide services that strengthen the academic program and provide support to students at risk of failing to achieve academic standards.

Title I funds shall be used to supplement, not supplant, funds available from state and local sources for the education of students participating in Title I programs. (20 USC 6314, 6321)

Descriptions of how the district will address the required components of the Title I local educational agency plan, as specified in 20 USC 6312, shall be included within the district's control and accountability plan (LCAP), the LCAP Federal Addendum, or another document. School-level strategies shall be aligned with the district's plan and be tailored to the specific needs of the students at the school.

In addition, the district and each school receiving Title I funds shall develop a written parent/guardian and family engagement policy in accordance with 20 USC 6318.

**Comparability of Services**

In schools receiving Title I funds, state and local funds shall be used to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds or, if all district schools are receiving Title I funds, that are substantially comparable in each school. Comparability may be determined on a school-by-school basis or by grade span. (20 USC 6321)

To demonstrate comparability of services among district schools, the district shall:

1. Adopt and implement a districtwide salary schedule
2. Ensure equivalence in teachers, administrators, and other staff, as measured by either or both of the following:
  - a. The ratio of students to instructional staff at each Title I school within a grade span, which shall not exceed 110 percent of the average ratio for all non-Title I district schools within that grade span
  - b. Salary expenditures for instructional staff at each Title I school, which shall be no less than 90 percent of the average salary expenditure across non-Title I district schools.
3. Ensure equivalence in the provision of curriculum materials and instructional supplies, by determining whether the per-student expenditure of state and local funds for curriculum materials and instructional supplies in Title I schools is between 90 and 110 percent of the district wide average
4. Determine whether the amount of state and local funds allocated per student for each grade span is between 90 and 110 percent of the per student average for each grade span in non-Title I schools

In determining comparability, the district shall not include staff salary differentials for years of employment. The district also may exclude unpredictable changes in student enrollment or personnel assignments that occur after the beginning of the school year, state and local funds expended for language instruction educational programs, state and local funds expended for the excess costs of providing services to students with disabilities, and supplemental state or local funds expended in any school attendance area or school for programs that specifically meet the intent and purposes of Title I. (20 USC 6321)

The Superintendent or designee shall annually assess comparability in accordance with the above criteria and maintain records documenting the district's compliance. If any instances of noncomparability are identified, the Superintendent or designee shall promptly implement adjustments as needed to ensure comparability.

#### **Participation of Private School Students**

The district shall provide or contract to provide special educational services, instructional services (including evaluations to determine the progress being made in meeting students' academic needs), counseling, mentoring, one-on-one tutoring, or other Title I benefits to eligible private school students residing in a participating school attendance area. Such services and benefits shall be provided on an equitable basis in comparison to services and other benefits for public school students. (20 USC 6320, 7881)

#### **Program Evaluation**

The Board shall regularly monitor the progress of economically disadvantaged and low-achieving students in Title I schools. During the annual evaluation of the district's progress toward achieving each goal identified in the LCAP or other planning document addressing 20 USC 6312, the Board shall review disaggregated data on academic achievement, school attendance, and other outcomes for such students and shall ensure that strategies are revised as necessary to support continuous improvement.

---

**Policy 6173: Education For Homeless Children**

Status: DRAFT

Original Adopted Date: 07/01/2005

The Governing Board believes that the identification of students experiencing homelessness is critical to improving the educational outcomes of such students and ensuring that students experiencing homelessness have access to the same free and appropriate public education provided to other students within the district. The district shall provide students experiencing homelessness with access to education and other services necessary for such students to meet the same challenging academic standards as other students.

When there are at least 15 students experiencing homelessness in the district or a district school, the district's local control and accountability plan (LCAP) shall include goals and specific actions to improve student achievement and other outcomes of students experiencing homelessness. (Education Code 52052, 52060, 52064)

The Superintendent or designee shall review district policies at least once every three years and recommend updates to ensure removal of any barriers to the education of homeless students and unaccompanied youth. Any such review shall address identification, enrollment, and retention of such students, including those barriers that are due to absences or outstanding fees or fines. (Education Code 48851.3, 42 USC 11432)

The Superintendent or designee shall designate an appropriate staff person to serve as a liaison for homeless children and youths. The district liaison for homeless students shall fulfill the duties specified in 42 USC 11432 to assist in identifying and supporting students experiencing homelessness to succeed in school, and as specified in Education Code 48851.3 related to trainings for district staff providing assistance to students experiencing homelessness.

The Superintendent or designee shall ensure that each district school identifies all students experiencing homelessness and unaccompanied youths enrolled at the school. (Education Code 48851)

To ensure easy identification of students experiencing homelessness, the Superintendent or designee shall annually provide and administer a housing questionnaire developed by the California Department of Education (CDE) to all parents/guardians of students and all unaccompanied youths. (Education Code 48851)

If the primary language of a student's parent/guardian or an unaccompanied youth is not English, either the housing questionnaire shall be made available in the primary language of the student's parent/guardian or the unaccompanied youth pursuant to Education Code 48985, or an appropriate translation of the housing questionnaire shall be provided upon request of a student's parent/guardian or an unaccompanied youth. (Education Code 48851)

The Superintendent or designee shall report to CDE the number of students experiencing homelessness, including unaccompanied youths, enrolled in the district as identified from the housing questionnaire described above. (Education Code 48851)

In addition, the Superintendent or designee shall ensure that the district liaison's contact information and other information on homelessness, including, but not limited to, information regarding the educational rights and resources available to persons experiencing homelessness, are posted on the district and school web sites as specified in the accompanying administrative regulation. (Education Code 48852.6)

The Superintendent or designee shall ensure that placement decisions for students experiencing homelessness are based on the student's best interest as defined in law and administrative regulation.

Each student experiencing homelessness shall be provided services that are comparable to services offered to other students in the school, including, but not limited to, transportation, educational programs for which the student meets the eligibility criteria (such as federal Title I services or similar state or local programs, programs for students with disabilities, and educational programs for English learners), career and technical education programs, programs for gifted and talented students, and school nutrition programs. (Education Code 48850; 42 USC 11432)

Students experiencing homelessness shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way. However, the Superintendent or designee may separate students experiencing homelessness on school grounds as necessary for short periods of time for health and safety emergencies or to provide temporary, special, and supplementary services to meet their unique needs. (42 USC 11432, 11433)

The Superintendent or designee shall ensure that information and/or materials for students experiencing homelessness are provided in a manner and form understandable to the student's parents/guardians and to unaccompanied youths.

Information about the living situation of a student experiencing homelessness shall be considered part of a student's educational record, subject to the Family Educational Rights and Privacy Act, shall not be deemed to be directory information as defined in 20 USC 1232g, and shall not be released without written consent. (42 USC 11432)

The Superintendent or designee shall coordinate with other agencies and entities to ensure that students experiencing homelessness are promptly identified, ensure that students experiencing homelessness have access to and are in reasonable proximity to available education and related support services, and raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness. Toward these ends, the Superintendent or designee shall collaborate with local social services agencies, other agencies or entities providing services to students experiencing homelessness, and, if applicable, transitional housing facilities. In addition, the Superintendent or designee shall coordinate transportation, transfer of school records, and other interdistrict activities with other local educational agencies. As necessary, the Superintendent or designee shall coordinate, within the district and with other involved local educational agencies, services for students experiencing homelessness and services for students with disabilities. (42 USC 11432)

At least annually, the district liaison and other appropriate staff shall participate in professional development and other technical assistance activities to assist them in identifying and meeting the needs of students experiencing homelessness. Such professional development and technical assistance shall include, but are not limited to, training on the district's homeless education program policies, definitions of terms related to homelessness, recognition of signs that students are experiencing or are at risk of experiencing homelessness, the steps that should be taken once a potentially homeless student is identified, and how to connect students experiencing homelessness with appropriate housing and service providers. (Education Code 48851.3, 48852.5; 42 USC 11432)

At least annually, the Superintendent or designee shall report to the Board on the identification of and outcomes for students experiencing homelessness, which may include, but are not limited to, the housing questionnaire responses, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, suspension/expulsion rates, and other outcomes related to any goals and specific actions identified in the LCAP. Based on the evaluation data, the district shall revise its strategies as needed to more effectively identify and support the education of students experiencing homelessness.

Annually, the Superintendent or designee shall report to CDE, in accordance with Education Code 51225.1, the number of students experiencing homelessness graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements.

