

**BELLFLOWER UNIFIED SD**  
**March 2013**

POLICIES

REGULATIONS

BYLAWS

NOTE: The CSBA comprehensive index is a standard index system designed to provide a table of contents for this manual while at the same time accommodating future policies/regulations. This manual contains only those Board policies (BP), administrative regulations (AR) and/or exhibits (E) specified in the right-hand column.

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ARTICLE 1

COMMUNITY RELATIONS

(Series 1000)

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**All Personnel**

BP 4113(a)

4213

**ASSIGNMENT OF PERSONNEL**

4313

The number and classification of personnel assigned to the district shall be in compliance with the Board of Education authorization and found in the current organization chart as well as Board-approved prognosis of student enrollment.

The Board shall annually approve the district staffing through the adoption of the annual budget. The Superintendent is responsible for the assignment of all employees. Within each school site, the principal shall be responsible for assignment of personnel, subject to review by the responsible assistant superintendent. No employment of certificated or classified personnel in excess of the Board's approved staffing may be made without the prior approval of the Board.

*Legal Reference: (see next page)*

## ASSIGNMENT OF PERSONNEL

### *Legal Reference:*

#### EDUCATION CODE

- 33126 School accountability report card
- 35035 Additional powers and duties of superintendent
- 35186 Complaint process
- 37616 Assignment of teachers to year-round schools
- 44225.6 Commission report to the legislature re: teachers
- 44250-44277 Credentials and assignments of teachers
- 44314 Subject matter programs, approved subjects
- 44395-44398 Incentives for assigning NBPTS-certified teachers to high-priority schools
- 44824 Assignment of teachers to weekend classes
- 44955 Reduction in number of employees

#### GOVERNMENT CODE

- 3543.2 Scope of representation

#### CODE OF REGULATIONS, TITLE 5

- 6100-6126 Teacher qualifications, No Child Left Behind Act
- 80003-80005 Credential authorizations
- 80020-80020.5 Additional assignment authorizations
- 80335 Performance of unauthorized professional services
- 80339-80339.6 Unauthorized certificated employee assignment

#### UNITED STATES CODE, TITLE 20

- 6311 State plan
- 6319 Highly qualified teachers
- 6601-6651 Teacher and Principal Training and Recruiting Fund
- 7801 Definitions, highly qualified teacher

#### CODE OF FEDERAL REGULATIONS, TITLE 34

- 200.55-200.57 Highly qualified teachers

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

- Revised State Plan for the No Child Left Behind Act*, rev. September 2008

#### COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

- The Administrator's Assignment Manual*, rev. September 2007

#### U.S. DEPARTMENT OF EDUCATION GUIDANCE

- Improving Teacher Quality State Grants: ESEA Title II, Part A*, rev. October 5, 2006

#### WEB SITES

- CSBA: <http://www.csba.org>
- California Department of Education: <http://www.cde.ca.gov>
- Commission on Teacher Credentialing: <http://www.ctc.ca.gov>
- Santa Clara County Office of Education, Personnel Management Assistance Team:  
<http://www.sccoe.org/depts/pmat>
- U.S. Department of Education: <http://www.ed.gov>

**PROMOTIONS - CERTIFICATED**

Promotion in the district shall be considered when a vacancy occurs on the administrative or support staff, or a new position is created. Such action shall not exclude consideration of out-of-district candidates.

All vacant or new administrative and support staff positions shall be announced through bulletins posted in each school as well as advertisements with appropriate outside agencies such as ACSA.

No permanent appointment to an administrative position shall be made by the Board of Education until the district employees have had a reasonable opportunity to apply for the position. The Board reserves the right to directly appoint an employee to a vacant or new position as long as that position has not been advertised.

All bulletins shall indicate the nature of the position, salary schedule, number of days per year of employment, and necessary procedures for applying with clearly identified deadlines.

**EVALUATION OF PROBATIONARY CERTIFICATED PERSONNEL**

The Board of Education believes that regular and comprehensive evaluations can help instructional staff improve their teaching skills and raise students' levels of achievement. Evaluations also serve to hold staff accountable for their performance. The Superintendent or designee shall evaluate the performance of certificated staff members in accordance with law, negotiated employee contracts and Board-adopted evaluation standards.

*(cf. 4121/4241 - Collective Bargaining Agreement)*

Evaluations shall be used to recognize the exemplary skills and accomplishments of staff and to identify areas needing improvement. When areas needing improvement are identified, the Board expects employees to accept responsibility for improving their performance. The Superintendent or designee shall assist employees in improving their performance and may require participation in appropriate programs. Staff members are encouraged to take initiative to request assistance as necessary to promote effective teaching.

*(cf. 4131 - Staff Development)*

*(cf. 4139 - Peer Assistance and Review)*

Upon identification of need in a probationary teacher, the administrator will attempt to meet the need by:

1. Providing assistance him/herself,
2. Providing assistance through Beginning Teacher Support and Assessment (BTSA), or Peer Assistance and Review (PAR),
3. Providing assistance through other district personnel,
4. Providing assistance through Los Angeles County Office of Education,
5. Providing assistance through workshops and/or conferences presented within the district or approved programs presented outside the district.

The Board annually certifies administrators as competent to evaluate instruction. This process also ensures that probationary certificated employees are assigned to a school with an administrator who can recognize the teacher's potential need for training, assistance, and evaluation.

*Legal Reference: (see next page)*

**EVALUATION/SUPERVISION (continued)**

*Legal Reference:*

EDUCATION CODE

33039 *State guidelines for teacher evaluation procedures*

35171 *Availability of rules and regulations for evaluation of performance*

44500-44508 *Peer assistance and review program for teachers*

44660-44665 *Evaluation and assessment of performance of certificated employees (the Stull Act)*

GOVERNMENT CODE

3543.2 *Scope of representation*

UNITED STATES CODE, TITLE 20

6319 *Highly qualified teachers*

7801 *Definition of highly qualified teacher*

*Management Resources:*

CTC PUBLICATIONS

*Standards for the Quality and Effectiveness for Beginning Teacher Support and Assessment Programs, 1997*

*California Standards for the Teaching Profession, 1997*

WEB SITES

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

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

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

National Board for Professional Teaching Standards: <http://www.nbpts.org>

**SEPARATION FROM SERVICE - CERTIFICATED EMPLOYEES**

Resignations of certificated personnel shall be written and addressed to the Superintendent for action by the Board of Education. The district shall determine the effective date of termination as prescribed by Education Code. Such letters should state the reason for the resignation and give the desired effective date.

A certificated employee should, prior to or concurrent with his/her letter, advise his/her immediate administrator of his/her intent to resign.

Release from a certificated contract during the school year shall normally be granted when a qualified replacement is employed. Each request of termination during the school year will be handled on a case by case basis.

*Legal Reference:*

EDUCATION CODE

35161 Board delegation of any powers or duties

44242.5 Reports of change in employment status, alleged misconduct

44420 Failure to fulfill contract as ground for suspension of diplomas and certificates

44433 Unauthorized departure from service as unprofessional conduct

44930 Acceptance and date of resignation

45201 Power to accept resignation

CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status

80304 Notice of sexual misconduct

COURT DECISIONS

American Federation of Teachers, Local #1050 v. Board of Education of Pasadena Unified School District, (1980) 107 Cal.App.3d 829

**SEXUAL HARASSMENT**

The Board of Education prohibits sexual harassment of district employees and job applicants. The Board also prohibits retaliatory behavior or action against district employees or other persons, who complain, testify or otherwise participate in the complaint process established pursuant to this policy and administrative regulation.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to staff
3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions.

Any district employee or job applicant who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately report the incident to his/her supervisor, the principal, district administrator or Superintendent.

A supervisor, principal or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

Complaints of sexual harassment shall be filed in accordance with BP 4030-Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment against a district employee, job applicant, or student is in violation of this policy and is subject to disciplinary action up to and including dismissal.

**SEXUAL HARASSMENT (continued)**

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11021 Retaliation

11023 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 42

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

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy



**EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS**

The Superintendent or designee shall meet state and federal standards for dealing with bloodborne pathogens and other potentially infectious materials in the workplace.

The Superintendent or designee shall establish a written Exposure Control Plan designed to protect employees from possible infection due to contact with bloodborne viruses, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's Exposure Control Plan, employees having occupational exposure shall be offered the hepatitis B vaccination.

All employees will be inserviced regarding the potential dangers from bloodborne pathogens and precautionary procedures. Those employees having occupational exposure, as defined by the district, shall be provided additional inservice training.

Any employee not identified as having occupational exposure in the district's exposure determination may petition to be included in the district's employee inservice and hepatitis B vaccination program.

*Legal Reference:*

LABOR CODE

142.3 Authority of Cal/OSHA to adopt standards

144.7 Requirement to amend standards

CODE OF REGULATIONS, TITLE 8

3204 Access to employee exposure and medical records

5193 California bloodborne pathogens standards

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

*Management Resources:*

CDE ADVISORIES

1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings

WEB SITES

OSHA: <http://www.osha.gov>

Cal/OSHA: [http://www.dir.ca.gov/occupational\\_safety.html](http://www.dir.ca.gov/occupational_safety.html)

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

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**CONCEPTS AND ROLES**

The Board of Education shall make every effort to maintain a safe, positive school environment and student services that promote student welfare and academic achievement. The Board expects students to make good use of learning opportunities by demonstrating regular attendance, appropriate conduct and respect for others.

The Board is fully committed to providing equal educational opportunities and keeping the schools free from discriminatory practices. The Board shall not tolerate the intimidation or harassment of any student for any reason.

The Superintendent or designee shall establish and keep parents/guardians and students well informed about school and district rules and regulations related to attendance, health examinations, records, grades and student conduct. When conducting hearings related to discipline, attendance and other student matters, the Board shall afford students their due process rights in accordance with law.

*Legal Reference:*

EDUCATION CODE

*35160 Authority of governing boards*

*35160.1 Broad authority of school districts*

*35291-35291.5 Rules*

**PARENT RIGHTS AND RESPONSIBILITIES**

The Board of Education recognizes that parents/guardians of district students have certain rights as well as responsibilities related to the education of their children.

The Board believes that the education of the district's students is a shared responsibility. The Superintendent or designee shall work with parents/guardians, including parents/guardians of English learners, to determine appropriate roles and responsibilities of parents/guardians, school staff and students for continuing the intellectual, physical, emotional and social development and well-being of students at each school site, including the means by which the schools and parents/guardians can help students achieve academic and other standards of the school.

Within this framework, the school's primary responsibility shall be to provide a high-quality curriculum and instructional program in a supportive and effective learning environment that enables all students to meet the academic expectations of the school.

Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership and to help their children succeed in school. (Education Code 51100)

The Superintendent or designee shall ensure that district staff understand the rights of parents/guardians afforded by law and Board policy and follow acceptable practices that respect those rights.

The Superintendent or designee shall ensure that parents/guardians receive notification regarding their rights in accordance with law.

The Superintendent or designee shall take all reasonable steps to ensure that all parents/guardians who speak a language other than English are properly notified in English, and in their home language of the rights and opportunities available to them pursuant to Education Code 48985. (Education Code 51101.1)

*Legal Reference: (see next page)*

**PARENT RIGHTS AND RESPONSIBILITIES (continued)**

*Legal Reference:*

EDUCATION CODE

33126 School accountability report card

35291 Disciplinary rules

48070.5 Promotion and retention of students

48985 Notice to parent in language other than English

49091.10-49091.19 Parental review of curriculum and instruction

49602 Confidentiality of pupil information

51100-51102 Parent/guardian rights

51513 Personal beliefs

60510 Disposal of surplus instructional materials

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

*Management Resources:*

WEB SITES

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

CDE: <http://www.cde.ca.gov>

**NONCUSTODIAL PARENTS**

The Board of Education recognizes the right of parents/guardians to be involved in the education of their children and desires to balance that right with the district's need to ensure the safety of students while at school.

The parent/guardian who enrolls a child in a district school shall be presumed to be the child's custodial parent/guardian and shall be held responsible for the child's welfare.

School officials shall presume that both parents/guardians have equal rights regarding their child, including, but not limited to, picking the student up after school or otherwise removing the student from school, accessing student records, participating in school activities, or visiting the school. When a court order restricts access to the child or to his/her student information, a parent/guardian shall provide a copy of the certified court order to the principal or designee upon enrollment or upon a change in circumstances.

In the event of an attempted violation of a court order that restricts access to a student, the principal or designee shall contact the custodial parent and local law enforcement officials and shall make the student available only after one or both of these parties consent.

*Legal Reference:*

EDUCATION CODE

48204 Residency requirements

49061 Definitions

49069 Absolute right to access

49091.10-49091.19 Parental review of curriculum and instruction

49408 Emergency information

56028 Definition, parent for special education

51100-51102 Parent/guardian rights

FAMILY CODE

3002 Joint legal custody, definition

3006 Sole legal custody, definition

3025 Parental access to records

6550-6552 Caregivers

GOVERNMENT CODE

810-996.6 Government Claims Act

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

*Management Resources:*

WEB SITES

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

California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>

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

**STUDENT AND FAMILY PRIVACY RIGHTS**

The Board of Education respects the rights of district students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information. The Superintendent or designee shall develop regulations to ensure compliance with law when the district requests, retains, discloses, or otherwise uses the personal information of its students and their families.