---

**Regulation 6173: Education For Homeless Children**

Status: DRAFT

Original Adopted Date: 12/01/2014

**Definitions**

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

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

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

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

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

**District Liaison**

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

**Dawn Kaudart- Family Liaison**

(title or position)

9841 Texas Hill Road Oregon House CA 95962

(address)

[dkaudart@yescharteracademy.org](mailto:dkaudart@yescharteracademy.org)

(email address)

530-692-2210

(phone number)

The district's liaison for homeless students shall: (Education Code 48851.3, 48851.5, 48852.5; 42 USC 11432)

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

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

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

## **Enrollment**

The district shall make placement decisions for students experiencing homelessness based on the student's best interest. (Education Code 48850; 42 USC 11432) In determining a student's best interest, a student experiencing homelessness shall, to the extent feasible, be placed in the school of origin, unless the student's parent/guardian or the unaccompanied youth requests otherwise. (Education Code 48852.7; 42 USC 11432)

When determining the best interest of any student experiencing homelessness, the district shall give priority to the request of the student's parent/guardian, or in the case of an unaccompanied youth, the request of the student. The student's educational stability and opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress and other student-centered factors related to the student's best interest, including the impact of mobility on the student's achievement, education, health, and safety, shall also be considered. (Education Code 48850; 42 USC 11432)

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

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

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

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

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

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

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

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

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

1. If the student is transitioning between grade levels, the student shall be allowed to continue in the same attendance area

2. If the student is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, the student shall be allowed to continue to the school designated for matriculation in that district

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

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

### **Resolving Enrollment Disputes**

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

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

The written explanation shall include:

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

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

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

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

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

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

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

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

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

### **Transportation**

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

Any fees that the district charges for home-to-school transportation and other transportation as expressly provided by law shall be waived for students experiencing homelessness. (Education Code 39807.5)

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

### **Transfer of Coursework and Credits**

When a student experiencing homelessness transfers into a district school, the district will receive an official transcript from the transferring school or district which reflects full and partial credits and grades earned by the student and includes: (Education Code 51225.2)

1. A determination of the days of enrollment and/or seat time, if applicable, for all full and partial credits earned based on any measure of full or partial coursework being satisfactorily completed

*Partial coursework satisfactorily completed* includes any portion of an individual course, even if the student did not complete the entire course

2. Separate listings for credits and grades earned at each school and local educational agency so it is clear where credits and grades were earned
3. A complete record of the student's seat time, including both period attendance and days of enrollment

The district shall transfer the credits and grades from the transferring school's transcript onto an official district transcript in the same manner as described in Item #2, above. (Education Code 51225.2)

If the Principal or designee has knowledge that the transcript from the transferring school may not include certain credits or grades, the Principal or designee shall contact the prior school within two business days to request that the full or partial credits be issued, which shall then be issued and provided by the prior school within two business days of the request. (Education Code 51225.2)

The district shall accept and issue full credit for any coursework that the student has satisfactorily completed while attending another public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school. (Education Code 51225.2)

If the entire course was completed, the district shall not require the student to retake the course. (Education Code 51225.2)

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

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

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

### **Applicability of Graduation Requirements**

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

However, when a student experiencing homelessness who has completed the second year of high school transfers into the district from another school district or transfers between high schools within the district, the student shall be exempted from all district-established coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of the fourth year of high school. Within 30 calendar days of the student's transfer, the Superintendent or designee shall notify the student, the person holding the right to make educational decisions for the student, and the district liaison for homeless students of the availability of the exemption and whether the student qualifies. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student is no longer homeless. (Education Code 51225.1)

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

If a student experiencing homelessness was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the person holding the right to make educational decisions for the student may request the exemption and the Superintendent or designee shall exempt the student within 30 days of the request. A student may request the exemption even if the student is no longer a student experiencing homelessness. (Education Code 51225.1)

When the Superintendent or designee determines that a student who transferred into a district school is reasonably able to complete district-established graduation requirements by the end of the student's fourth year of high school, the student shall not be exempted from those requirements. Within 30 calendar days of the following academic year, the student shall be reevaluated based on the student's course completion status at the time, to determine if the

student continues to be reasonably able to complete the district-established graduation requirements in time to graduate by the end of the student's fourth year of high school. Written notice as to whether the student then qualifies for exemption shall be provided to the student, the person holding the right to make educational decisions for the student, and if applicable, to the student's social worker or probation officer. (Education Code 51225.1)

If, upon reevaluation, it is determined that the student experiencing homelessness is not reasonably able to complete the district-established graduation requirements in time to graduate from high school by the end of the student's fourth year of high school, the Superintendent or designee shall provide the student with the option to receive an exemption from district-established graduation requirements or stay in school for a fifth year to complete the district-established graduation requirements upon agreement with the student, or if under 18 years of age, the person holding the right to make educational decisions for the student, and provide notifications in accordance with Education Code 51225.1. (Education Code 51225.1)

When a student experiencing homelessness is exempted from district-established graduation requirements, the Superintendent or designee shall consult with the student and the person holding the right to make educational decisions for the student about the following: (Education Code 51225.1)

1. Discussion of how any requirements that are waived may affect the student's postsecondary education or vocation plans, including the ability to gain admission to a postsecondary educational institution
2. Discussion and information about other options available to the student, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges
3. Consideration of the student's academic data and any other information relevant to making an informed decision on whether to accept the exemption

The district shall not require or request a student experiencing homelessness to transfer schools in order to qualify for an exemption and shall not grant any request made by a student experiencing homelessness, the person holding the right to make educational decisions for the student, or the district liaison on behalf of the student, for a transfer solely to qualify for an exemption. (Education Code 51225.1)

The Superintendent or designee shall not require a student experiencing homelessness who is eligible for an exemption from district-established graduation requirements, and would otherwise be entitled to remain in attendance at the school, to accept the exemption or be denied enrollment in, or the ability to complete, courses for which the student is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether such courses are required for statewide graduation requirements. (Education Code 51225.1)

If a student experiencing homelessness is exempted from district-established graduation requirements, the exemption shall not be revoked. Additionally, the exemption shall continue to apply after the student is no longer experiencing homelessness or if the student transfers to another school, including a charter school, or school district. (Education Code 51225.1)

The Superintendent or designee shall not require or request a student experiencing homelessness who is exempted from district-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, to graduate before the end of the student's fourth year of high school. (Education Code 51225.1)

Upon making a finding that a student experiencing homelessness is reasonably able to complete district-established graduation requirements within the fifth year of high school, the Superintendent or designee shall: (Education Code 51225.1)

1. Consult with the student and, if under 18 years of age, the person holding the right to make educational decisions for the student, of the option to remain in school for a fifth year to complete the district-established graduation requirements and how that will affect the student's ability to gain admission to a postsecondary educational institution

2. Consult with and provide information to the student about transfer opportunities available through the California Community Colleges
3. Upon agreement with the student or with the person holding the right to make educational decisions for the student if under 18 years of age, permit the student to stay in school for a fifth year to complete the district-established graduation requirements
4. Consult with the student or with the person holding the right to make educational decisions for the student of the option to remain in the student's school of origin

When a student experiencing homelessness who has completed the second year of high school transfers into the district from another school district or transfers between high schools within the district, and is not reasonably able to complete the district-established graduation requirements within the student's fifth year of high school but is reasonably able to complete the statewide coursework requirements within the fifth year of high school, the student shall be exempted from all district-established graduation requirements and be provided with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, the Superintendent or designee shall consult with the student and the person holding the right to make educational decisions for the student, regarding the following: (Education Code 51225.1)

1. The student's option to remain in school for a fifth year to complete statewide coursework requirements
2. The effect of waiving the district-established requirements and remaining in school for a fifth year on the student's postsecondary education or vocation plans, including the ability to gain admission to an institution of higher education
3. Other options available to the student, including, but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges
4. The student's academic data and any other information relevant to making an informed decision on whether to accept the exemption and option to remain in school for a fifth year to complete the statewide coursework requirements

### **Eligibility for Extracurricular Activities**

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

### **Notification, Complaints, and Posting Requirements**

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

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

The Superintendent or designee shall ensure that a list of the district's liaison(s) and the contact information for such liaison(s), as well as specific information on homelessness, including, but not limited to, information regarding the educational rights and resources available to students experiencing homelessness, are posted on the district's web site. (Education Code 48852.6)

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

**Policy 6173.4: Education For American Indian Students**

Status: DRAFT

Original Adopted Date: 06/01/2023

The Governing Board recognizes that American Indian students may have unique cultural, language, and educational needs that may be addressed by increasing student knowledge about American Indian history, including the history and culture of local tribes, and by providing American Indian students with access to education and other services necessary for such students to meet the same challenging academic standards as other students.

The Superintendent or designee shall provide all students with culturally relevant curriculum related to local American Indian tribes and implement strategies necessary for the improvement of the academic achievement of American Indian students.