The regulations shall, at a minimum, address the following: (20 USC 1232h)

1. Whether the district may collect the personal information of students for marketing or sale
2. How the district will administer surveys that may request information about the personal beliefs and practices of students and their families
3. The rights of parents/guardians to inspect:
  - a. Survey instruments requesting information about their personal beliefs and practices or those of their children
  - b. Instructional materials used as part of their children's educational curriculum
4. Whether the district may administer any nonemergency invasive physical examination or screening
5. Notifications that the district will provide to students and parents/guardians with respect to their privacy rights

The Superintendent or designee shall consult with parents/guardians regarding the development of the procedures. (20 USC 1232h)

*Legal Reference: (see next page)*

**STUDENT AND FAMILY PRIVACY RIGHTS (continued)**

*Legal Reference:*

EDUCATION CODE

49450-49458 *Physical examinations*

49602 *Confidentiality of personal information received during counseling*

51101 *Parents Rights Act of 2002*

51513 *Test, questionnaire, survey, or examination concerning personal beliefs*

51938 *Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

1232h *Protection of pupil rights*

*Management Resources:*

WEB SITES

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

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

U.S. Department of Education, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpco>

**STUDENT WELLNESS**

The Board of Education recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall coordinate and align district 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 Superintendent 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.

**District Wellness Committee**

The Superintendent 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, periodic review, and update of the district's student wellness policy.

**Goals for Nutrition, Physical Activity, and Other Wellness Activities**

The Board shall adopt goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness.

The district'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 not be limited to, information about the benefits of healthy eating for learning, disease prevention, weight, 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 and extracurricular programs.

Professional development may be offered to health education and physical education teachers, coaches, activity supervisors, food services staff, and other staff as appropriate to enhance their health knowledge and skills.



**STUDENT WELLNESS** (continued)

The Superintendent or designee may disseminate health information and/or the district's student wellness policy to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

In order to ensure that students have access to comprehensive health services, the district may provide access to health services at or near district schools and/or may provide referrals to community resources.

The Board 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.

**Nutritional Guidelines for Foods Available at School**

For all foods available on each campus during the school day, the district shall adopt nutritional guidelines which are consistent with 42 USC 1773 and 1779 and federal regulations and which support the objectives of promoting student health and reducing childhood obesity.

In order to maximize the district's ability to provide nutritious meals and snacks, all district schools shall participate in available federal school nutrition programs, including the National School Lunch to the extent possible. When approved by the California Department of Education, the district may sponsor a summer meal program.

The Superintendent or designee shall provide access to free, potable water during meal times in the food service area 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 making drinking water available.

The Board believes that all foods and beverages sold to students at district schools, including those available outside the district's food services program, should support the health curriculum and promote optimal health. Nutritional standards adopted by the district for foods and beverages provided through student stores, vending machines, or other venues shall meet or exceed state and federal nutritional standards.

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes. He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

## **STUDENT WELLNESS (continued)**

School staff shall encourage parents/guardians or other volunteers to support the district's wellness policy by considering nutritional quality when selecting any snacks which they may donate for special occasions.

### **Program Implementation and Evaluation**

The Superintendent may designate one or more district or school employees, as appropriate, to ensure that each school site complies with this policy.

The Superintendent or designee may assess the implementation and effectiveness of the district wellness policy every year annually.

The assessment may include the extent to which district schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy.

The Superintendent or designee may invite feedback on district and school wellness activities from food service personnel, school administrators, the school health council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons.

As feasible, the assessment report may include a comparison of results across multiple years, a comparison of district 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.

The Superintendent or designee may consider to inform and update the public, including parents/guardians, students, and others in the community, about the content and implementation of this policy and assessment results.

### **Posting Requirements**

Each school shall post the district's policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code 49432)

*Legal Reference: (see next page)*

## STUDENT WELLNESS (continued)

### Legal Reference:

#### EDUCATION CODE

33350-33354 CDE responsibilities re: physical education  
49430-49434 Pupil Nutrition, Health, and Achievement Act of 2001  
49490-49494 School breakfast and lunch programs  
49500-49505 School meals  
49510-49520 Nutrition  
49530-49536 Child Nutrition Act  
49540-49546 Child care food program  
49547-49548.3 Comprehensive nutrition services  
49550-49561 Meals for needy students  
49565-49565.8 California Fresh Start pilot program  
49570 National School Lunch Act  
51210 Course of study, grades 1-6  
51220 Course of study, grades 7-12  
51222 Physical education  
51223 Physical education, elementary schools  
51795-51796.5 School instructional gardens  
51880-51921 Comprehensive health education

#### CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations  
15510 Mandatory meals for needy students  
15530-15535 Nutrition education  
15550-15565 School lunch and breakfast programs

#### UNITED STATES CODE, TITLE 42

1751-1769 National School Lunch Program, especially:  
1758b Local wellness policy  
1771-1791 Child Nutrition Act, especially:

1773 School Breakfast Program  
1779 Rules and regulations, Child Nutrition Act

#### CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program  
220.1-220.23 National School Breakfast Program

#### COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

### Management Resources:

#### CSBA PUBLICATIONS

Increasing Access to Drinking Water in Schools, Policy Brief, March 2013  
Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012  
Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. April 2012  
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012  
Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009  
Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009  
Physical Education and California Schools, Policy Brief, rev. October 2007  
School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006

## STUDENT WELLNESS (continued)

*Management Resources: (continued)*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

CALIFORNIA PROJECT LEAN PUBLICATIONS

Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006

CENTER FOR COLLABORATIVE SOLUTIONS

Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and Food Security in Afterschool Programs, March 2010

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide, 2005

FEDERAL REGISTER

Rules and Regulations, January 26, 2012, Vol. 77, Number 17, pages 4088-4167

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Dietary Guidelines for Americans, 2005

Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

WEB SITES

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

Action for Healthy Kids: <http://www.actionforhealthykids.org>

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

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

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):  
<http://www.californiaprojectlean.org>

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

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

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

Dairy Council of California: <http://www.dairycouncilofca.org>

National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>

National Association of State Boards of Education: <http://www.nasbe.org>

School Nutrition Association: <http://www.schoolnutrition.org>

Society for Nutrition Education: <http://www.sne.org>

U.S. Department of Agriculture, Food Nutrition Service, wellness policy:  
<http://www.fns.usda.gov/tn/Healthy/wellnesspolicy.html>

**ADMISSION**

The Board of Education encourages the enrollment and appropriate placement of all school-aged children in school. The Superintendent or designee shall inform parents/guardians of students entering a district school at any grade level about admission requirements and shall assist them with enrollment procedures.

The Superintendent or designee shall verify the student's age, residency, and any other admission criteria specified in law and in Board policies and administrative regulations.

All resident students who are enrolling either in the school in their attendance area or in another district school shall be subject to the timelines established by the Board in Board Policy or Administrative Regulation 5116.1 - Intradistrict Open Enrollment. Nonresident students may apply for interdistrict attendance in accordance with the timelines specified in applicable Board policies and administrative regulations.

*Legal Reference: (see next page)*

**ADMISSION** (continued)

*Legal Reference:*

EDUCATION CODE

46300 *Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten*

46600 *Agreements for admission of students desiring interdistrict attendance*

48000 *Minimum age of admission (kindergarten)*

48002 *Evidence of minimum age required to enter kindergarten or first grade*

48010 *Minimum age of admission (first grade)*

48011 *Admission from kindergarten or other school; minimum age*

48050-48053 *Nonresidents*

48200 *Children between ages of 6 and 18 years (compulsory full-time education)*

48350-48361 *Open Enrollment Act*

48850-48859 *Educational placement of foster youth*

49076 *Access to records by persons without written consent or under judicial order*

49408 *Information of use in emergencies*

49700-49704 *Education of children of military families*

HEALTH AND SAFETY CODE

120325-120380 *Education and child care facility immunization requirements*

121475-121520 *Tuberculosis tests for students*

CODE OF REGULATIONS, TITLE 5

200 *Promotion from kindergarten to first grade*

201 *Admission to high school*

CODE OF REGULATIONS, TITLE 17

6000-6075 *School attendance immunization requirements*

UNITED STATES CODE, TITLE 42

11431-11435 *McKinney Homeless Assistance Act*

*Management Resources:*

CSBA PUBLICATIONS

*Transitional Kindergarten, Issue Brief, July 2011*

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

*Dear Colleague Letter, May 6, 2011*

WEB SITES

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

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

Office for Civil Rights, U.S. Department of Education: <http://www2.ed.gov/about/offices/list/ocr>

**DISTRICT RESIDENCY**

The Board of Education desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The Superintendent or designee shall develop procedures to facilitate the receipt and verification of students' proof of residency.

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance.

The Superintendent or designee shall require parents/guardians to provide documentation of the student's residency upon admission to a district school. A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record.

When establishing a student's residency for enrollment purposes, the Superintendent or designee shall not inquire into a student's citizenship or immigration status.

A student's enrollment may be denied when the submitted documentation is insufficient to establish district residency. In any such case, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

**Investigation of Residency**

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency.

The Superintendent or designee may assign a trained district employee to conduct the investigation. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.

The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view.

Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation.

**DISTRICT RESIDENCY** (continued)

**Appeal of Enrollment Denial**

If the Superintendent or designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the district, he/she shall provide the student's parent/guardian an opportunity to appeal that determination.

The Superintendent or designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 10 school days, appeal the decision and provide new evidence of residency.

The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled.

A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the district shall not be permitted to attend any district school unless his/her appeal is successful.

In an appeal to the Superintendent, or designee, of a determination that district residency requirements were not met, the Superintendent or designee shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent or designee's decision shall be final.

**Enrollment Not Requiring District Residency**

When approved by the Board and the appropriate agency, the district may enroll students from other countries who are in the United States on an F-1 visa or are participating in an international exchange program under the sponsorship of a government-approved agency.

District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class.

*Legal Reference: (see next page)*



**DISTRICT RESIDENCY (continued)**

*Legal Reference:*

*EDUCATION CODE*

*220 Prohibition of discrimination*

*35160.5 Intradistrict open enrollment*

*35351 Assignment of students to particular schools*

*46600-46611 Interdistrict attendance permits*

*48050-48054 Nonresidents*

*48200-48208 Compulsory education law, especially:*

*48204 Residency requirements*

*48204.1-48204.2 Evidence of residency*

*48300-48316 Student attendance alternatives, school district of choice program*

*48350-48361 Open Enrollment Act transfers*

*48852.7 Education of homeless students; immediate enrollment*

*48853.5 Education of foster youth; immediate enrollment*

*48980 Notifications at beginning of term*

*52317 Regional occupational program, admission of persons including nonresidents*

**EXEMPTIONS FROM ATTENDANCE**

Each student between the ages of 6 and 18 shall be subject to compulsory full-time education. (Education Code 48200)

However, the Superintendent or designee may grant exemptions from compulsory attendance to a student as allowed by law and in the best interest of the student. Exemptions shall not be used to remove a student from the school for disciplinary purposes.

As needed, the Superintendent or designee may require a student or his/her parent/guardian to submit written documentation that the student fulfills one of the conditions specified in law and administrative regulation for which exemption is authorized.

*Legal Reference:*

EDUCATION CODE

33190 Affidavit by persons conducting private school instruction

46100-46147 Minimum school day

46170 Minimum school day, continuation education

48200-48341 Compulsory education law

48400-48454 Compulsory continuation education

48800-48802 Attendance at community college

49110-49119 Permits to work

49130-49135 Permits to work full time

LABOR CODE

1285-1312 Employment of minors

1390-1399 Employment of minors

CODE OF REGULATIONS, TITLE 5

11522 Parental consent for exemption based on high school proficiency certificate

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 34

106.40 Marital or parental status

COURT DECISIONS

Thomas v. Atascadero Unified School District, (1987) 662 F.Supp. 342

*Management Resources:*

WEB SITES

California Department of Education, Attendance Improvement: <http://www.cde.ca.gov/ls/ai/>

**STUDENT LEAVE OF ABSENCE**

The Board of Education 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.

*Legal Reference:*

EDUCATION CODE

48232 *Leave of absence for students age 15 at time of commencement of leave*

48410 *Exemption from continuation education*

48416 *Leave of absence for students age 16 to 18 inclusive*

FAMILY CODE

7000-7002 *Emancipation of minors law*

7050 *Purposes for which emancipated minor considered an adult*

**CLOSED CAMPUS**

In order to keep students in a supervised, safe and orderly environment, the Board of Education establishes a closed campus at all district schools.

Students shall not leave the school grounds at any time during the school day without written permission of their parents/guardians and school authorities. Students who leave school without authorization shall be classified truant and subject to disciplinary action.

*Legal Reference:*

EDUCATION CODE

*35160 Authority of the Board*

*35160.1 Broad authority of school district*

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

**ABSENCES AND EXCUSES**

The Board of Education believes that regular attendance plays an important role in student achievement. The Board shall work with parents/guardians and students to ensure their compliance with all state attendance laws, and may use appropriate legal means to correct problems of chronic absence or truancy.

**Excused Absences**

Absence from school shall be excused only for health reasons, family emergencies, and justifiable personal reasons, as permitted by law, Board policy, and administrative regulations. (Education Code 48205)

Inasmuch as class participation is an integral part of students' learning experiences, parents/guardians and students shall be encouraged to schedule medical appointments during nonschool hours.

At the beginning of each school year, the Superintendent or designee shall send a notification to the parents/guardians of all students, and to all students in grades 7-12, informing them that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian. (Education Code 46010.1)

Students shall not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency or confidential medical appointment.

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to law and administrative regulations. (Education Code 46014)

**Effect of Absence on Grades/Credits**

If a student's absence is excused under Education Code 48205, he/she shall be allowed to complete any missed assignment or test that can be reasonably given, as determined by the teacher of that class. The student shall be given full credit for the assignment or test if he/she satisfactorily completes the assignment or test within a reasonable period of time. (Education Code 48205)

A student's grades may be affected by excessive unexcused absences in accordance with Board policy.

*Legal Reference: (see next page)*

**ABSENCES AND EXCUSES (continued)**

*Legal Reference:*

EDUCATION CODE

1740 *Employment of personnel to supervise attendance (county superintendent)*  
2550-2558.6 *Computation of revenue limits*  
37201 *School month*  
37223 *Weekend classes*  
41601 *Reports of average daily attendance*  
42238-42250.1 *Apportionments*  
46000 *Records (attendance)*  
46010-46014 *Absences*  
46100-46119 *Attendance in kindergarten and elementary schools*  
46140-46147 *Attendance in junior high and high schools*  
48200-48208 *Children ages 6-18 (compulsory full-time attendance)*  
48210-48216 *Exclusions from attendance*  
48240-48246 *Supervisors of attendance*  
48260-48273 *Truants*  
48292 *Filing complaint against parent*  
48320-48324 *School attendance review boards*  
48340-48341 *Improvement of student attendance*  
49067 *Unexcused absences as cause of failing grade*  
49701 *Provisions of the interstate compact on educational opportunities for military children*

ELECTIONS CODE

12302 *Student participation on precinct boards*

FAMILY CODE

6920-6929 *Consent by minor*

VEHICLE CODE

13202.7 *Driving privileges; minors; suspension or delay for habitual truancy*

WELFARE AND INSTITUTIONS CODE

601-601.4 *Habitually truant minors*

11253.5 *Compulsory school attendance*

CODE OF REGULATIONS, TITLE 5

306 *Explanation of absence*

420-421 *Record of verification of absence due to illness and other causes*

ATTORNEY GENERAL OPINIONS

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

66 *Ops.Cal.Atty.Gen. 244 (1983)*

COURT DECISIONS

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

*Management Resources:*

CSBA PUBLICATIONS

*Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010*

WEB SITES

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

**CHRONIC ABSENCE AND TRUANCY**

The Board of Education believes that excessive student absenteeism and tardiness, whether caused by excused or unexcused absences, 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.

The Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students classified as chronic absentees and truants, as defined in law and administrative regulation.

The Superintendent or designee shall work with students, parents/guardians, school staff, and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy. He/she also 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 ensure that alternative educational programs and nutrition, health care, and other support services are available for students and families and to intervene as necessary when students have serious attendance problems.

Students who are identified as truants shall be subject to the interventions specified in law and administrative regulation.

A student's truancy, tardiness, or other absence from school shall not be the sole basis for his/her out-of-school suspension or expulsion. Alternative disciplinary strategies and positive reinforcement for attendance shall be used whenever possible.

**School Attendance Review Board**

In accordance with law and administrative regulation, habitual truants may be referred to a school attendance review board (SARB).

The Board may submit a nomination to the County Superintendent of Schools for a person who will serve on the county SARB as a representative of school districts. (Education Code 48321)

The Board shall appoint members of the district's SARB, who may include, but are not limited to, a parent/guardian as well as representatives of the district, county probation department, county welfare department, county office of education, law enforcement agencies, community-based youth service centers, school guidance personnel, child welfare and attendance personnel, school or county health care personnel, and school, county, or community mental health personnel. (Education Code 48321)

The district's SARB shall operate in accordance with Education Code 48320-48325 and procedures established by the Superintendent or designee.

**CHRONIC ABSENCE AND TRUANCY (continued)**

*Legal Reference:*

EDUCATION CODE

1740 *Employment of personnel to supervise attendance (county superintendent)*

37223 *Weekend classes*

41601 *Reports of average daily attendance*

46000 *Records (attendance)*

46010-46014 *Absences*

46110-46119 *Attendance in kindergarten and elementary schools*

46140-46147 *Attendance in junior high and high schools*

48200-48208 *Children ages 6-18 (compulsory full-time attendance)*

48225.5 *Work permits, entertainment and allied industries*

48240-48246 *Supervisors of attendance*

48260-48273 *Truants*

48290-48296 *Failure to comply; complaints against parents*

48320-48325 *School attendance review boards*

48340-48341 *Improvement of student attendance*

48400-48403 *Compulsory continuation education*

48900 *Suspension and expulsion*

49067 *Unexcused absences as cause of failing grade*

60901 *Chronic absence*

GOVERNMENT CODE

54950-54963 *The Ralph M. Brown Act*

PENAL CODE

270.1 *Chronic truancy; parent/guardian misdemeanor*

272 *Parent/guardian duty to supervise and control minor child; criminal liability for truancy*

830.1 *Peace officers*

VEHICLE CODE

13202.7 *Driving privileges; minors; suspension or delay for habitual truancy*

WELFARE AND INSTITUTIONS CODE

601-601.4 *Habitually truant minors*

11253.5 *Compulsory school attendance*

CODE OF REGULATIONS, TITLE 5

306 *Explanation of absence*

420-421 *Record of verification of absence due to illness and other causes*

COURT DECISIONS

*L.A. v. Superior Court of San Diego County, (2012) 209 Cal.App.4th 976*

*Management Resources: (see next page)*



**CHRONIC ABSENCE AND TRUANCY (continued)**

*Management Resources:*

CSBA PUBLICATIONS

*Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*School Attendance Review Board Handbook, 2012*

*School Attendance Improvement Handbook, 2000*

WEB SITES

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

Attendance Works: <http://www.attendanceworks.org>

California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>

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

California Healthy Kids Survey: <http://chks.wested.org>

California School Climate, Health, and Learning Survey System: <http://www.cal-schls.wested.org>

OnTrackCA: <http://www.ontrackca.org>

**WORK PERMITS**

The Board of Education recognizes that part-time employment can provide students with income as well as job experience that can help them develop appropriate workplace skills and attitudes. Upon obtaining an offer of employment, district students who are minors shall obtain work permits from the Superintendent or designee in accordance with law, regardless of whether the employment will occur when school is in session and/or not in session.

In determining whether to grant or continue a work permit, the Superintendent or designee shall consider whether employment is likely to significantly interfere with the student's schoolwork. Students granted work permits must demonstrate and maintain a 2.0 grade point average and satisfactory school attendance. On a case-by-case basis, the Superintendent or designee may approve a maximum work hour limit that is lower than the limit specified in law and administrative regulation.

Students with work permits may be exempted from attendance in a full-time day school provided they attend part-time classes. (Education Code 48230)

Work permits shall be limited to part-time employment as defined by law, except when the Superintendent or designee determines that circumstances warrant the granting of a permit for full-time employment.

Any student authorized to work full time when school is in session shall be enrolled in part-time continuation classes.

*Legal Reference: (see next page)*

**WORK PERMITS (continued)**

*Legal Reference:*

EDUCATION CODE

48230 Exemption from full-time school attendance for students with work permits

48231 Exemption from compulsory attendance for students entering attendance area near end of term

49100-49101 Compulsory attendance

49110-49119 Permits to work

49130-49135 Permits to work full time

49140-49141 Exceptions

49160-49165 Employment of minors; duties of employers

49180-49183 Violations

51760-51769.5 Work experience education

52300-52499.66 Career technical education

LABOR CODE

1285-1312 Employment of minors

1391-1394 Working hours for minors

CODE OF REGULATIONS, TITLE 5

16023-16027 District records, retention and destruction

CODE OF REGULATIONS, TITLE 8

11701-11707 Prohibited and dangerous occupations for minors

11750-11763 Work permits and conditions, minor employed in entertainment industry

CODE OF FEDERAL REGULATIONS, TITLE 29

570.1-570.129 Child labor regulations

ATTORNEY GENERAL OPINIONS

18 Ops.Cal.Atty.Gen. 114 (1951)

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Work Permit Handbook for California Schools: Laws and Regulations Governing the Employment of Minors, 2007

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Child Labor Laws, 2000

WEB SITES

California Department of Education, Work Experience Education: <http://www.cde.ca.gov/ci/ct/we>

California Department of Education, Office of Regional Occupational Centers and Programs and Workforce Development: <http://www.cde.ca.gov/ci/ct/wd>

California Department of Industrial Relations: <http://www.dir.ca.gov>

**INTRADISTRICT OPEN ENROLLMENT**

The Board of Education desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also balancing enrollment in order to maximize the efficient use of district facilities. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district. (Education Code 35160.5)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

**Enrollment Priorities**

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

The Superintendent or designee shall grant priority to any district student to attend another district school, including a charter school, outside of his/her attendance area as follows:

1. Any student enrolled in a district school that has been identified on the state's Open Enrollment List. (Education Code 48354)
2. Any student enrolled in a district school receiving Title I funds that has been identified for program improvement (PI), corrective action, or restructuring. (20 USC 6316)
3. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous." (20 USC 7912; 5 CCR 11992)
4. Any student who is a victim of a violent crime while on school grounds. (20 USC 7912)
5. Any sibling of a student already in attendance in that school.
6. Any student whose parent/guardian is assigned to that school as his/her primary place of employment.

**Application and Selection Process**

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for intradistrict open enrollment shall be submitted within the window of time established by the district during the school year preceding the school year for which the transfer is requested.

**INTRADISTRICT OPEN ENROLLMENT** (continued)

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Except for priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

**Transportation**

Except as required by 20 USC 6316 for transfers out of Title I PI schools, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

*Legal Reference: (see next page)*

## **INTRADISTRICT OPEN ENROLLMENT (continued)**

*Legal Reference:*

EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

7912 Transfers from persistently dangerous schools

CODE OF FEDERAL REGULATIONS, TITLE 34

200.36 Dissemination of information

200.37 Notice of program improvement status, option to transfer

200.39 Program improvement, transfer option

200.42 Corrective action, transfer option

200.43 Restructuring, transfer option

200.44 Public school choice, program improvement schools

200.48 Transportation funding for public school choice

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 95 (2002)

*Management Resources:*

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

Public School Choice, January 2009

Unsafe School Choice Option, May 2004

WEB SITES

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

California Department of Education, Unsafe School Choice Option:

<http://www.cde.ca.gov/ls/ss/se/usco.asp>

U.S. Department of Education, No Child Left Behind: <http://www.nclb.gov>

**INTERDISTRICT ATTENDANCE**

The Board of Education recognizes that parents/guardians of students who reside in one district may, for a variety of reasons, choose to enroll their child in a school in another district.

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600)

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed to by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)

Upon receiving a permit for transfer into the district that has been approved by the student's district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement.

*Legal Reference: (see next page)*

**INTERDISTRICT ATTENDANCE** (continued)

*Legal Reference:*

EDUCATION CODE

- 41020 Annual district audits
- 46600-46611 Interdistrict attendance agreements
- 48204 Residency requirements for school attendance
- 48300-48316 Student attendance alternatives, school district of choice program
- 48350-48361 Open Enrollment Act
- 48900 Grounds for suspension or expulsion; definition of bullying
- 48915 Expulsion; particular circumstances
- 48915.1 Expelled individuals: enrollment in another district
- 48918 Rules governing expulsion procedures
- 48980 Notice at beginning of term
- 52317 Regional occupational center/program, enrollment of students, interdistrict attendance

ATTORNEY GENERAL OPINIONS

- 87 *Ops. Cal. Atty. Gen.* 132 (2004)
- 84 *Ops. Cal. Atty. Gen.* 198 (2001)

COURT DECISIONS

- Walnut Valley Unified School District v. the Superior Court of Los Angeles County, (2011) 192 Cal.App.4th 234
- Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

*Management Resources:*

CSBA PUBLICATIONS

- Transfer Law Comparison, Fact Sheet, March 2011

WEB SITES

- CSBA: <http://www.csba.org>
- California Department of Education: <http://www.cde.ca.gov>



**STUDENTS' GRADES/EVALUATION OF STUDENT ACHIEVEMENT**

The Board of Education believes that grades serve a valuable instructional purpose by helping students and parents/guardians identify the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's achievement.

Teachers shall evaluate a student's work in relation to standards which apply to all students at his/her grade level, not in relation to the work of other students in one particular class. The Superintendent or designee shall establish and regularly evaluate a uniform grading system, and principals shall ensure that student grades conform to this system. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

Grades should be based on impartial, consistent observation of the quality of the student's work and his/her mastery of course standards. Students shall have the opportunity to demonstrate this mastery through a variety of channels such as classroom participation, standardized and teacher made tests, projects, presentations, portfolios, and homework.

When reporting student grades to parents/guardians, teachers may add narrative descriptions and observational notes in order to better describe student progress in specific skills and subcategories of achievement.

Behavior, effort and attendance shall be reported in separate evaluations, not in the student's academic grade.