In order to discuss, gain a shared understanding of, and develop curriculum for use within the district, and to identify the extent and nature of any achievement gaps between American Indian students and other district students, and strategies to address any such gaps, the district may form a California Indian Education Task Force with tribes local to the region. Participants in the task force meetings may consider issues of mutual concern, which include: (Education Code 33391)

1. Developing a thorough, shared understanding of accurate, high-quality curricular materials about the history, culture, and government of local tribes, and developing such materials for use within the district that include tribal experiences and perspectives
2. Developing a shared understanding of proper or improper instructional materials when these materials use depictions of Native Americans
3. Encouraging the adoption of the curriculum developed by the California Indian Education Task Force
4. Identifying the extent and nature of any achievement gap between American Indian students and other students, and strategies necessary to close it

If formed, the California Indian Education Task Force shall, within one year and thereafter annually, submit a report to the California Department of Education on the findings, including progress of work on Items #1-4, above. (Education Code 33391)

The Superintendent or designee shall identify American Indian students most at-risk of not meeting state academic standards and provide to such students the needed support(s), including making referrals, as appropriate, for special education services or services under Section 504 of the federal Rehabilitation Act of 1973, or other school-based services such as counseling and health services, supplemental instruction, before- or after-school services, and summer learning programs.

Suspension, expulsion, assignment to a supervised suspension classroom, or involuntary transfer to a continuation school of an American Indian student shall be in accordance with law and as specified in Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process, 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities), and 6184 - Continuation Education.

The Superintendent or designee shall provide programs to facilitate the successful transition of American Indian students to post-secondary education and employment, which may include college and career fairs in accordance with Labor Code 3074.2, mentorship programs, and counseling services.

As needed, the Superintendent or designee shall provide professional development to teachers and other school staff to assist them in understanding and responding to the unique needs of American Indian students.

At least annually, the Superintendent or designee shall report to the Board on the outcomes of American Indian students including, but not limited to, school attendance, student achievement test results, promotion and retention by grade level, graduation rates, and suspension/expulsion rates.

## **Title VI Indian Education Program**

With the assistance of federal Title VI funding for the education of children from federally recognized tribes, the district shall offer programs and activities to meet the unique cultural, language, and educational needs of American Indian students, as defined in 20 USC 7491. Program objectives and outcomes shall be based on state academic standards. (20 USC 7424)

In developing, implementing, and evaluating Title VI programs and activities, the Superintendent or designee shall consult with and involve parents/guardians and family members of American Indian students and other community representatives. (20 USC 7424)

The district shall establish a committee that is composed of, and selected by, parents/guardians and family members of American Indian students, representatives of tribes on tribal lands located within 50 miles of any district school that serves any children of the tribes, teachers, and, if appropriate, American Indian students enrolled in secondary schools in the district. The majority of the committee shall be parents/guardians and family members of American Indian students. The committee shall participate in program development and provide written approval for the program. (20 USC 7424)

The district's Title VI program for American Indian education may include any of the following services and activities: (20 USC 7425)

1. Activities that support Native American language programs and Native American language restoration programs, which may be taught by traditional leaders
2. Culturally related activities that support the district's program
3. Early childhood and family programs that emphasize school readiness
4. Enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of state academic standards
5. Integrated educational services in combination with other programs that meet the needs of American Indian students and their families, including programs that promote parent/guardian involvement in school activities and increase student achievement
6. Career preparation activities that enable American Indian students to participate in career technical education programs, including programs for mentoring and apprenticeship
7. Activities to educate individuals so as to prevent violence, suicide, and substance abuse
8. The acquisition of equipment that is essential to achieve program goals
9. Activities that promote the incorporation of culturally responsive teaching and learning strategies into the district's educational program
10. Family literacy services
11. Activities that recognize and support the unique cultural and educational needs of American Indian students, and incorporate appropriately qualified tribal elders and seniors
12. Dropout prevention strategies for American Indian students
13. Strategies to meet the educational needs of American Indian students in correctional facilities, including such strategies that support American Indian students who are transitioning from such facilities to schools served by the district

Any federal funds received to support American Indian education programs shall be used to supplement, not supplant, state or local funds allocated for such purposes. (20 USC 7424)

Program funds may be used to support a Title I schoolwide program pursuant to 20 USC 6314 if approved by the committee established pursuant to 20 USC 7424, provided that the schoolwide program is consistent with the purpose of American Indian education programs and the district's application identifies how the use of such funds in a schoolwide program will produce benefits to American Indian students that would not be achieved if not used in a schoolwide program. (20 USC 7424)

As needed, professional development shall be provided to teachers and other school staff to assist them in working with American Indian students and carrying out Title VI programs. (20 USC 7424)

The Superintendent or designee shall maintain a record of the information establishing the status of each student as an American Indian student eligible for assistance through the federal American Indian education program. (20 USC 7427)

The Superintendent or designee shall periodically assess the progress of all American Indian students, including American Indian students who do not participate in programs funded through Title VI, in meeting program goals and objectives. Assessment results shall be provided to the Board, the committee established pursuant to 20 USC 7424, tribes whose children are served by the district, and the community. (20 USC 7424)

---

# Yuba Environmental Science Charter Academy

## 2023–24 School Accountability Report Card

### Reported Using Data from the 2023–24 School Year

#### California Department of Education

<b>Address:</b>	9841 Texas Hill Rd. Oregon House, CA , 95962-0430	<b>Principal:</b>	Louise Miller, Superintendent/Principal
<b>Phone:</b>	(530) 692-2210	<b>Grade Span:</b>	K-12

By February 1 of each year, every school in California is required by state law to publish a School Accountability Report Card (SARC). The SARC contains information about the condition and performance of each California public school. Under the Local Control Funding Formula (LCFF) all local educational agencies (LEAs) are required to prepare a Local Control and Accountability Plan (LCAP), which describes how they intend to meet annual school-specific goals for all pupils, with specific activities to address state and local priorities. Additionally, data reported in an LCAP is to be consistent with data reported in the SARC.

- For more information about SARC requirements and access to prior year reports, see the California Department of Education (CDE) SARC web page at <https://www.cde.ca.gov/ta/ac/sa/>.
- For more information about the LCFF or the LCAP, see the CDE LCFF web page at <https://www.cde.ca.gov/fg/aa/lc/>.
- For additional information about the school, parents/guardians and community members should contact the school principal or the district office.

### DataQuest

DataQuest is an online data tool located on the CDE DataQuest web page at <https://dq.cde.ca.gov/dataquest/> that contains additional information about this school and comparisons of the school to the district and the county. Specifically, DataQuest is a dynamic system that provides reports for accountability (e.g., test data, enrollment, high school graduates, dropouts, course enrollments, staffing, and data regarding English learners).

## California School Dashboard

The California School Dashboard (Dashboard) <https://www.caschooldashboard.org/> reflects California's new accountability and continuous improvement system and provides information about how LEAs and schools are meeting the needs of California's diverse student population. The Dashboard contains reports that display the performance of LEAs, schools, and student groups on a set of state and local measures to assist in identifying strengths, challenges, and areas in need of improvement.

## Internet Access

Internet access is available at public libraries and other locations that are publicly accessible (e.g., the California State Library). Access to the Internet at libraries and public locations is generally provided on a first-come, first-served basis. Other use restrictions may include the hours of operation, the length of time that a workstation may be used (depending on availability), the types of software programs available on a workstation, and the ability to print documents.

## Admission Requirements for the University of California (UC)

Admission requirements for the UC follow guidelines set forth in the Master Plan, which requires that the top one-eighth of the state's high school graduates, as well as those transfer students who have successfully completed specified college course work, be eligible for admission to the UC. These requirements are designed to ensure that all eligible students are adequately prepared for University-level work. For general admissions requirements, please visit the UC Admissions Information website at <https://admission.universityofcalifornia.edu/>.

## Admission Requirements for the California State University (CSU)

Eligibility for admission to the CSU is determined by three factors: (1) Specific high school courses, (2) Grades in specified courses and test scores, and (3) Graduation from high school. Some campuses have higher standards for particular majors or students who live outside the local campus area. Because of the number of students who apply, a few campuses have higher standards (supplementary admission criteria) for all applicants. Most CSU campuses have local admission guarantee policies for students who graduate or transfer from high schools and colleges that are historically served by a CSU campus in that region. For admission, application, and fee information, see the CSU website at <https://www2.calstate.edu/>.

---

# About This School

## Louise Miller, Superintendent/Principal

📍 Principal, Yuba Environmental Science Charter Academy

### About Our School

---

Louise Miller-lmiller@yescharteracademy.org

### Contact

---

Yuba Environmental Science Charter Academy  
9841 Texas Hill Rd.  
Oregon House, CA 95962-0430

Phone: [\(530\) 692-2210](tel:5306922210)

Email: [lmiller@yescharteracademy.org](mailto:lmiller@yescharteracademy.org)

## Contact Information (School Year 2024–25)

### District Contact Information (School Year 2024–25)

<b>District Name</b>	Yuba County Office of Education
<b>Phone Number</b>	(530) 749-4900
<b>Superintendent</b>	Gregor, Rob
<b>Email Address</b>	<a href="mailto:rob.gregor@yubacoe.k12.ca.us">rob.gregor@yubacoe.k12.ca.us</a>
<b>Website</b>	<a href="http://www.yubacoe.org">www.yubacoe.org</a>

### School Contact Information (School Year 2024–25)

<b>School Name</b>	Yuba Environmental Science Charter Academy
<b>Street</b>	9841 Texas Hill Rd.
<b>City, State, Zip</b>	Oregon House, CA , 95962-0430
<b>Phone Number</b>	(530) 692-2210
<b>Principal</b>	Louise Miller, Superintendent/Principal
<b>Email Address</b>	<a href="mailto:lmiller@yescharteracademy.org">lmiller@yescharteracademy.org</a>
<b>Website</b>	<a href="http://www.yescharteracademy.org">www.yescharteracademy.org</a>
<b>Grade Span</b>	K-12
<b>County-District-School (CDS) Code</b>	58105870117242

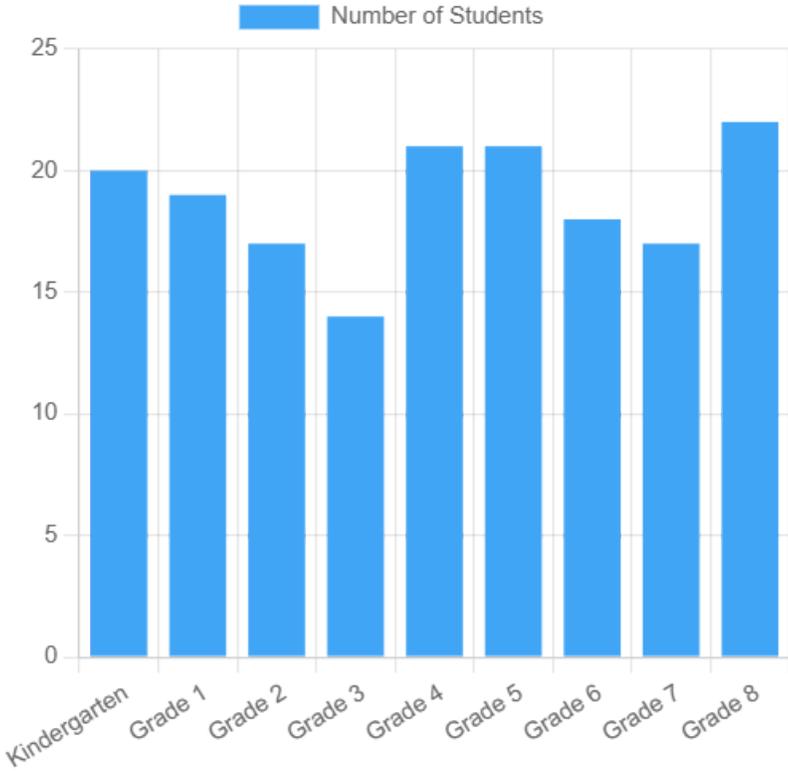
## School Description and Mission Statement (School Year 2024–25)

Mission: YES CHARTER ACADEMY educates K-9 students in a school culture that values the scientific method and a curricular focus on environmental studies. The highest Common Core State Standards, as well as high standards of moral conduct, are emphasized.

The vision of the YES CHARTER ACADEMY is to educate K–9 students of the Sierra Foothills through a self-motivating, individualized, and comprehensive curriculum that connects learners with learning via a program, teaching staff, and school culture that value scientific methods of inquiry.

# Student Enrollment by Grade Level (School Year 2023–24)

Grade Level	Number of Students
Kindergarten	20
Grade 1	19
Grade 2	17
Grade 3	14
Grade 4	21
Grade 5	21
Grade 6	18
Grade 7	17
Grade 8	22
Total Enrollment	169



**Student Enrollment by Student Group (School Year 2023–24)**

<b>Student Group</b>	<b>Percent of Total Enrollment</b>
Female	47.90%
Male	51.50%
Non-Binary	0.60%
American Indian or Alaska Native	4.70%
Asian	0.00%
Black or African American	0.60%
Filipino	1.20%
Hispanic or Latino	29.60%
Native Hawaiian or Pacific Islander	0.00%
Two or More Races	4.70%
White	56.80%

<b>Student Group (Other)</b>	<b>Percent of Total Enrollment</b>
English Learners	1.80%
Foster Youth	0.60%
Homeless	0.00%
Migrant	0.00%
Socioeconomically Disadvantaged	64.50%
Students with Disabilities	15.40%

**A. Conditions of Learning**

**State Priority: Basic**

The SARC provides the following information relevant to the State priority: Basic (Priority 1):

- Degree to which teachers are appropriately assigned and fully credentialed in the subject area and for the pupils they are teaching;
- Pupils have access to standards-aligned instructional materials; and
- School facilities are maintained in good repair

## Teacher Preparation and Placement (School Year 2020–21)

Authorization/Assignment	School Number	School Percent	District Number	District Percent	State Number	State Percent
Fully (Preliminary or Clear) Credentialed for Subject and Student Placement (properly assigned)	6.00	85.71%	17.10	35.45%	228366.10	83.12%
Intern Credential Holders Properly Assigned	0.00	0.00%	2.00	4.13%	4205.90	1.53%
Teachers Without Credentials and Misassignments ("ineffective" under ESSA)	0.00	0.00%	3.00	6.20%	11216.70	4.08%
Credentialed Teachers Assigned Out-of-Field ("out-of-field" under ESSA)	0.00	0.00%	10.20	21.12%	12115.80	4.41%
Unknown/Incomplete/NA	1.00	14.29%	16.00	33.06%	18854.30	6.86%
Total Teaching Positions	7.00	100.00%	48.40	100.00%	274759.10	100.00%

Note: The data in this table is based on full-time equivalent (FTE) status. One FTE equals one staff member working full-time; one FTE could also represent two staff members who each work 50 percent of full-time. Additionally, an assignment is defined as a position that an educator is assigned based on setting, subject, and grade level. An authorization is defined as the services that an educator is authorized to provide to students.

## Teacher Preparation and Placement (School Year 2021–22)

Authorization/Assignment	School Number	School Percent	District Number	District Percent	State Number	State Percent
Fully (Preliminary or Clear) Credentialed for Subject and Student Placement (properly assigned)	4.30	59.40%	16.30	36.50%	234405.20	84.00%
Intern Credential Holders Properly Assigned	0.00	0.00%	0.00	0.00%	4853.00	1.74%
Teachers Without Credentials and Misassignments ("ineffective" under ESSA)	3.00	40.60%	9.40	21.19%	12001.50	4.30%
Credentialed Teachers Assigned Out-of-Field ("out-of-field" under ESSA)	0.00	0.00%	8.60	19.29%	11953.10	4.28%
Unknown/Incomplete/NA	0.00	0.00%	10.30	23.00%	15831.90	5.67%
Total Teaching Positions	7.30	100.00%	44.70	100.00%	279044.80	100.00%

Note: The data in this table is based on full-time equivalent (FTE) status. One FTE equals one staff member working full-time; one FTE could also represent two staff members who each work 50 percent of full-time. Additionally, an assignment is defined as a position that an educator is assigned based on setting, subject, and grade level. An authorization is defined as the services that an educator is authorized to provide to students.

## Teacher Preparation and Placement (School Year 2022–23)

Authorization/Assignment	School Number	School Percent	District Number	District Percent	State Number	State Percent
Fully (Preliminary or Clear) Credentialed for Subject and Student Placement (properly assigned)	3.30	36.06%	16.40	34.13%	231142.40	100.00%
Intern Credential Holders Properly Assigned	0.00	0.00%	0.00	0.00%	5566.40	2.00%
Teachers Without Credentials and Misassignments ("ineffective" under ESSA)	6.00	63.83%	16.50	34.38%	14938.30	5.38%
Credentialed Teachers Assigned Out-of-Field ("out-of-field" under ESSA)	0.00	0.00%	7.30	15.15%	11746.90	4.23%
Unknown/Incomplete/NA	0.00	0.00%	7.80	16.31%	14303.80	5.15%
Total Teaching Positions	9.40	100.00%	48.20	100.00%	277698	100%

Note: The data in this table is based on full-time equivalent (FTE) status. One FTE equals one staff member working full-time; one FTE could also represent two staff members who each work 50 percent of full-time. Additionally, an assignment is defined as a position that an educator is assigned based on setting, subject, and grade level. An authorization is defined as the services that an educator is authorized to provide to students.