*Legal Reference: (see next page)*

**STUDENTS' GRADES/EVALUATION OF STUDENT ACHIEVEMENT** (continued)

*Legal Reference:*

EDUCATION CODE

41505-41508 *Pupil Retention Block Grant*

48070 *Promotion and retention*

48205 *Excused absences*

48800-48802 *Enrollment of gifted students in community college*

48904-48904.3 *Withholding grades, diplomas, or transcripts*

49066 *Grades; finalization; physical education class*

49067 *Mandated regulations regarding student's achievement*

49069.5 *Students in foster care, grades and credits*

51242 *Exemption from physical education based on participation in interscholastic athletics*

76000-76002 *Enrollment in community college*

CODE OF REGULATIONS, TITLE 5

10060 *Criteria for reporting physical education achievement, high schools*

30008 *Definition of high school grade point average for student aid eligibility*

UNITED STATES CODE, TITLE 20

1232g *Family Education Rights and Privacy Act (FERPA)*

6101-6251 *School-to-Work Opportunities Act of 1994*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family Educational Rights and Privacy Act*

COURT DECISIONS

*Owasso Independent School District v. Falvo*, (2002) 534 U.S. 426

*Las Virgenes Educators Association v. Las Virgenes Unified School District*, (2001) 86 Cal.App.4th 1

*Swany v. San Ramon Valley Unified School District*, (1989) 720 F.Supp. 764

*Johnson v. Santa Monica-Malibu Unified School District Board of Education*, (1986) 179 Cal.App.3d 593

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Aiming High: High Schools for the 21st Century*, 2002

*Taking Center Stage: A Commitment to Standards-Based Education for California's Middle Grades Students*, 2001

*Elementary Makes the Grade!*, 2000

U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS CORRESPONDENCE

*Report Cards and Transcripts for Students with Disabilities*, October 17, 2008

WEB SITES

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

California Student Aid Commission: <http://www.csac.ca.gov>

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

**PROMOTION/ACCELERATION/RETENTION**

The educational philosophy of the district is to graduate literate, responsible citizens. To accomplish this, instruction and grade level placement should accommodate the varying interest and growth patterns of individual students and include strategies for addressing academic deficiencies when needed.

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

Progress toward high school graduation shall be based on the student's ability to pass required subjects and electives necessary to earn the required number of credits. The students must also meet the minimum proficiency requirements set by the Board of Education.

When high academic achievement is evident, the Superintendent or designee may recommend a student for acceleration into a higher grade level. The student's social and emotional growth shall be taken into consideration in making a determination to accelerate a student.

As early as possible in the school year and in students' school careers, the Superintendent or designee shall notify parents of identified students who should be retained and who are at risk of being retained in accordance with law, Board policy, administration regulation and the following criteria: Students shall be identified on the basis of multiple measures, including but not limited to grades and results on the state's standardized test.

When a student is recommended for retention or is identified as being at risk for retention, the Superintendent or designee shall provide opportunities for remedial instruction to assist the student in overcoming his/her academic deficiencies. Such opportunities may include but are not limited to tutorial programs, after-school program, and/or summer school. Prior to making a recommendation for retention the Superintendent or designee shall confer with the student's parents/guardians regarding the placement being considered. A parent/guardian may appeal a decision to retain or promote their student to the Superintendent or his/her designee.

*Legal Reference: (see next page)*

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

*Legal Reference:*

EDUCATION CODE

37252-37254.1 Supplemental instruction

41505-41508 Pupil Retention Block Grant

46300 Method of computing ADA

48011 Promotion/retention following one year of kindergarten

48070-48070.5 Promotion and retention

48431.6 Required systematic review of students and grading

56345 Elements of individualized education plan

60641-60648 Standardized Testing and Reporting Program

60850-60859 Exit examination

CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES

0900.90 Changes in Law Concerning Eligibility for Admission to Kindergarten 90-10

CDE PUBLICATIONS

Performance Level Tables for the California Standards Tests and the California Alternative Performance Assessment

Parental Agreement Form: Agreement for Pupil to Continue in Kindergarten

LEGISLATIVE COUNSEL'S OPINION

Promotion and Retention #21610

WEB SITES

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

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

**COURSES OF STUDY**

The Board of Education recognizes that a well-aligned sequence of courses fosters academic progress and provides for the best possible use of instructional time. The district's course of study shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful in school, college, and the workplace.

The Superintendent or designee shall establish processes for ensuring the articulation of courses across grade levels within the district. As necessary, he/she also shall work with representatives of appropriate area districts and postsecondary institutions to ensure articulation of courses with other institutions to which district students may matriculate. The sequence of courses shall be designed to ensure that each course provides adequate preparation for the next course in the sequence, avoids significant duplication of content, and allows for reinforcement and progression in the subject matter.

**Elementary Grades**

The Board shall adopt a course of study for elementary grades that sufficiently prepares students for the secondary course of study.

**Secondary Grades**

The district shall offer all otherwise qualified students in grades 7-12 a course of study that prepares them, upon graduation from high school, to meet the requirements and prerequisites for admission to California public colleges and universities and to attain entry-level employment skills in business or industry. (Education Code 51228)

In addition, the course of study for students in grades 9-12 shall include instruction in skills and knowledge for adult life, career technical training, and a timely opportunity for all otherwise qualified students to enroll, within four years before graduation, in each course necessary to fulfill the requirements and prerequisites for admission to California public colleges and universities. (Education Code 51224, 51228)

The Superintendent or designee shall develop a process by which courses that meet college admission criteria (referred to as "a-g" course requirements) are submitted to the University of California for review and certification. He/she shall maintain an accurate list of all current high school courses that have been so certified, shall ensure that the list is provided annually to each student in grades 9-12, and shall make updated lists readily available. (Education Code 51229, 66204)

*Legal Reference: (see next page)*

## **COURSES OF STUDY (continued)**

### *Legal Reference:*

#### EDUCATION CODE

33319.3 *Driver education; CDE materials on road rage*  
33540 *Government and civics instruction in interaction with government agencies*  
48980 *Parental notifications*  
51202 *Instruction in personal and public health and safety*  
51203 *Instruction on alcohol, narcotics and restricted dangerous drugs*  
51204 *Course of study designed for student's needs*  
51204.5 *Social science instruction; history of California; contributions of various groups*  
51210-51212 *Course of study for grades 1-6*  
51220-51229 *Course of study for grades 7-12*  
51241 *Exemption from physical education*  
51911-51921 *Comprehensive health education*  
51930-51939 *Comprehensive sexual health and HIV/AIDS prevention instruction*  
51940 *Curriculum for brain and spinal cord injury prevention*  
53278-53280 *Supplemental School Counseling Program*  
60040-60052 *Requirements for instructional materials*  
66204 *Certification of high school courses as meeting university admission criteria*

#### HEALTH AND SAFETY CODE

11032 *Definition of dangerous drugs*

#### CODE OF REGULATIONS, TITLE 5

10020-10049 *Automobile driver education and training*

10060 *Physical education program*

#### UNITED STATES CODE, TITLE 20

6101-6251 *School-to-Work Opportunities Act of 1994*

### *Management Resources:*

#### WEB SITES

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

California Career Resource Network: <http://www.californiacareers.info>

California Colleges.edu: <http://www.californiacolleges.edu>

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

California State University, Admission Requirements: [http://www.csumentor.edu/planning/high\\_school](http://www.csumentor.edu/planning/high_school)

University of California, a-g Course Submissions: [http://www.ucop.edu/a-gGuide/ag/course\\_submissions](http://www.ucop.edu/a-gGuide/ag/course_submissions)

University of California, List of Approved a-g

Courses: <http://www.universityofcalifornia.edu/admissions/freshman/requirements>

**CONTROVERSIAL ISSUES**

The Board of Education believes that students should have opportunities to discuss controversial issues which have political, social or economic significance and which the students are mature enough to investigate and address. The study of a controversial issue should help students learn how to gather and organize pertinent facts, discriminate between fact and fiction, draw intelligent conclusions and respect the opinions of others.

The Board expects teachers to exercise caution and discretion when deciding whether or not a particular issue is suitable for study or discussion in any particular class. Teacher should not spend class time on any topic which they feel is not suitable for the class or related to the established course of study.

The Board also expects teachers to ensure that all sides of a controversial issue are impartially presented, with adequate and appropriate factual information. Without promoting any partisan point of view, the teacher should help students separate fact from opinion and warn them against drawing conclusions from insufficient data. The teacher shall not suppress any student view on the issue as long as its expression is not malicious or abuse towards others.

Teachers sponsoring guest speaker shall either ask them not to use their position or influence on students toward their own religious, political, economic or social views or shall take active steps to neutralize whatever bias has been presented.

*Legal Reference:*

EDUCATION CODE

*220 Prohibition of discrimination*

*51500 Prohibited instruction or activity*

*51510 Prohibited study or supplemental materials*

*51511 Religious matters properly included in courses of study*

*51530 Prohibition and definition regarding advocating or teaching communism with intent to indoctrinate*

*51933 Sex education courses*

*51938 Right of parent/guardian to excuse child from sexual health instruction*

*60040 Portrayal of cultural and racial diversity*

*60044 Prohibited instructional materials*

*60045 Criteria for instructional materials*

**EXTRACURRICULAR AND COCURRICULAR ACTIVITIES**

Extracurricular and Cocurricular activities are to be considered an integral part of the district's educational program. It is expected that careful planning and proper supervision of all programs be provided by a certificated employee or any district employee who is currently certified to act as a supervisor or coach in the district. These activities and programs do not take precedence in importance over basic subject matter areas but remain in a position of supplemental activities to the regular program.

**Supervision**

Extracurricular and Cocurricular activities, wherever held, if conducted under the name or auspices of the school or any class or organization that is officially recognized as an integral part of the student body organization, shall be under the general supervision of school authority and shall be under the direct supervision of a certificated employee or any district employee who is currently certified to act as a supervisor or coach in the district.

**Eligibility to Represent the School**

All students elected to student offices or who represent their school in Extracurricular and Cocurricular activities shall demonstrate minimum progress in meeting the requirements for graduation and have and maintain good citizenship, attendance, and an average letter grade of "C" in all subjects 7-12. Students in grades 4-6 must meet or excel at the standards in no less than three of the four core subject areas-language arts, mathematics, social studies and science. Any student who fails to do so shall not be allowed to represent fellow students or the school for a period of time as determined by the student's principal, but in no case, except when approved by the Board of Education, shall the time exceed twelve calendar months.

*Legal Reference: (see next page)*



**EXTRACURRICULAR AND COCURRICULAR ACTIVITIES** (continued)

*Legal Reference:*

EDUCATION CODE

35145 *Public meetings*

35160.5 *District policy rules and regulations; requirements; matters subject to regulation*

35179 *Interscholastic athletics; associations or consortia*

35181 *Students' responsibilities*

48850 *Participation of foster youth in extracurricular activities and interscholastic sports*

48930-48938 *Student organizations*

49024 *Activity Supervisor Clearance Certificate*

49700-49704 *Education of children of military families*

CALIFORNIA CONSTITUTION

*Article 9, Section 5 Common school system*

CODE OF REGULATIONS, TITLE 5

350 *Fees not permitted*

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

5531 *Supervision of extracurricular activities of pupils*

UNITED STATES CODE, TITLE 42

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

COURT DECISIONS

*Hartzell v. Connell, (1984) 35 Cal. 3d 899*

*Management Resources:*

CSBA PUBLICATIONS

*Student Fees Litigation Update, ELA Advisory, May 20, 2011*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Pupil Fees, Deposits, or Other Charges, Fiscal Management Advisory 11-01, November 9, 2011*

CALIFORNIA TASK FORCE REPORT TO THE LEGISLATURE

*Compact on Educational Opportunity for Military Children: Preliminary Final Report, March 2009*

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

*10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010*

WEB SITES

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

California Association of Directors of Activities: <http://www.cadal.org>

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

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

**HIGH SCHOOL GRADUATION REQUIREMENTS**

To receive a diploma of graduation from any of the district's high schools, the student must complete the course of study and meet the state and district graduation requirements as prescribed by the Board of Education.

**DIFFERENTIAL GRADUATION AND COMPETENCY STANDARDS FOR STUDENTS WITH DISABILITIES**

The Board of Education recognizes that students with disabilities are entitled to a course of study that provides them with a free appropriate public education (FAPE) and that modifications to the district's regular course may be needed on an individualized basis to provide FAPE. In accordance with law, each student's individualized education program (IEP) team shall determine the appropriate goals, as well as any appropriate individual accommodations necessary for measuring the academic achievement and functional performance of the student on state and districtwide assessments.

**Certificate of Educational Achievement or Completion**

Instead of a high school diploma, a student with disabilities may be awarded a certificate of completion if the student has met one of the following requirements: (Education Code 56390)

1. Satisfactorily completed a prescribed alternative course of study approved by the board of the district in which the student attended school or the district with jurisdiction over the student as identified in his/her IEP
2. Satisfactorily met his/her IEP goals and objectives during high school as determined by the IEP team
3. Satisfactorily attended high school, participated in the instruction as prescribed in his/her IEP, and met the objectives of the statement of transition services

A student with disabilities who meets any of the criteria specified above shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a graduating student of similar age without disabilities would be eligible to participate. (Education Code 56391)

*Legal Reference: (see next page)*

**DIFFERENTIAL GRADUATION AND COMPETENCY STANDARDS FOR  
STUDENTS WITH DISABILITIES** (continued)

*Legal Reference:*

EDUCATION CODE

56341 Individualized education program team

56345 Elements of the IEP

56390-56392 Certificate of completion, special education

60850-60859 High school exit examination

CODE OF REGULATIONS, TITLE 5

3070 Graduation

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.320 Definition of IEP

*Management Resources:*

WEB SITES

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

U.S. Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/about/offices/list/osers/index.html?src=mr>

**FIELD LEARNING EXPERIENCES**

The Board of Education encourages field learning experiences which contribute to the quality of education in the district. Field learning trips or excursions may be taken in connection with instructional courses or cocurricular activities such as social, cultural and athletic events. The normal course work which is missed because of students' participation in a field learning experience is also important and must be completed by participating students.

Field learning experiences shall be defined in the following way:

1. Field learning experiences are excursions taking place during the normal school day, during an evening, or on a weekend day.
2. Extended field learning experiences are defined as excursions that:
  - a. Extend significantly beyond the normal school day to require overnight accommodations or
  - b. Are of sufficient distance that air transportation is required or
  - c. Are outside the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, or Ventura
3. Out-of-state field learning experiences shall be defined as field learning experiences that require leaving the State of California and shall be reviewed by the Board.

The Board, to support its belief in free education for all students, requires that no class or school shall be authorized to participate in a field learning experience if any member of the group will be excluded from participation in the field learning experience due to the lack of personal funds.

Expenses associated with student participation in field learning experiences may be authorized from district funds, contributions, Associated Student Body accounts, educational partnerships, parents/guardians, and/or school support groups.

The district requires that all persons participating in extended and out-of-state field learning experiences waive all claims against the district and the State of California for injury, accident, illness or death occurring during or as a result of the field learning experience (Education Code 35330). Liability, accident, and health insurance, for participants (students and adults) in the extended or out-of-state field learning experiences may be required.

**FIELD LEARNING EXPERIENCES** (continued)

*Legal Reference:*

EDUCATION CODE

8760 *Authorization of outdoor science and conservation programs*

32040-32044 *First aid equipment: field trips*

35330 *Excursions and field trips*

35331 *Provision for medical or hospital service for pupils (on field trips)*

35332 *Transportation by chartered airline*

35350 *Transportation of students*

44808 *Liability when pupils not on school property*

48908 *Duties of pupils; authority of teachers*

BUSINESS AND PROFESSIONS CODE

17540 *Travel promoters*

17550-17550.9 *Sellers of travel*

17552-17556.5 *Educational travel organizations*

*Management Resources:*

WEB SITES

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

*California Association of Directors of Activities: <http://www.cada1.org>*

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

**HOMEWORK**

Homework shall be considered as an extension of the classroom learning process and as an addition to the regular school day. Homework is a valuable component of the educational process when assignments are meaningful, relevant, and appropriate. The goals of homework are to assist students in mastering the concepts learned in the classroom, to extend the curriculum when desirable, and to develop good study habits at each grade level (K-12). Homework will be assigned on a regular basis.

Assigned homework should have direct application to what is being studied in the classroom and should be designed to be totally accomplished outside the classroom setting. Teachers should insure that students understand the expectancies and purpose of the assignment. It should be viewed by the students as reasonable and accomplishable within the time allocated. Parents/guardians are encouraged to provide the opportunity for their children to complete homework assignments and to cooperate with and give support to the teachers who must consistently monitor, assess and respond to the student's homework assignments.

The Board of Education recognizes that homework contributes toward building responsibility, self-discipline and life-long learning habits, and that time spent on homework directly influences students' ability to meet the district's academic standards. The Board expects students, parents/guardians and staff to view homework as a routine and important part of students' daily lives.

The Superintendent or designee shall ensure that administrators and teachers develop and implement an effective homework plan at each school site.

*Legal Reference:**EDUCATION CODE**48205 Absences for personal reasons**48913 Completion of work missed by suspended student**48980 Parental notifications**58700-58702 Tutoring and homework assistance program; summer school apportionment credit**Management Resources:**SBE POLICIES**Parent Involvement in the Education of Their Children, 1994**Policy Statement on Homework, 1995*

**INDEPENDENT STUDY**

The Board of Education authorizes independent study as an optional alternative instructional strategy for eligible students whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan and enabling students to reach curriculum objectives and fulfill graduation requirements. As necessary to meet student needs, independent study may be offered on a full-time basis or on a part-time basis in conjunction with part- or full-time classroom study.

A student's participation in independent study shall be voluntary. Students participating in independent study shall have the right, at any time, to enter or return to the regular classroom mode of instruction. (Education Code 51747; 5 CCR 11700)

Parents/guardians of students who are interested in independent study shall contact the Superintendent or designee. The Superintendent or designee shall approve independent study for an individual student only upon determining that the student is prepared to meet the district's requirements for independent study and is likely to succeed in independent study as well as or better than he/she would in the regular classroom.

The minimum period of time for any independent study option shall be five consecutive school days.

The Superintendent or designee shall ensure that a written independent study agreement, as prescribed by law, exists for each participating student. (Education Code 51747)

The written agreement shall specify the length of time in which each independent study assignment must be completed. Because excessive leniency in the duration of independent study assignments may result in a student falling behind his/her peers and increase the risk of dropping out of school, independent study assignments shall be no more than one week for all grade levels and types of program. However, when necessary based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due, up to the termination date of the agreement.

When a participating student misses three assignments, an evaluation shall be conducted to determine whether it is in the student's best interest to remain in independent study. However, a student's written agreement may specify a lower or higher number of missed assignments that will trigger an evaluation when the Superintendent or designee determines it appropriate based on the nature of the assignments, the total number of assignments, and/or other unique circumstances.

Supervising teachers should establish an appropriate schedule for student-teacher conferences in order to help identify students falling behind in their work or in danger of failing or dropping out of school. Except in unusual circumstances, it is expected that the supervising teacher will meet, either in person or by electronic means, with each participating student at least once a week to discuss the student's progress.



## **INDEPENDENT STUDY** (continued)

Missing appointments with the supervising teacher without valid reasons also may trigger an evaluation to determine whether the student should remain in independent study.

The Superintendent or designee shall annually report to the Board the number of students participating in independent study, the average daily attendance generated for apportionment purposes, the quality of these students' work as measured by standard indicators, and the number and proportion of independent study students who graduate or successfully complete independent study. Based on the program evaluation, the Board and Superintendent shall determine areas for program improvement as needed.

### **Home-Based Independent Study**

The Superintendent or designee shall encourage parents/guardians desiring to teach their children at home to have their children participate in independent study. Such participation allows continued contact and cooperation between the school system and the home-based student and ensures that the student will be offered a standards-based education substantially equivalent in quality and quantity to the district's classroom instruction.

*Legal Reference: (see next page)*

## INDEPENDENT STUDY (continued)

### *Legal Reference:*

#### EDUCATION CODE

- 17289 Exemption for facilities
- 41976.2 Independent study programs; adult education funding
- 42238 Revenue limits
- 44865 Qualifications for home teachers and teachers in special classes and schools
- 46300-46307.1 Methods of computing average daily attendance
- 47612.5 Independent study in charter schools
- 48204 Residency based on parent employment
- 48206.3 Home or hospital instruction; students with temporary disabilities
- 48220 Classes of children exempted
- 48340 Improvement of pupil attendance
- 48915 Expulsion; particular circumstances
- 48916.1 Educational program requirements for expelled students
- 48917 Suspension of expulsion order
- 51225.3 Requirements for high school graduation
- 51745-51749.3 Independent study programs
- 52206 Gifted and talented education; use of independent study to augment program
- 52522 Adult education alternative instructional delivery
- 52523 Adult education as supplement to high school curriculum; criteria
- 56026 Individuals with exceptional needs
- 58500-58512 Alternative schools and programs of choice

#### FAMILY CODE

- 6550 Authorization affidavits

#### CODE OF REGULATIONS, TITLE 5

- 11700-11703 Independent study
- 19819 State audit compliance

#### COURT DECISIONS

- Modesto City Schools v. Education Audits Appeal Panel*, (2004) 123 Cal.App.4th 1365

#### EDUCATION AUDIT APPEALS PANEL DECISIONS

- Lucerne Valley Unified School District*, Case No. 03-02 (2005)

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Independent Study Operations Manual*, 2000 Edition

*Elements of Exemplary Independent Study*

*Approaches to Satisfying No Child Left Behind Act of 2001 Teacher Requirements for Independent Study in Secondary Schools*, January 28, 2010

#### WEB SITES

California Consortium for Independent Study: <http://www.ccis.org>

California Department of Education, Independent Study: <http://www.cde.ca.gov/sp/eo/is>

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

**INDIVIDUALIZED EDUCATION PROGRAM**

The Board of Education desires to provide educational alternatives that afford students with disabilities full educational opportunities. Students with disabilities shall receive a free appropriate public education and be placed in the least restrictive environment which meets their needs to the extent provided by law.

The Superintendent or designee shall develop administrative regulations regarding the appointment of the individualized education program (IEP) team, the contents of the IEP, and the development, review, and revision of the IEP.

To the extent permitted by federal law, a foster parent shall have the same rights relative to his/her foster child's IEP as a parent/guardian. (Education Code 56055)

*Legal Reference: (see next page)*

**INDIVIDUALIZED EDUCATION PROGRAM (continued)**

*Legal Reference:*

EDUCATION CODE

51225.3 *Requirements for high school graduation and diploma*  
56055 *Rights of foster parents pertaining to foster child's education*  
56136 *Guidelines for low incidence disabilities areas*  
56195.8 *Adoption of policies*  
56321 *Development or revision of IEP*  
56321.5 *Notice to include right to electronically record*  
56340.1-56347 *Instructional planning and individualized education program*  
56350-56352 *IEP for visually impaired students*  
56380 *IEP reviews; notice of right to request*  
56390-56392 *Certificate of completion, special education*  
56500-56509 *Procedural safeguards*  
60640-60649 *Standardized Testing and Reporting Program*  
60850 *High school exit examination, students with disabilities*  
60852.3 *High school exit examination, exemption for the class of 2006*

FAMILY CODE

6500-6502 *Age of majority*

GOVERNMENT CODE

7572.5 *Seriously emotionally disturbed child, expanded IEP team*

WELFARE AND INSTITUTIONS CODE

300 *Children subject to jurisdiction*  
601 *Minors habitually disobedient*  
602 *Minors violating law defined as crime*

CODE OF REGULATIONS, TITLE 5

853-853.5 *Standardized Testing and Reporting Program, accommodations*  
1215.5-1218 *High School Exit Examination, accommodations for students with disabilities*  
3021-3029 *Identification, referral and assessment*  
3040-3043 *Instructional planning and the individualized education program*

UNITED STATES CODE, TITLE 20

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

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 *Individuals with Disabilities Education Act*

COURT DECISIONS

*Schaffer v. Weast* (2005) 125 S. Ct. 528  
*Shapiro v. Paradise Valley Unified School District, No. 69* (9<sup>th</sup> Circuit, 2003) 317 F.3d 1072  
*Sacramento City School District v. Rachel H.* (9<sup>th</sup> Cir. 1994) 14 F.3d 1398

ATTORNEY GENERAL OPINIONS

85 *Ops. Cal. Atty. Gen.* 157 (2002)

*Management Resources:*

FEDERAL REGISTER

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

WEB SITES

*California Department of Education:* <http://www.cde.ca.gov>  
*U.S. Department of Education, Office of Special Education and Rehabilitative Services:*  
<http://www.ed.gov/about/offices/list/osers/osep>

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**

The Board of Education desires to protect the rights of students with disabilities in accordance with the procedural safeguards set forth in state and federal law. Parents/guardians shall receive written notice of their rights in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall represent the district in any due process hearing conducted with regard to district students and shall inform the Board about the result of the hearing.

The Superintendent or designee shall address a complaint concerning compliance with state or federal law regarding special education in accordance with the district's uniform complaint procedures.

*Legal Reference: (see next page)*

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
(continued)

*Legal Reference:*

EDUCATION CODE

56000 Education for individuals with disabilities

56001 Provision of the special education programs

56020-56035 Definitions

56195.7 Written agreements

56195.8 Adoption of policies for programs and services

56300-56385 Identification and referral, assessment

56440-56447.1 Programs for individuals between the ages of three and five years

56500-56509 Procedural safeguards, including due process rights

56600-56606 Evaluation, audits and information

CODE OF REGULATIONS, TITLE 5

3000-3100 Regulations governing special education

4600-4671 Uniform complaint procedures

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

UNITED STATES CODE, TITLE 42

11434 Homeless assistance

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10-99.22 Inspection, review and procedures for amending education records

104.36 Procedural safeguards

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

300.500-300.520 Procedural safeguards and due process for parents and students

COURT DECISIONS

Winkelman v. Parma City School District, (2007) 550 U.S. 516

*Management Resources:*

FEDERAL REGISTER

Final Regulations, December 1, 2008, Vol. 73, No. 231, pages 73006-73029

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

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

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

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR  
SPECIAL EDUCATION**

The Board of Education may contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services or facilities when an appropriate public education program is not available.

When entering into agreements with nonpublic, nonsectarian schools or agencies, the Board shall consider the needs of the individual student and the recommendations of the individualized education program (IEP) team. The IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.