**Teachers Without Credentials and Misassignments  
(considered "ineffective" under ESSA)**

<b>Authorization/Assignment</b>	<b>2020–21 Number</b>	<b>2021–22 Number</b>	<b>2022–23 Number</b>
Permits and Waivers	0.00	0.00	2
Misassignments	0.00	3.00	4
Vacant Positions	0.00	0.00	0
Total Teachers Without Credentials and Misassignments	0.00	3.00	6

**Credentialed Teachers Assigned Out-of-Field  
(considered "out-of-field" under ESSA)**

<b>Indicator</b>	<b>2020–21 Number</b>	<b>2021–22 Number</b>	<b>2022–23 Number</b>
Credentialed Teachers Authorized on a Permit or Waiver	0.00	0.00	0
Local Assignment Options	0.00	0.00	0
Total Out-of-Field Teachers	0.00	0.00	0

# Class Assignments

Indicator	2020– 21 Percent	2021– 22 Percent	2022– 23 Percent
Misassignments for English Learners (a percentage of all the classes with English learners taught by teachers that are misassigned)	0.00%	100%	75%
No credential, permit or authorization to teach (a percentage of all the classes taught by teachers with no record of an authorization to teach)	0.00%	0%	0%

Note: For more information refer to the Updated Teacher Equity Definitions web page at <https://www.cde.ca.gov/pd/ee/teacherequitydefinitions.asp>.

## Quality, Currency, Availability of Textbooks and Other Instructional Materials (School Year 2024–25)

Year and month in which the data were collected: November 2024

Subject	List of Textbooks and Other Instructional Materials/Indicate if from Most Recent Adoption/Year of Adoption	Percent Students Lacking Own Assigned Copy
Reading/Language Arts	Savvas, I-Ready, Renaissance, Respond EDU AI program	0
Mathematics	Implementation Partners, I-Ready,	0
Science	Green Ninja	0
History-Social Science		0
Foreign Language		0
Health		0
Visual and Performing Arts		0
Science Lab Eqpmt (Grades 9-12)	N/A	0

Note: Cells with N/A values do not require data.

## School Facility Conditions and Planned Improvements

The school is in good condition. We just added solar and an electric 3 head charging station and are expanding the kitchen.

## School Facility Good Repair Status

Using the **most recently collected** Facility Inspection Tool (FIT) data (or equivalent), provide the following:

- Determination of repair status for systems listed
- Description of any needed maintenance to ensure good repair
- The year and month in which the data were collected
- The rate for each system inspected
- The overall rating

Year and month of the most recent FIT report: October 2024

System Inspected	Rating	Repair Needed and Action Taken or Planned
<b>Systems:</b> Gas Leaks, Mechanical/HVAC, Sewer	Good	
<b>Interior:</b> Interior Surfaces	Good	Replaced carpet
<b>Cleanliness:</b> Overall Cleanliness, Pest/Vermin Infestation	Good	
<b>Electrical:</b> Electrical	Good	
<b>Restrooms/Fountains:</b> Restrooms, Sinks/Fountains	Good	
<b>Safety:</b> Fire Safety, Hazardous Materials	Good	
<b>Structural:</b> Structural Damage, Roofs	Good	
<b>External:</b> Playground/School Grounds, Windows/Doors/Gates/Fences	Good	

## Overall Facility Rate

Year and month of the most recent FIT report: October 2024

Overall Rating	Good
----------------	------

## B. Pupil Outcomes

### State Priority: Pupil Achievement

The SARC provides the following information relevant to the State priority: Pupil Achievement (Priority 4):

- **Statewide assessments** (i.e., California Assessment of Student Performance and Progress [CAASPP] System includes assessments for English language arts/literacy [ELA], mathematics, and science for students in the general education population and the California Alternate Assessment [CAA]. Only eligible students may participate in the administration of the CAA. CAA items are aligned with alternate achievement standards, which are linked with the Common Core Standards [CCSS] or California Next Generation Science Standards [CA NGSS] for students with the most significant cognitive disabilities).

The CAASPP System encompasses the following assessments and student participation requirements:

1. **Smarter Balanced Summative Assessments and CAA for ELA** in grades three through eight and grade eleven.
  2. **Smarter Balanced Summative Assessments and CAA for mathematics** in grades three through eight and grade eleven.
  3. **California Science Test (CAST) and CAA for Science** in grades five, eight, and once in high school (i.e., grade ten, eleven, or twelve).
- **College and Career Ready:** The percentage of students who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University, or career technical education sequences or programs of study.

**CAASPP Test Results in ELA and Mathematics for All Students taking and completing state-administered assessments Grades Three through Eight and Grade Eleven Percentage of Students Meeting or Exceeding the State Standard**

<b>Subject</b>	<b>School 2022– 23</b>	<b>School 2023– 24</b>	<b>District 2022– 23</b>	<b>District 2023– 24</b>	<b>State 2022– 23</b>	<b>State 2023– 24</b>
English Language Arts / Literacy (grades 3-8 and 11)	25%	23%	15%	22%	46%	47%
Mathematics (grades 3-8 and 11)	17%	23%	9%	12%	34%	35%

Note: To protect student privacy, double dashes (--) are used in the table when the cell size within a selected student population is ten or fewer.

Note: ELA and Mathematics test results include the Smarter Balanced Summative Assessments and the CAA. The "Percent Met or Exceeded" is calculated by taking the total number of students who met or exceeded the standard on the Smarter Balanced Summative Assessment plus the total number of students who met the standard (i.e., achieved Level 3-Alternate) on the CAA divided by the total number of students who participated in both assessments.

**CAASPP Test Results in ELA by Student Group for students taking and completing state-administered assessment Grades Three through Eight and Grade Eleven (School Year 2023–24)**

<b>Student Group</b>	<b>Total Enrollment</b>	<b>Number Tested</b>	<b>Percent Tested</b>	<b>Percent Not Tested</b>	<b>Percent Met or Exceeded</b>
All Students	113	110	97.35%	2.65%	22.73%
Female	51	49	96.08%	3.92%	34.69%
Male	61	60	98.36%	1.64%	13.33%
American Indian or Alaska Native	--	--	--	--	--
Asian	0	0	0%	0%	0%
Black or African American	--	--	--	--	--
Filipino	--	--	--	--	--
Hispanic or Latino	38	37	97.37%	2.63%	21.62%
Native Hawaiian or Pacific Islander	0	0	0%	0%	0%
Two or More Races	--	--	--	--	--
White	58	57	98.28%	1.72%	26.32%
English Learners	--	--	--	--	--
Foster Youth	0	0	0%	0%	0%
Homeless	0	0	0%	0%	0%
Military	0	0	0%	0%	0%
Socioeconomically Disadvantaged	84	81	96.43%	3.57%	22.22%
Students Receiving Migrant Education Services	0	0	0%	0%	0%
Students with Disabilities	22	21	95.45%	4.55%	0.00%

Note: ELA test results include the Smarter Balanced Summative Assessments and the CAA. The "Percent Met or Exceeded" is calculated by taking the total number of students who met or exceeded the standard on the Smarter Balanced Summative Assessment plus the total number of students who met the standard (i.e., achieved Level 3–Alternate) on the CAA divided by the total number of students who participated in both assessments.

Note: To protect student privacy, double dashes (--) are used in the table when the cell size within a selected student population is ten or fewer.

Note: The number of students tested includes all students who participated in the test whether they received a score or not; however, the number of students tested is not the number that was used to calculate the achievement level percentages. The achievement level percentages are calculated using only students who received scores.

**CAASPP Test Results in Mathematics by Student Group for students taking and completing state-administered assessment Grades Three through Eight and Grade Eleven (School Year 2023–24)**

<b>Student Group</b>	<b>Total Enrollment</b>	<b>Number Tested</b>	<b>Percent Tested</b>	<b>Percent Not Tested</b>	<b>Percent Met or Exceeded</b>
All Students	113	110	97.35%	2.65%	22.73%
Female	51	49	96.08%	3.92%	24.49%
Male	61	60	98.36%	1.64%	21.67%
American Indian or Alaska Native	--	--	--	--	--
Asian	0	0	0%	0%	0%
Black or African American	--	--	--	--	--
Filipino	--	--	--	--	--
Hispanic or Latino	38	37	97.37%	2.63%	16.22%
Native Hawaiian or Pacific Islander	0	0	0%	0%	0%
Two or More Races	--	--	--	--	--
White	58	57	98.28%	1.72%	29.82%
English Learners	--	--	--	--	--
Foster Youth	0	0	0%	0%	0%
Homeless	0	0	0%	0%	0%
Military	0	0	0%	0%	0%
Socioeconomically Disadvantaged	84	81	96.43%	3.57%	20.99%
Students Receiving Migrant Education Services	0	0	0%	0%	0%
Students with Disabilities	22	21	95.45%	4.55%	19.05%

Note: Mathematics test results include the Smarter Balanced Summative Assessments and the CAA. The “Percent Met or Exceeded” is calculated by taking the total number of students who met or exceeded the standard on the Smarter Balanced Summative Assessment plus the total number of students who met the standard (i.e., achieved Level 3–Alternate) on the CAA divided by the total number of students who participated in both assessments.