*Legal Reference: (see next page)*

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR  
SPECIAL EDUCATION (continued)**

*Legal Reference:*

EDUCATION CODE

56034-56035 *Definitions of nonpublic, nonsectarian school and agency*  
56042 *Placement not to be recommended by attorney with conflict of interest*  
56101 *Waivers*  
56163 *Certification*  
56168 *Responsibility for education of student in hospital or health facility school*  
56195.8 *Adoption of policies*  
56360-56369 *Implementation of special education*  
56711 *Computation of state aid*  
56740-56743 *Apportionments and reports*  
56760 *Annual budget plan; service proportions*  
56775.5 *Reimbursement of assessment and identification costs*

GOVERNMENT CODE

7570-7588 *Interagency responsibilities for providing services to children with disabilities, especially:*  
7572.55 *Seriously emotionally disturbed child; out-of-state placement*

FAMILY CODE

7911-7912 *Interstate compact on placement of children*

WELFARE AND INSTITUTIONS CODE

362.2 *Out-of-home placement for IEP*  
727.1 *Out-of-state placement of wards of court*

CODE OF REGULATIONS, TITLE 5

3001 *Definitions*  
3061-3069 *Nonpublic, nonsectarian school and agency services*

UNITED STATES CODE, TITLE 20

1400-1487 *Individuals with Disabilities Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

300.129-300.148 *Children with disabilities in private schools*

COURT DECISIONS

*Agostini v. Felton*, (1997) 521 U.S. 203, 117 S.Ct. 1997

*Management Resources:*

CDE LEGAL ADVISORIES

0317.99 *Nonpublic School/Agency Waivers and Reimbursement to Parents*

FEDERAL REGISTER

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

WEB SITES

CDE: <http://www.cde.ca.gov>

US Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/offices/OSERS>



**APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS**

In order to protect the rights of students with disabilities, the Superintendent or designee shall appoint a surrogate parent to represent a student with disabilities as necessary in accordance with law. He/she shall develop procedures for recruiting, training and assigning adults to serve as surrogate parents.

*Legal Reference:*

EDUCATION CODE

56028 Parent

56050 Surrogate parents

56055 Rights of foster parents

GOVERNMENT CODE

7570-7588 Interagency responsibilities for providing services to disabled children, especially:

7579.5 Surrogate parent; appointment; qualifications; liability

WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction

361 Limitations on parental control

601 Minors habitually disobedient or truant

602 Minors violating laws

726 Limitations on parental control

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act, especially:

1415 Procedural safeguards

UNITED STATES CODE, TITLE 42

11434a Definitions

CODE OF FEDERAL REGULATIONS, TITLE 34

300.30 Definition parent

300.519 Surrogate parents

*Management Resources:*

FEDERAL REGISTER

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

WEB SITES

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

U.S. Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/about/offices/list/osers/index.html>

**SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS**

The Board of Education shall adopt instructional materials based on a determination that such materials are an effective learning resource to help students achieve grade-level competency and that the materials meet criteria specified in law. Textbooks, technology-based materials, and other educational materials shall be aligned with state and district content standards and the district's curriculum to ensure that they effectively support the district's adopted courses of study. The Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the Board. This process shall involve teachers in a substantial manner and shall also encourage the participation of parents/guardians and community members. (Education Code 60002)

Individuals who participate in the selection or review of instructional materials shall not have a conflict of interest, as defined in administrative regulation, in the materials being reviewed. All recommended instructional materials shall be available for public inspection at the district office. Complaints concerning instructional materials shall be handled in accordance with law, Board policy, and administrative regulation. The Board's priority in the selection of instructional materials is to ensure that all students in grades K-12 are provided with instructional materials that are aligned to state content standards in the core curriculum areas of reading/language arts, mathematics, science, and history-social science. The district may pilot instructional materials, using a representative sample of classrooms for a specified period of time during a school year, in order to determine how well the materials support the district's curricular goals and academic standards. Feedback from teachers piloting the materials shall be made available to the Board before the materials are adopted.

**Public Hearing on Sufficiency of Instructional Materials**

The Board shall annually conduct one or more public hearings on the sufficiency of the district's textbooks and other instructional materials. (Education Code 60119; 5 CCR 9531)

The hearing shall be held on or before the end of the eighth week from the first day students attend school for that year. (Education Code 60119) The Board encourages participation by parents/guardians, teachers, interested community members and bargaining unit leaders at the hearing. Ten days prior to the hearing and in three public places within the district, the Superintendent or designee shall post a notice containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119) At the hearing(s), the Board shall determine, through a resolution, whether each student in each school, including each English learner, has sufficient textbooks or instructional materials in each of the following subjects which are aligned to the state content standards adopted pursuant to Education Code 60605 and consistent with the content and cycles of the state's curriculum frameworks: (Education Code 60119)

1. Mathematics
2. Science
3. History-social science

**SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS** (continued)

4. English/language arts, including the English language development component of an adopted program
5. Foreign language
6. Health

The Board shall also determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12.

In making these determinations, the Board shall consider whether each student has sufficient textbooks and/or instructional materials to use in class and to take home. However, this does not require that each student have two sets of materials. The materials may be in a digital format as long as each student, at a minimum, has and can access the same materials in the class and to take home as all other students in the same class or course in the district and has the ability to use and access them at home. However, the materials shall not be considered sufficient if they are photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage. (Education Code 60119)

The Board shall also make a determination that all students within the district who are enrolled in the same course have “identical” standards-aligned textbooks or instructional materials from the same adoption cycle, as defined in Education Code 1240.3, 60119, and 60422. (Education Code 1240.3, 42605)

*Legal Reference: (see next page)*

**SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS** (continued)

*Legal Reference:*

EDUCATION CODE

220 Prohibition against discrimination  
1240 County superintendent, general duties  
1240.3 Definition of sufficiency for categorical flexibility  
33050-33053 General waiver authority  
33126 School accountability report card  
35272 Education and athletic materials  
42605 Tier 3 categorical flexibility  
44805 Enforcement of course of studies; use of textbooks, rules and regulations  
49415 Maximum textbook weight  
51501 Nondiscriminatory subject matter  
60000-60005 Instructional materials, legislative intent  
60010 Definitions  
60040-60052 Instructional requirements and materials  
60060-60062 Requirements for publishers and manufacturers  
60070-60076 Prohibited acts (re instructional materials)  
60110-60115 Instructional materials on alcohol and drug education  
60119 Public hearing on sufficiency of materials  
60200-60210 Elementary school materials  
60226 Requirements for publishers and manufacturers  
60350-60352 Core reading program instructional materials  
60400-60411 High school textbooks  
60510-60511 Donation for sale of obsolete instructional materials  
60605 State content standards  
60605.8 Common Core Standards  
60605.86-60605.88 Supplemental instructional materials aligned with Common Core Standards  
CODE OF REGULATIONS, TITLE 5  
9505-9530 Instructional materials

*Management Resources:*

CSBA PUBLICATIONS

Flexibility Provisions in the 2008 and 2009 State Budget: Policy Considerations for Governance Teams, Budget Advisory, March 2009

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

01-05 Guidelines for Piloting Textbooks and Instructional Materials, September 2001  
Standards for Evaluating Instructional Materials for Social Content, 2000

WEB SITES

CSBA: <http://www.csba.org>  
Association of American Publishers: <http://www.publishers.org>  
California Academic Content Standards Commission, Common Core Standards:  
<http://www.scoe.net/castandards>  
California Department of Education: <http://www.cde.ca.gov>

**SUPPLEMENTARY INSTRUCTIONAL MATERIALS**

The Board of Education encourages the use of supplementary instructional materials to enrich the curriculum and enhance student learning. Such materials shall be aligned with district goals, curriculum objectives, and academic standards and shall supplement and not supplant the use of Board-adopted basic instructional materials that serve as the primary learning resources.

*Supplementary instructional materials* include, but are not limited to, instructional materials that are designed to serve one or more of the following purposes: (Education Code 60010)

1. To provide more complete coverage of one or more subjects included in a given course
2. To meet the various learning ability levels of students in a given age group or grade level
3. To meet the diverse educational needs of students with a language disability in a given age group or grade level
4. To meet the diverse educational needs of students reflective of a condition of cultural pluralism
5. To use current, relevant technology that further engages interactive learning in the classroom and beyond

Supplementary instructional materials may be selected by the Superintendent or designee, school administrators, or teachers, as applicable, and obtained through donations to the district and/or available funding sources designated for these purposes.

As appropriate, supplementary instructional materials shall meet the criteria developed for the selection and evaluation of basic instructional materials as described in AR 6161.1 - Selection and Evaluation of Instructional Materials. Supplementary instructional materials shall be directly related to the course of study in which they are being used and shall be appropriate for the age and maturity level of the students.

The use or reproduction of supplementary instructional materials shall be in accordance with federal copyright law.

**Supplementary Materials Aligned with Common Core Standards**

To prepare district students to achieve the Common Core Standards in English language arts and mathematics and the English language development standards, as applicable, the Board

## **SUPPLEMENTARY INSTRUCTIONAL MATERIALS** (continued)

may select supplementary instructional materials from the lists of materials determined by the State Board of Education (SBE) to be aligned with those standards. (Education Code 60605.86-60605.88)

The Board may approve supplementary instructional materials that are not on the lists approved by the SBE but which are aligned with the Common Core Standards provided that the materials comply with the evaluation criteria established by the SBE and Education Code 60050, 60060-60062, and 60226. The Board shall select content review experts who possess the qualifications specified in law to review and recommend such supplementary materials. The majority of the content review experts shall be teachers who are credentialed and/or authorized in the subject area they are reviewing and the remainder shall include appropriate persons from postsecondary educational institutions, school and district curriculum administrators, and other persons who are knowledgeable in the subject area. (Education Code 60605.86-60605.88)

### **Appropriateness of Materials**

Whenever a district employee proposes to use a supplementary resource which is not included in the approved learning resources of the district, he/she shall preview the material to determine whether, in his/her professional judgment, it is appropriate for the grade level taught and is consistent with district criteria for the selection of supplementary instructional materials.

The employee shall confer with the Superintendent or designee as necessary to determine the compliance of the material with district criteria. The primary considerations should be the educational value, appropriateness, and relevance of the materials as well as the ages and maturity of the students.

*Legal Reference: (see next page)*

**SUPPLEMENTARY INSTRUCTIONAL MATERIALS** (continued)

*Legal Reference:*

EDUCATION CODE

233.5 *Duty regarding instruction in morals, manners, and citizenship*

18111 *Exclusion of books by governing board*

51510 *Prohibited study or supplemental materials*

51511 *Religious matters properly included*

51933 *Sex education materials*

60010 *Definitions*

60050 *Social content review of instructional materials*

60060-60062 *Requirements of publishers*

60200.7 *Suspension of state instructional materials adoptions*

60226 *Learner verification of instructional materials*

60242 *Uses of instructional materials funds*

60400 *Adoption of high school instructional materials*

60605.8 *Common Core Standards*

60605.86-60605.88 *Supplemental instructional materials aligned with Common Core Standards*

60811.3 *English language development standards*

COURT DECISIONS

McCarthy v. Fletcher, (1989) 207 Cal. App. 3d 130

Fowler v. Board of Education of Lincoln County, (1978) 819 F.2d 657

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Standards for Evaluating Instructional Materials for Social Content, 2000

WEB SITES

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

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

**DAMAGED OR LOST INSTRUCTIONAL MATERIALS**

The Board of Education recognizes that instructional materials are an expensive resource and that each student is entitled to sufficient instructional materials in accordance with law. Instructional materials provided for use by students remain the property of the district. Students are responsible for returning borrowed materials in good condition, with no more wear and tear than usually results from normal use.

When materials are lost or so damaged that they are no longer usable, the student shall be immediately issued a replacement material. However, students or parents/guardians shall be responsible for reparation equal to the current replacement cost of the materials. When materials are damaged but still usable, the Superintendent or designee shall determine an appropriate charge.

If it can be demonstrated to the Superintendent or designee's satisfaction that the student has taken all reasonable precautions to safeguard instructional materials issued to him/her, the Superintendent or designee may excuse the student or parent/guardian from payment of reparation.

If reparation is not excused and not paid by the student or parent/guardian, the district may withhold the student's grades, diploma and transcripts in accordance with law, Board policy, and administrative regulation.

*Legal Reference:*

EDUCATION CODE

48904 Willful misconduct; limit of liability of parent or guardian

48904.3 Withholding grades, diplomas or transcripts of students causing property damage or injury

60119 Public hearing on sufficiency of materials

60411 Purchase and use; property of district

CIVIL CODE

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

CODE OF REGULATIONS, TITLE 5

305 Student responsible for care of property

*Management Resources:*

WEB SITES

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



**STUDENT ASSESSMENT**

The Board of Education recognizes that student assessments are an important instructional and accountability tool. Assessment data shall be used to help determine individual students' progress, mastery of academic standards, appropriate placement in district programs, and/or eligibility for graduation. In addition, program effectiveness and staff evaluations shall, as appropriate, be based in part on indicators of student achievement.

To obtain the most accurate evaluation of student performance, the district shall use a variety of measures, including district, state, and/or national assessments. As appropriate, assessment results shall be disaggregated by student subgroup, classroom, grade level, or school site to allow for critical analysis of student needs.

The Superintendent or designee shall ensure that assessments are administered in accordance with law and the test publisher's directions and that test administration procedures are fair and equitable for all students.

The Superintendent or designee shall provide professional development to assist teachers and paraprofessionals in interpreting and using assessment data to improve student performance and the instructional program.

When districtwide and school-level results of student assessments are published by the state, the Superintendent or designee may provide supplementary information to assist parents/guardians and the local community in interpreting test results and evaluating school performance.

*Legal Reference: (see next page)*

**STUDENT ASSESSMENT** (continued)

*Legal Reference:*

EDUCATION CODE

313 *Assessment of English language development*

10600-10610 *California Education Information System*

44660-44665 *Evaluation and assessment of performance of certificated employees (Stull Act)*

51041 *Evaluation of educational program*

51450-51455 *Golden State Seal Merit Diploma*

60600-60649 *Assessment of academic achievement, especially:*

60640-60649 *Standardized Testing and Reporting Program*

60800 *Physical fitness testing*

60810-60812 *Assessment of English language development*

60850-60859 *High school exit examination*

60900 *California Longitudinal Pupil Achievement Data System*

CODE OF REGULATIONS, TITLE 5

850-870 *Standardized Testing and Reporting program*

1200-1225 *High School Exit Examination*

UNITED STATES CODE, TITLE 20

9622 *National Assessment of Educational Progress*

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Key Elements of Testing, 2004*

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Teachers' Use of Student Data Systems to Improve Instruction, 2007*

WEB SITES

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

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

Educational Testing Service: <http://www.ets.org>

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

**USE OF COPYRIGHTED MATERIALS**

District staff and students are expected to maintain the highest ethical standards in using copyrighted materials.

When selecting appropriate supplementary instructional materials, it is each staff member's responsibility to adhere to the provisions of federal copyright law, Board policy, and administrative regulation. The district shall not be responsible for any violation of copyright laws by its staff or students. If a staff member is uncertain as to whether reproducing or using copyrighted material complies with the law, he/she shall contact the Superintendent or designee for clarification and assistance. At no time shall it be necessary for a district employee to violate copyright laws in order to perform his/her duties.

The Superintendent or designee shall ensure that the district observes all publisher licensing agreements between vendors and the district, including monitoring the number of users permitted by an agreement. Unless the applicable licensing agreement authorizes multiple users of a single program, the district shall not make multiple copies of a computer program or software. Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment.

The Superintendent or designee shall ensure that staff and students receive information and training about copyright laws and the penalties for violating such laws.

*Legal Reference:*

EDUCATION CODE

35182 *Computer software*

UNITED STATES CODE, TITLE 17

101-122 *Subject matter and scope of copyright, especially:*

102 *Definitions*

107 *Fair use*

110 *Limitations on exclusive rights: Exemption of certain performances and displays*

COURT DECISIONS

Marcus v. Rowley, (9th Cir., 1982) 695 F.2d 1171

*Management Resources:*

U.S. COPYRIGHT OFFICE PUBLICATIONS

Circular 21: *Reproduction of Copyrighted Works by Educators and Librarians, 1995*

WEB SITES

*Copyright Clearance Center: <http://www.copyright.com>*

*Copyright Society of the USA: <http://www.csusa.org>*

*U.S. Copyright Office: <http://www.copyright.gov>*

**RESEARCH**

The Board of Education recognizes the value of academic research to improve educational programs and practices. Researchers shall respect the privacy rights of students, including their right to refrain from participation in research projects in accordance with law, Board policy and administrative regulation.

The Superintendent or designee may authorize research projects within the district by outside groups or persons when such research is aligned with district goals and objectives and is likely to benefit the district without disrupting the school program.

The Superintendent or designee shall ensure that parents/guardians receive prior notification of any surveys or evaluations that collect personal student information and that consent is obtained in accordance with law.

*Legal Reference:*

EDUCATION CODE

*51513 Personal beliefs*

UNITED STATES CODE, TITLE 20

*1232h Protection of pupil rights*

*Management Resources:*

WEB SITES

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

*CDE: <http://www.cde.ca.gov>*

*USDOE, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpco/>*

**ANIMALS AT SCHOOL**

The Board of Education recognizes that animals can contribute to the district's instructional program by being effective teaching aids to students and by assisting individuals with disabilities to access district programs and activities. In addition, instruction related to the care and treatment of animals teaches students a sense of responsibility and promotes the humane treatment of living creatures.

The Superintendent or designee shall develop rules and procedures to ensure that when animals are brought to school, the health, safety, and welfare of students, staff, and the animals are protected. However, the district assumes no liability for the safety of animals allowed on district property.

*Legal Reference: (see next page)*

## ANIMALS AT SCHOOL (continued)

### Legal Reference:

#### EDUCATION CODE

233.5 Instruction in kindness to pets and humane treatment of living creatures

39839 Transportation of guide dogs, signal dogs, service dogs

51202 Instruction in personal and public health and safety

51540 Safe and humane treatment of animals at school

#### CIVIL CODE

54.1 Access to public places

54.2 Guide, signal, or service dogs, right to accompany

#### GOVERNMENT CODE

810-996.6 California Tort Claims Act, especially:

815 Liability for injuries generally; immunity of public entity

835 Conditions of liability

#### VEHICLE CODE

21113 Public grounds

#### CODE OF REGULATIONS, TITLE 13

1216 Transportation of property

#### UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

#### UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions

35.136 Service animals

#### COURT DECISIONS

Sullivan v. Vallejo City USD, (1990) 731 F.Supp. 947

### Management Resources:

#### FEDERAL REGISTER

Rules and Regulations, September 15, 2010, Vol. 75, Number 178, pages 56164-56236

#### CSBA PUBLICATIONS

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

Asthma Management in the Schools, Policy Brief, March 2008

#### WEB SITES:

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

American Society for the Prevention of Cruelty to Animals: <http://www.asPCA.org>

Humane Society of the United States: <http://www.hsus.org>

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

**STUDENT USE OF TECHNOLOGY**

The Board of Education intends that technological resources provided by the district be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning. The Superintendent or designee shall notify students and parent/guardians about authorized uses of district computers, user obligations and responsibilities, and consequences for unauthorized use and /or unlawful activities in accordance with district regulations and the district's Acceptable Use Agreement.

Before a student is authorized to use the district's technological resources, the student and his/her parent/guardian shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities.

The Superintendent or designee, with input from students and appropriate staff, shall regularly review and update this policy, the accompanying administrative regulation, and other relevant procedures to enhance the safety and security of students using the district's technological resources and to help ensure that the district adapts to changing technologies and circumstances.

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measure is enforced.

To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall supervise students while they are using online services and may have teacher aides, student aides, and volunteers assist in this supervision.

The Superintendent or designee also shall establish regulations to address the safety and security of student and student information when using email, chat rooms, and other forms of direct electronic communication.

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting personal information online, misrepresentation by online predator, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

## STUDENT USE OF TECHNOLOGY (continued)

### *Legal Reference:*

#### EDUCATION CODE

51006 *Computer education and resources*

51007 *Programs to strengthen technological skills*

60044 *Prohibited instructional materials*

#### PENAL CODE

313 *Harmful matter*

502 *Computer crimes, remedies*

632 *Eavesdropping on or recording confidential communications*

653.2 *Electronic communication devices, threats to safety*

#### UNITED STATES CODE, TITLE 15

6501-6506 *Children's Online Privacy Protection Act*

#### UNITED STATES CODE, TITLE 20

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

6777 *Internet safety*

#### UNITED STATES CODE, TITLE 47

254 *Universal service discounts (E-rate)*

#### CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 *Children's Online Privacy Protection Act*

#### CODE OF FEDERAL REGULATIONS, TITLE 47

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

### *Management Resources:*

#### CSBA PUBLICATIONS

*Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007*

#### FEDERAL TRADE COMMISSION PUBLICATIONS

*How to Protect Kids' Privacy Online: A Guide for Teachers, December 2000*

#### MY SPACE.COM PUBLICATIONS

*The Official School Administrator's Guide to Understanding MySpace and Resolving Social*

#### Networking Issues

#### WEB SITES

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

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

California Coalition for Children's Internet Safety: <http://www.cybersafety.ca.gov>

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

Center for Safe and Responsible Internet Use: <http://csriu.org>

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

Federal Trade Commission, Children's Online Privacy Protection:

<http://www.ftc.gov/privacy/privacyinitiatives/childrens.html>

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

Web Wise Kids: <http://www.webwisekids.org>



**CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL**

The Board of Education recognizes its obligations under federal and state law to identify and provide equitable services to children voluntarily enrolled by their parents/guardians in private schools located within the district.

The Superintendent or designee shall ensure that activities to locate, identify, and evaluate children with disabilities enrolled by their parents/guardians in private schools within the district are comparable to activities undertaken for individuals with disabilities aged three to 22 in public schools within the district. (34 CFR 300.131; Education Code 56171)

The Superintendent or designee shall develop a budget for the provision of services to children with disabilities enrolled by their parents in private school based on the proportionate share of federal funds received and the number of eligible children, including the possibility of mid-year enrollees, and the types of services to be provided.

*Legal Reference: (see next page)*

**CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN  
PRIVATE SCHOOL (continued)**

*Legal Reference:*

EDUCATION CODE

56000 *Education for individuals with exceptional needs*

56020-56035 *Definitions*

56170-56177 *Children in private schools*

56195.8 *Adoption of policies for programs and services*

56300-56385 *Identification and referral, assessment*

56500-56509 *Procedural safeguards, including due process rights*

56600-56606 *Evaluation, audits and information*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Section 504 of the Rehabilitation Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 *Assistance to states for the education of students with disabilities, especially:*

300.130-300.140 *Children with disabilities enrolled by their parents in private schools*

COURT DECISIONS

*Agostini v. Felton*, (1997) 521 U.S. 203, 117 S.Ct. 1997

*Management Resources:*

UNITED STATES DEPARTMENT OF EDUCATION PUBLICATIONS

*Questions and Answers on Serving Children with Disabilities Placed by Their Parents at Private Schools*, March 2006

FEDERAL REGISTER

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

WEB SITES

*California Department of Education, Special Education:* <http://www.cde.ca.gov/sp/se>

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

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

**STUDENT SUCCESS TEAMS**

The Board of Education encourages the collaboration of parents/guardians, teachers, resource personnel, administrators and students in evaluating the strengths and needs of students having academic, attendance or behavioral difficulties and in identifying strategies and programs that may assist the students. The Superintendent or designee shall establish student success teams as needed to address individual students' needs.

The Superintendent or designee shall establish a process for initiating referrals of students to the student success team.

Each student success team shall develop intervention strategies to assist the student. Such strategies may include changes in program placement or instructional methods, recommendation of supplemental educational services, parent involvement strategies, behavioral interventions, discipline, referrals to other agencies or resources, and/or other appropriate interventions.

The student success team shall monitor the student's progress, evaluate the extent to which the recommended strategies have been implemented, and develop additional interventions as needed.

*Legal Reference:*EDUCATION CODE*8800-8807 Healthy Start support services for children**48260-48273 Truancy**48400-48454 Continuation education**49600-49604 Educational counseling**51745-51749.3 Independent study programs**54400-54425 Programs for disadvantaged children**54440-54445 Migrant children*WELFARE AND INSTITUTIONS CODE*4343-4352.5 Primary interventions program, mental health**18986.40-18986.46 Interagency children's services**Management Resources:*CDE PUBLICATIONS*SB 65 School-Based Pupil Motivation and Maintenance Program Guidelines (2000-01 Edition), 2000**Student Success Teams: Supporting Teachers in General Education, 1997*CALIFORNIA DROPOUT PREVENTION NETWORK PUBLICATIONS*SST: Student Success Teams, 2000*WEB SITES*California Department of Education: <http://www.cde.ca.gov/spbranch/ssp>**California Dropout Prevention Network: <http://www.edualliance.org/cdpn>**National Dropout Prevention Center: <http://www.dropoutprevention.org>*

**TRANSITIONAL KINDERGARTEN**

The Board of Education 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 program shall assist TK children in developing the academic, social, and emotional skills they need to succeed in kindergarten and beyond.

The district's TK program shall be the first year of a two-year kindergarten program. (Education Code 48000)

The Board encourages ongoing collaboration among district preschool staff, other preschool providers, elementary teachers, administrators, and parent/guardians in program development, implementation, and evaluation.

The district's TK program shall admit children whose fifth birthday is from September 2 through December 2. (Education Code 48000)

Parents/guardians of eligible children shall be notified of the availability of the TK program and the age, residency, immunization, and any other enrollment requirements. Enrollment in the TK program shall be voluntary.

Upon request of a child's parents/guardians, the district may, on a case-by-case basis after the Superintendent or designee determines that it is in the child's best interest, admit into the district's TK program a child whose fifth birthday is on or before September 1 and who is therefore eligible for kindergarten.

The district may admit into the TK program a child whose fifth birthday is after December 2, provided that the child is admitted during the school year on or after his/her fifth birthday and the Superintendent or designee recommends that enrollment in a TK program is in the child's best interest. Prior to such enrollment, the child's parent/guardians shall be provided information regarding the advantages and disadvantages and any other explanatory information about the effect of early admittance.

The district's TK program shall be based on a modified kindergarten curriculum that is age and developmentally appropriate. (Education Code 48000)

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.

Students who complete the TK program shall be eligible to continue in kindergarten the following school year. Parent/guardians of such students shall not be required to submit a signed Kindergarten Continuance Form for kindergarten attendance.

**TRANSITIONAL KINDERGARTEN** (continued)

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.

A student shall not attend more than two years in a combination of TK and kindergarten.

*Legal References:*

EDUCATION CODE

8973 *Extended-day kindergarten*

37202 *School calendar; equivalency of instructional minutes*

44258.9 *Assignment monitoring by county superintendent of schools*

46111 *Kindergarten, hours of attendance*

46114-46119 *Minimum school day, kindergarten*

46300 *Computation of ADA, inclusion of kindergarten and transitional kindergarten*

48000 *Age of admission, kindergarten and transitional kindergarten*

48002 *Evidence of minimum age required to enter kindergarten or first grade*

48200 *Compulsory education, starting at age six*

**TITLE I PROGRAMS**

In order to improve the academic achievement of students from economically disadvantaged families, the district shall use federal Title I funds to provide supplementary services that reinforce the core curriculum and assist students in attaining proficiency on state academic standards and assessments.

The Superintendent or designee shall provide technical assistance and support to any school participating in the Title I program, including consultation in the development and implementation of school plans and activities.