Note: To protect student privacy, double dashes (--) are used in the table when the cell size within a selected student population is ten or fewer.

Note: The number of students tested includes all students who participated in the test whether they received a score or not; however, the number of students tested is not the number that was used to calculate the achievement level percentages. The achievement level percentages are calculated using only students who received scores.

**CAASPP Test Results in Science for All Students**  
**Grades Five, Eight and High School**  
**Percentage of Students Meeting or Exceeding the State Standard**

<b>Subject</b>	<b>School 2022–23</b>	<b>School 2023–24</b>	<b>District 2022–23</b>	<b>District 2023–24</b>	<b>State 2022–23</b>	<b>State 2023–24</b>
Science (grades 5, 8, and high school)	10.26%	26.83%	--	--	30.29%	30.73%

Note: Science test results include the CAST and the CAA for Science. The "Percent Met or Exceeded" is calculated by taking the total number of students who met or exceeded the standard on the CAST plus the total number of students who met the standard (i.e., achieved Level 3–Alternate) on the CAA for Science divided by the total number of students who participated in a science assessment.

Note: To protect student privacy, double dashes (--) are used in the table when the cell size within a selected student population is ten or fewer.

Note: The number of students tested includes all students who participated in the test whether they received a score or not; however, the number of students tested is not the number that was used to calculate the achievement level percentages. The achievement level percentages are calculated using only students who received scores.

**CAASPP Test Results in Science by Student Group  
 Grades Five, Eight and High School (School Year 2023–24)**

<b>Student Group</b>	<b>Total Enrollment</b>	<b>Number Tested</b>	<b>Percent Tested</b>	<b>Percent Not Tested</b>	<b>Percent Met or Exceeded</b>
All Students	43	41	95.35%	4.65%	26.83%
Female	20	18	90.00%	10.00%	38.89%
Male	22	22	100.00%	0.00%	13.64%
American Indian or Alaska Native	--	--	--	--	--
Asian	0	0	0%	0%	0%
Black or African American	--	--	--	--	--
Filipino	--	--	--	--	--
Hispanic or Latino	13	12	92.31%	7.69%	25.00%
Native Hawaiian or Pacific Islander	0	0	0%	0%	0%
Two or More Races	--	--	--	--	--
White	22	22	100.00%	0.00%	31.82%
English Learners	--	--	--	--	--
Foster Youth	0	0	0%	0%	0%
Homeless	0	0	0%	0%	0%
Military	0	0	0%	0%	0%
Socioeconomically Disadvantaged	33	31	93.94%	6.06%	22.58%
Students Receiving Migrant Education Services	0	0	0%	0%	0%
Students with Disabilities	--	--	--	--	--

Note: To protect student privacy, double dashes (--) are used in the table when the cell size within a selected student population is ten or fewer.

**Career Technical Education (CTE) Programs (School Year 2023–24)**

NA

**Course Enrollment/Completion of University of California (UC) and/or California State University (CSU) Admission Requirements**

N/A

<b>UC/CSU Course Measure</b>	<b>Percent</b>
2023–24 Pupils Enrolled in Courses Required for UC/CSU Admission	0.00%
2022–23 Graduates Who Completed All Courses Required for UC/CSU Admission	0.00%

## State Priority: Other Pupil Outcomes

The SARC provides the following information relevant to the State priority: Other Pupil Outcomes (Priority 8):

- Pupil outcomes in the subject area of physical education

### California Physical Fitness Test Results (School Year 2023–24)

#### Percentage of Students Participating in each of the five Fitness Components

<b>Grade</b>	<b>Component 1: Aerobic Capacity</b>	<b>Component 2: Abdominal Strength and Endurance</b>	<b>Component 3: Trunk Extensor and Strength and Flexibility</b>	<b>Component 4: Upper Body Strength and Endurance</b>	<b>Component 5: Flexibility</b>
5	100%	100%	100%	100%	100%
7	100%	100%	100%	100%	100%

Note: The administration of the PFT requires only participation results for these five fitness areas.

Note: To protect student privacy, double dashes (--) are used in the table when the cell size within a selected student population is ten or fewer.

# C. Engagement

## State Priority: Parental Involvement

The SARC provides the following information relevant to the State priority: Parental Involvement (Priority 3):

- Efforts the school district makes to seek parent input in making decisions regarding the school district and at each school site

### Opportunities for Parental Involvement (School Year 2024–25)

We invite parents to participate in different ways and at the 2 major events the school puts on.

## State Priority: Pupil Engagement

The SARC provides the following information relevant to the State priority: Pupil Engagement (Priority 5):

- High school graduation rates;
- High school dropout rates; and
- Chronic Absenteeism

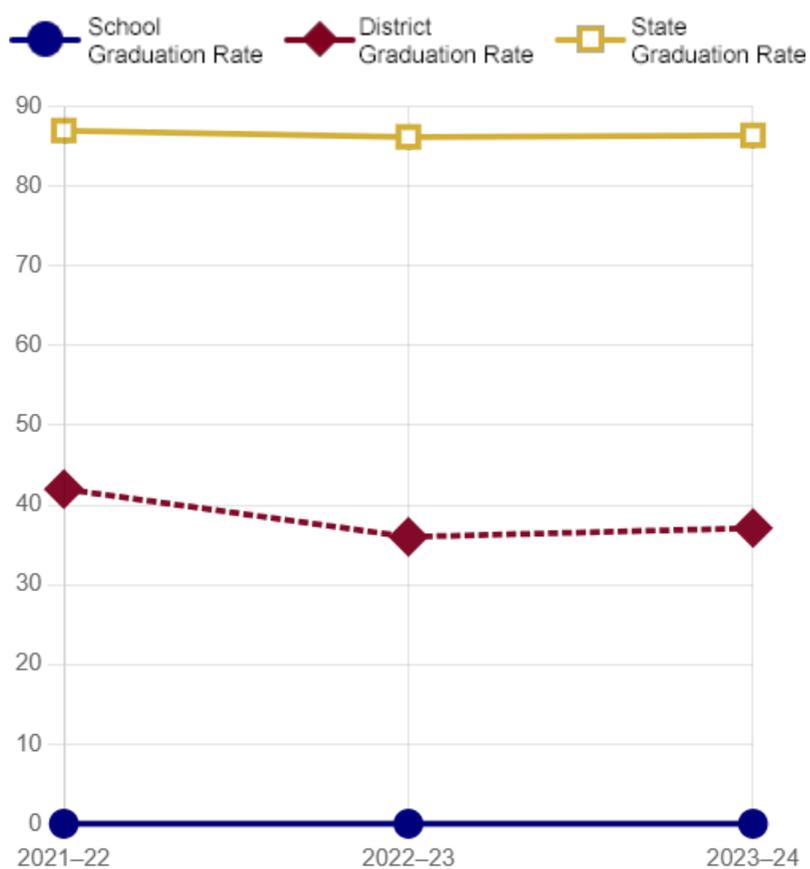
## Graduation Rate and Dropout Rate (Four-Year Cohort Rate)

NA

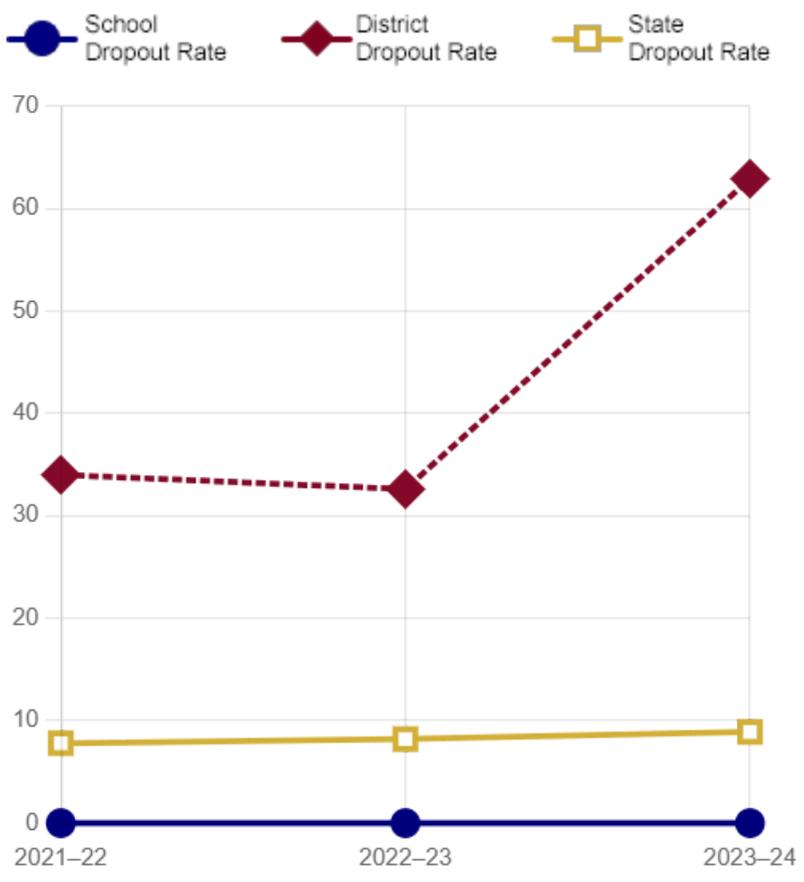
Indicator	School 2021– 22	School 2022– 23	School 2023– 24	District 2021– 22	District 2022– 23	District 2023– 24	State 2021– 22	State 2022– 23	State 2023– 24
Graduation Rate				42%	36.0%	37.1%	87%	86.2%	86.4%
Dropout Rate				34%	32.6%	62.9%	7.8%	8.2%	8.9%

Note: To protect student privacy, double dashes (--) are used in the table when the cell size within a student population is ten or fewer.

### Graduation Rates



# Dropout Rates



**Graduation Rate by Student Group (Four-Year Cohort Rate) (School Year 2023–24)**

NA

<b>Student Group</b>	<b>Number of Students in Cohort</b>	<b>Number of Cohort Graduates</b>	<b>Cohort Graduation Rate</b>
All Students	0.0	0.0	0.0%
Female	0.0	0.0	0.0%
Male	0.0	0.0	0.0%
Non-Binary	0.0	0.0	0.0%
American Indian or Alaska Native	0.0	0.0	0.0%
Asian	0.0	0.0	0.0%
Black or African American	0.0	0.0	0.0%
Filipino	0.0	0.0	0.0%
Hispanic or Latino	0.0	0.0	0.0%
Native Hawaiian or Pacific Islander	0.0	0.0	0.0%
Two or More Races	0.0	0.0	0.0%
White	0.0	0.0	0.0%
English Learners	0.0	0.0	0.0%
Foster Youth	0.0	0.0	0.0%
Homeless	0.0	0.0	0.0%
Socioeconomically Disadvantaged	0.0	0.0	0.0%
Students Receiving Migrant Education Services	0.0	0.0	0.0%
Students with Disabilities	0.0	0.0	0.0%

For information on the Four-Year Adjusted Cohort Graduation Rate (ACGR), visit the CDE Adjusted Cohort Graduation Rate web page at <https://www.cde.ca.gov/ds/ad/acgrinfo.asp>.

Note: To protect student privacy, double dashes (--) are used in the table when the cell size within a student population is ten or fewer.

**Chronic Absenteeism by Student Group (School Year 2023–24)**

<b>Student Group</b>	<b>Cumulative Enrollment</b>	<b>Chronic Absenteeism Eligible Enrollment</b>	<b>Chronic Absenteeism Count</b>	<b>Chronic Absenteeism Rate</b>
All Students	211	194	2	1.0%
Female	100	92	1	1.1%
Male	110	101	1	1.0%
Non-Binary	--	--	--	--
American Indian or Alaska Native	--	--	--	--
Asian	--	--	--	--
Black or African American	--	--	--	--
Filipino	--	--	--	--
Hispanic or Latino	61	58	1	1.7%
Native Hawaiian or Pacific Islander	--	--	--	--
Two or More Races	12	--	--	--
White	117	110	1	0.9%
English Learners	--	--	--	--
Foster Youth	--	--	--	--
Homeless	--	--	--	--
Socioeconomically Disadvantaged	153	139	1	0.7%
Students Receiving Migrant Education Services	--	--	--	--
Students with Disabilities	34	32	0	0.0%

Note: To protect student privacy, double dashes (--) are used in the table when the cell size within a selected student population is ten or fewer.

## State Priority: School Climate

The SARC provides the following information relevant to the State priority: School Climate (Priority 6):

- Pupil suspension rates;
- Pupil expulsion rates; and
- Other local measures on the sense of safety

### Suspensions and Expulsions

Rate	School 2021– 22	School 2022– 23	School 2023– 24	District 2021– 22	District 2022– 23	District 2023– 24	State 2021– 22	State 2022– 23	State 2023– 24
Suspensions	7.41%	3.45%	1.90%	2.74%	5.55%	3.79%	3.17%	3.60%	3.28%
Expulsions	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.07%	0.08%	0.07%

Note: To protect student privacy, double dashes (--) are used in the table when the cell size within a selected student population is ten or fewer.

### Suspensions and Expulsions by Student Group (School Year 2023–24)

Student Group	Suspensions Rate	Expulsions Rate
All Students	1.9%	0%
Female	2%	0%
Male	1.82%	0%
Non-Binary	0%	0%
American Indian or Alaska Native	0%	0%
Asian	0%	0%
Black or African American	0%	0%
Filipino	0%	0%
Hispanic or Latino	1.64%	0%
Native Hawaiian or Pacific Islander	0%	0%
Two or More Races	8.33%	0%
White	0.85%	0%
English Learners	0%	0%
Foster Youth	0%	0%
Homeless	0%	0%
Socioeconomically Disadvantaged	0.65%	0%
Students Receiving Migrant Education Services	0%	0%
Students with Disabilities	0%	0%

Note: To protect student privacy, double dashes (--) are used in the table when the cell size within a selected student population is ten or fewer.

## School Safety Plan (School Year 2024–25)

Our safety plan was reviewed and approved by our COD in Sept. 2024

## D. Other SARC information

The information in this section is required to be in the SARC but is not included in the state priorities for LCFF.

### Average Class Size and Class Size Distribution (Elementary) (School Year 2021–22)

<b>Grade Level</b>	<b>Average Class Size</b>	<b>Number of Classes* 1-20</b>	<b>Number of Classes* 21-32</b>	<b>Number of Classes* 33+</b>
K	5.00	1		
1	7.00	3		
2	10.00	2		
3	2.00	1		
4	2.00	1		
5	10.00	2		
6	7.00	2		
Other**	16.00	1	1	

\* Number of classes indicates how many classes fall into each size category (a range of total students per class).

\*\* "Other" category is for multi-grade level classes.

**Average Class Size and Class Size Distribution (Elementary) (School Year 2022–23)**

<b>Grade Level</b>	<b>Average Class Size</b>	<b>Number of Classes* 1-20</b>	<b>Number of Classes* 21-32</b>	<b>Number of Classes* 33+</b>
K	14.00	1	1	0
1	9.00	2	0	0
2	17.00	1	0	0
3	11.00	2	0	0
4	8.00	2	0	0
5	8.00	2	0	0
6	8.00	2	0	0
Other**	0.00	0	0	0

\* Number of classes indicates how many classes fall into each size category (a range of total students per class).

\*\* "Other" category is for multi-grade level classes.

**Average Class Size and Class Size Distribution (Elementary) (School Year 2023–24)**

<b>Grade Level</b>	<b>Average Class Size</b>	<b>Number of Classes* 1-20</b>	<b>Number of Classes* 21-32</b>	<b>Number of Classes* 33+</b>
K	5.00	2		
1	10.00	2		
2	9.00	2		
3	14.00	1		
4	11.00	2		
5	11.00	2		
6	18.00	3		
Other**				

\* Number of classes indicates how many classes fall into each size category (a range of total students per class).

\*\* "Other" category is for multi-grade level classes.

**Average Class Size and Class Size Distribution (Secondary) (School Year 2021–22)**

<b>Subject</b>	<b>Average Class Size</b>	<b>Number of Classes*</b> <b>1-22</b>	<b>Number of Classes*</b> <b>23-32</b>	<b>Number of Classes*</b> <b>33+</b>
English Language Arts				
Mathematics				
Science				
Social Science				

\* Number of classes indicates how many classrooms fall into each size category (a range of total students per classroom). At the secondary school level, this information is reported by subject area rather than grade level.

**Average Class Size and Class Size Distribution (Secondary) (School Year 2022–23)**

<b>Subject</b>	<b>Average Class Size</b>	<b>Number of Classes*</b> <b>1-22</b>	<b>Number of Classes*</b> <b>23-32</b>	<b>Number of Classes*</b> <b>33+</b>
English Language Arts	0.00	0	0	0
Mathematics	0.00	0	0	0
Science	0.00	0	0	0
Social Science	0.00	0	0	0

\* Number of classes indicates how many classrooms fall into each size category (a range of total students per classroom). At the secondary school level, this information is reported by subject area rather than grade level.

**Average Class Size and Class Size Distribution (Secondary) (School Year 2023–24)**

<b>Subject</b>	<b>Average Class Size</b>	<b>Number of Classes*</b> <b>1-22</b>	<b>Number of Classes*</b> <b>23-32</b>	<b>Number of Classes*</b> <b>33+</b>
English Language Arts				
Mathematics	35.00			1
Science	18.00	2		
Social Science	18.00	2		

\* Number of classes indicates how many classrooms fall into each size category (a range of total students per classroom). At the secondary school level, this information is reported by subject area rather than grade level.

**Ratio of Pupils to Academic Counselor (School Year 2023–24)**

<b>Title</b>	<b>Ratio</b>
Pupils to Academic Counselor*	0

\* One full-time equivalent (FTE) equals one staff member working full-time; one FTE could also represent two staff members who each work 50 percent of full-time.

**Student Support Services Staff (School Year 2023–24)**

<b>Title</b>	<b>Number of FTE* Assigned to School</b>
Counselor (Academic, Social/Behavioral or Career Development)	
Library Media Teacher (Librarian)	
Library Media Services Staff (Paraprofessional)	
Psychologist	
Social Worker	
Nurse	
Speech/Language/Hearing Specialist	
Resource Specialist (non-teaching)	
Other**	0.00

\* One full-time equivalent (FTE) equals one staff member working full-time; one FTE could also represent two staff members who each work 50 percent of full-time.

\*\* "Other" category is for all other student support services staff positions not listed.

**Expenditures Per Pupil and School Site Teacher Salaries (Fiscal Year 2022–23)**

<b>Level</b>	<b>Total Expenditures Per Pupil</b>	<b>Expenditures Per Pupil (Restricted)</b>	<b>Expenditures Per Pupil (Unrestricted)</b>	<b>Average Teacher Salary</b>
School Site	\$18330.00	\$5816.00	\$12514.00	\$628439.00
District	N/A	N/A	--	--
Percent Difference – School Site and District	N/A	N/A	--	--
State	N/A	N/A	\$10770.62	--
Percent Difference – School Site and State	N/A	N/A	--	--

Note: Cells with N/A values do not require data.

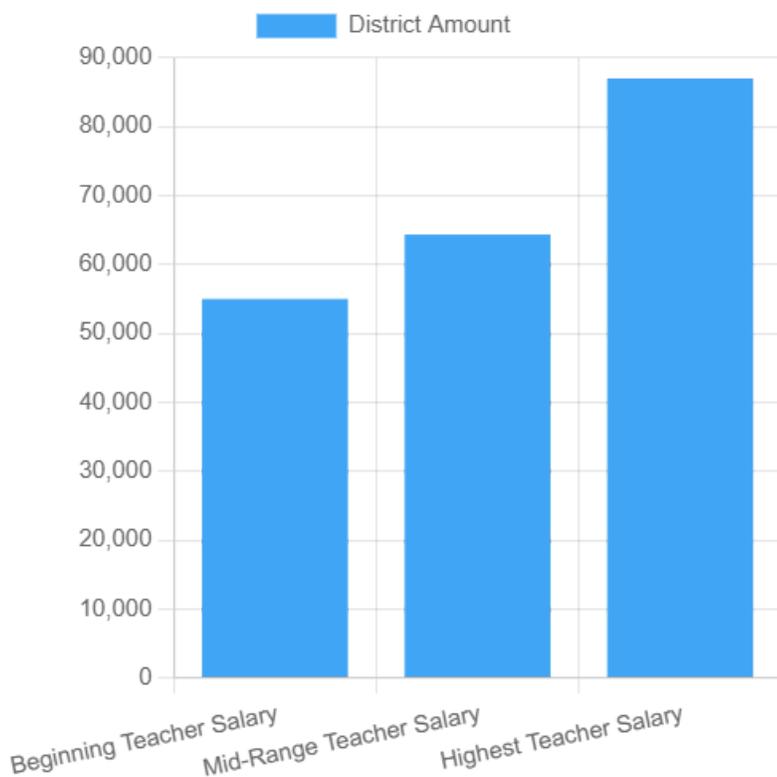
**Types of Services Funded (Fiscal Year 2023–24)**

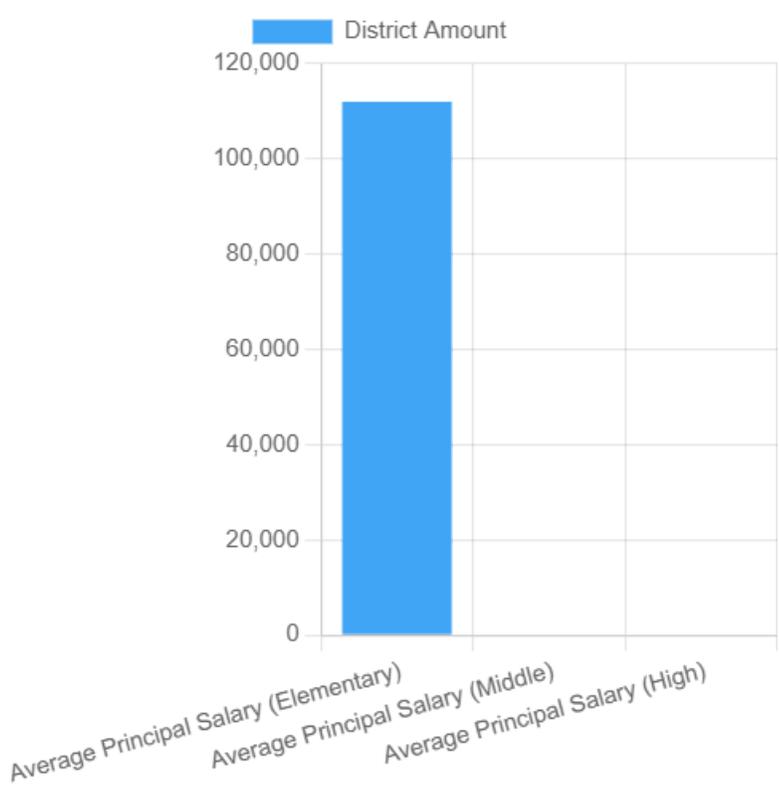
Before and After school programs, tutoring

### Teacher and Administrative Salaries (Fiscal Year 2022–23)

Category	District Amount	State Average For Districts In Same Category
Beginning Teacher Salary	\$55000.00	--
Mid-Range Teacher Salary	\$64350.00	--
Highest Teacher Salary	\$87000.00	--
Average Principal Salary (Elementary)	\$112000.00	--
Average Principal Salary (Middle)	\$0.00	--
Average Principal Salary (High)	\$0.00	--
Superintendent Salary	\$0.00	--
Percent of Budget for Teacher Salaries	--	--
Percent of Budget for Administrative Salaries	--	--

For detailed information on salaries, see the CDE Certificated Salaries & Benefits web page at <https://www.cde.ca.gov/ds/fd/cs/>.





## Advanced Placement (AP) Courses (School Year 2023–24)

na

### Percent of Students in AP Courses %

Subject	Number of AP Courses Offered*
Computer Science	0
English	0
Fine and Performing Arts	0
Foreign Language	0
Mathematics	0
Science	0
Social Science	0
Total AP Courses Offered*	0

\* Where there are student course enrollments of at least one student.

### Professional Development

Measure	2022– 23	2023– 24	2024– 25
Number of school days dedicated to Staff Development and Continuous Improvement	25	32	32

# Dashboard for Council of Director's Meeting, January 30, 2025

## YES Budget FY24-25

Available Funds as of July 1, 2023: \$909,444

	July Budget (YCOE)	1st Interim	2 <sup>nd</sup> Interim
Enrollment:	185	185	185
ADA	177.60 (96%)	177.6 (96%)	177.6 (96%)
Revenue	\$4,039,328	\$4,083,284	\$4,158,507
Expenses:	\$3,984,230	\$3,893,915	\$4,112,366
Ending Balance	\$55,098	\$189,368	\$46,141

\*Total Net Assets less current and long-term liabilities; based on estimated actuals

## Attendance Highlights

FY2324 PP ADA: 162.80

- Enrollment: 192
- ADA % 94.45

\*The LCAP target attendance rate is 96%

## Estimated Cash Flow

Target Monthly Cash: \$430,550 (2 months of payroll)

Line of Credit Balance August 2024 = \$0

February	\$1,143,477	March	\$1,101,253
April	\$1,125,144	May	\$990,976
June	\$1,478,716	July	\$1,208,870
August	\$1,021,197	September	\$920,119

(\$250,000 is in a 60 day CD)

Loans Payable: Total \$153,296

2<sup>nd</sup> Mortgage / John Deere / PG&E / Land

## Grants & Receivables

### Grant's Submitted & Approved

Math Grant	\$27,480
AI Exploration Grant	\$10,000
Early Literature Grant	\$27,364
CDFA Grant	\$150,000
School Breakfast Grant	\$15,000
HVIP	\$360,000
SECAT	\$300,000
FRAQMD	\$94,000
FRAQMD (Mower)	\$5,000
FRAQMD (EV Charging)	\$29,610
Project Scales (2 Years)	\$150,000

Overdue Major Receivables (>\$20,000) None