The district and each school receiving Title I funds shall develop a written parent involvement policy in accordance with 20 USC 6318.

**Local Educational Agency Plan**

The Superintendent or designee shall consult with teachers, principals, administrators, other appropriate school personnel, and parents/guardians of participating students in the development, periodic review, and, as necessary, the revision of a local educational agency (LEA) plan. The plan and any revisions shall be submitted to the Board of Education for approval. (20 USC 6312)

The plan shall address the components specified in 20 USC 6312, which describe the assessments, strategies, and services the district will use to help low-achieving students meet challenging academic standards.

The initial plan shall be submitted to the California Department of Education (CDE) and approved by the State Board of Education. Subsequent revisions of the plan shall be kept on file in the district.

**Comparability of Services**

State and local funds used in schools receiving Title I funds shall provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds 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:

1. The Board shall adopt and implement a districtwide salary schedule.
2. The ratio of students to teachers, administrators, and other staff at each Title I school shall not exceed 110 percent of the average ratio across non-Title I schools.

**TITLE I PROGRAMS** (continued)

3. Salary expenditures at each Title I school shall be no less than 90 percent of the average salary expenditure across non-Title I schools.
4. All district schools shall be provided with the same level of base funding per student for curriculum and instructional materials.
5. The Superintendent or designee shall maintain records of the quantity and quality of instructional materials and equipment at each school.

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 disabled students, and supplemental state or local funds expended in any school attendance area or school for programs that specifically meet the intent and purposes of Title I. (20 USC 6321)

At the beginning of each school year, the Superintendent or designee shall measure comparability in accordance with the above criteria and maintain records documenting the district's compliance. If any instances of noncomparability are identified, the Superintendent or designee shall promptly implement adjustments as needed to ensure comparability.

**Program Evaluation**

The Board shall use state assessment results and other available measures or indicators to annually determine whether each participating school is making adequate yearly progress toward ensuring that all students meet the state's proficient level of achievement on state assessments. (20 USC 6316)

*Legal Reference: (see next page)*

## TITLE I PROGRAMS (continued)

### Legal Reference:

#### EDUCATION CODE

11503 Parent involvement programs in Title I schools  
52055.57 Districts identified or at risk of identification for program improvement  
54020-54028 Economic Impact Aid  
54420-54425 State Compensatory Education  
64001 Single plan for student achievement, consolidated application programs

#### UNITED STATES CODE, TITLE 20

6301 Program purpose  
6311-6322 Improving basic programs for disadvantaged students, including:  
6312 Local educational agency plan  
6313 Eligibility of schools and school attendance areas; funding allocation  
6314 Title I schoolwide programs  
6315 Targeted assistance schools  
6316 School improvement  
6318 Parent involvement  
6320 Participation of private school students  
6321 Comparability of services  
7881 Participation of private school students

#### CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-200.79 Improving basic programs for disadvantaged students

### Management Resources:

#### CSBA PUBLICATIONS

Parent Involvement: Development of Effective and Legally Compliant Policies, Governance and Policy Services Policy Briefs, August 2006

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

LEA Plan, rev. May 17, 2006

Provisions for Private School Students, Teachers, and Other Education Personnel in the No Child Left Behind Act of 2001, rev. November 1, 2005

#### U.S. DEPARTMENT OF EDUCATION GUIDANCE

Title I Fiscal Issues, May 26, 2006

Designing Schoolwide Programs, March 22, 2006

Supplemental Educational Services, June 13, 2005

The Impact of the New Title I Requirements on Charter Schools, July 2004

Parental Involvement: Title I, Part A, April 23, 2004

Serving Preschool Children Under Title I, March 4, 2004

Title I Services to Eligible Private School Students, October 17, 2003

Local Educational Agency Identification and Selection of School Attendance Areas and Schools and Allocation of Title I Funds to Those Areas and Schools, August 2003

#### WEB SITES

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

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

No Child Left Behind: <http://www.ed.gov/nclb>

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



**GIFTED AND TALENTED STUDENT PROGRAM**

The Board of Education believes that all students deserve an education that challenges them to reach their full potential. This district shall provide gifted and talented students with opportunities for learning commensurate with their particular abilities and talents.

The Superintendent or designee shall identify students for the district's gifted and talented education (GATE) program on the basis of demonstrated or potential intellectual development, creative ability, consistently high achievement levels, academic ability in particular subject area(s), leadership ability, and/or performing and visual arts talent.

The Superintendent or designee shall provide all eligible students, including economically disadvantaged students, English learners, and students of varying cultural backgrounds, with full opportunities to participate in the GATE program and shall provide special services as necessary to help such student to succeed in the program.

The district's GATE program shall be designed to provide articulated learning experiences across subjects and grade levels and shall meet or exceed state academic content standards and curriculum frameworks.

The district's program shall support the social and emotional development of GATE students in order to promote student engagement in school.

Staff development shall be provided as needed to support teachers in understanding the unique learning styles and abilities of gifted and talented students and in developing appropriate instructional strategies.

As appropriate, the Superintendent or designee may involve certificated staff, students, parent/guardians, and community members in the planning, implementation, and evaluation of the GATE program.

*Legal Reference: (see next page)*

**GIFTED AND TALENTED STUDENT PROGRAM** (continued)

*Legal Reference:*

EDUCATION CODE

37223 *Weekend classes for mentally gifted minors*

48800-48802 *Enrollment of gifted students in community college*

51740 *Instruction by correspondence*

51745-51749.3 *Independent study programs*

52060-52077 *Local control and accountability plan*

76000-76002 *Enrollment in community college*

CODE OF REGULATIONS, TITLE 5

1633 *Instruction by correspondence*

*Management Resources:*

WEB SITES

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

California Association for the Gifted: <http://www.cagifted.org>

Council for Exceptional Children, The Association for the Gifted (CEC-TAG): <http://www.cectag.org>

National Association for Gifted Children: <http://www.nagc.org>

**EDUCATION FOR HOMELESS CHILDREN**

The Board of Education desires to ensure that homeless students have access to the same free and appropriate public education provided to other students within the district. The district shall provide homeless students with access to education and other services necessary for these students to meet the same challenging academic standards as other students.

Homeless students shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way.

The Superintendent or designee shall ensure that placement decisions for homeless students are based on the student's best interest as defined in law and administrative regulation.

**Transportation**

The district shall provide transportation for a homeless student to and from his/her school of origin when the student is residing within the district and the parent/guardian requests that such transportation be provided. If the student moves outside of district boundaries, but continues to attend his/her 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)

*Legal Reference:*

EDUCATION CODE

1980-1986 County community schools

2558.2 Use of revenue limits to determine average daily attendance of homeless children

39807.5 Payment of transportation costs by parents

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

*Management Resources:*

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Education for Homeless Children and Youth Program, Non-Regulatory Guidance, July 2004

WEB SITES

California Department of Education, Homeless Children and Youth Education:

<http://www.cde.ca.gov/sp/hs/cy>

National Center for Homeless Education at SERVE: <http://www.serve.org/nche>

National Law Center on Homelessness and Poverty: <http://www.nlchp.org>

U.S. Department of Education: <http://www.ed.gov/programs/homeless/index.html>

**EDUCATION FOR FOSTER YOUTH**

The Board of Education recognizes that foster youth may be at greater risk for poor academic performance due to their family circumstances, disruption of their educational program, and emotional, social, and other health needs. The district shall provide such students with full access to the district's educational program and other support services necessary to assist them in achieving state and district academic standards.

The Superintendent or designee shall ensure that placement decisions for foster youth are based on the students' best interests as defined in law and administrative regulation. To that end, he/she shall designate a staff person as a district liaison for foster youth to help facilitate the enrollment, placement, and transfer of foster youth.

The Superintendent or designee and district liaison shall ensure that all appropriate staff, including, but not limited to, each principal, school registrar, and attendance clerk, receive training regarding the enrollment, placement, and rights of foster youth.

The Board desires to provide foster youth with a safe, positive learning environment that is free from discrimination and harassment and promotes students' self-esteem and academic achievement. The Superintendent or designee shall develop strategies to build students' feelings of connectedness with the school, including, but not limited to, strategies that promote positive discipline and conflict resolution, the development of students' resiliency and interpersonal skills, and the involvement of foster parents, group home administrators, and/or other caretakers in school programs and activities.

*Legal Reference: (see next page)*

## **EDUCATION FOR FOSTER YOUTH (continued)**

### *Legal Reference:*

#### EDUCATION CODE

32228-32228.5 *Student safety and violence prevention*

42920-42925 *Foster children educational services*

48645-48646 *Juvenile court schools*

48850-48859 *Educational placement of students residing in licensed children's institutions*

49061 *Student records*

49069.5 *Foster care students, transfer of records*

49076 *Access to student records*

51225.3 *High school graduation*

56055 *Rights of foster parents in special education*

60851 *High school exit examination*

#### HEALTH AND SAFETY CODE

1522.41 *Training and certification of group home administrators*

1529.2 *Training of licensed foster parents*

#### WELFARE AND INSTITUTIONS CODE

300 *Children subject to jurisdiction*

309 *Investigation and release of child*

361 *Limitations on parental or guardian control*

366.27 *Educational decision by relative providing living arrangements*

602 *Minors violating law; ward of court*

726 *Limitations on parental or guardian control*

727 *Order of care, ward of court*

16000-16014 *Foster care placement*

#### UNITED STATES CODE, TITLE 29

794 *Rehabilitation Act of 1973, Section 504*

#### UNITED STATES CODE, TITLE 42

670-679b *Federal assistance for foster care programs*

11431-11435 *McKinney-Vento Homeless Assistance Act*

### *Management Resources:*

#### CSBA PUBLICATIONS

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

#### AMERICAN BAR ASSOCIATION PUBLICATIONS

*Mythbusting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care, 2005*

#### CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS

*Our Children: Emancipating Foster Youth, A Community Action Guide*

#### WEB SITES

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

California Department of Education, Foster Youth Services: <http://www.cde.ca.gov/ls/pf/fy>

California Department of Social Services, Foster Youth Ombudsman Office:

<http://www.fosteryouthhelp.ca.gov>

California Youth Connection: <http://www.cal-youthconn.org/site/cyc>

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

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

The district shall comply with State and Federal rules and regulations relative to the education for students of limited-English. It is the intent of the Board of Education that equality of opportunity be preserved for all students enrolled in the district instructional program(s).

The district's efforts to identify and assist limited-and non-English proficient students shall be based on sound education practice and research which meet the requirements of law, accomplish the Board's goals and meet the diverse needs of students. The Board recognizes that the recruitment, development and retention of qualified instructors and assistants is essential to the success of these efforts and shall take action, within budgetary constraints, to provide the necessary personnel.

The Superintendent shall maintain procedures which provide for the careful identification, assessment and placement of limited-and non-English proficient students in consultation with the parent/guardian of such students. Special care shall be taken to keep parents/guardians informed of their rights concerning the voluntary enrollment of their children in the district bilingual education program.

All limited-and non-English proficient students shall receive an annual language and skills assessment. (Education Code 52171.6)

In accordance with reclassification criteria, students of limited-English proficiency will be reclassified as fluent English proficient when they have acquired the English language skills of comprehension, speaking, reading, and writing necessary to receive instruction in English only, at a level substantially equivalent to that of students of the same age or grade whose primary language is English.

In addition to an objective assessment of English language skills, the reclassification process shall include, at a minimum, teacher evaluations, an assessment of basic skills, and consultation with the parent/guardian. (Education Code 52164.4 and Administrative Code 4306.) Provision will be made to provide subsequent monitoring and support of reclassified students.

*Legal Reference: (see next page)*

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)**

*Legal Reference:*

EDUCATION CODE

300-340 *English language education*  
430-446 *English Learner and Immigrant Pupil Federal Conformity Act*  
33050 *State Board of Education waiver authority*  
44253.1-44253.11 *Qualifications for teaching English learners*  
48985 *Notices to parents in language other than English*  
51101-51101.1 *Rights of parents*  
52130-52135 *Impacted Languages Act of 1984*  
52160-52178 *Bilingual Bicultural Act*  
52180-52186 *Bilingual teacher training assistance program*  
54000-54028 *Programs for disadvantaged children*  
60200.7 *Suspension of state instructional materials adoptions*  
60605.87 *Supplemental instructional materials, English language development*  
60810-60812 *Assessment of language development*  
62005.5 *Continuation of advisory committee after program sunsets*

CODE OF REGULATIONS, TITLE 5

11300-11316 *English learner education*  
11510-11517 *California English Language Development Test*

UNITED STATES CODE, TITLE 20

1701-1705 *Equal Educational Opportunities Act*  
6312 *Local education agency plans*  
6801-6871 *Title III, Language instruction for limited English proficient and immigrant students*  
7012 *Parental notification*

COURT DECISIONS

*Valeria G. v. Wilson*, (2002) 307 F.3d 1036

*California Teachers Association v. State Board of Education et al.*, (9th Circuit, 2001) 271 F.3d 1141

*McLaughlin v. State Board of Education*, (1999) 75 Cal.App.4th 196

*Teresa P. et al v. Berkeley Unified School District et al*, (1989) 724 F.Supp. 698

ATTORNEY GENERAL OPINIONS

83 *Ops.Cal.Atty.Gen.* 40 (2000)

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*California English Language Development Test (CELDT): 2012-13 CELDT Information Guide, 2012*

*English Language Development Standards for California Public Schools: Kindergarten Through*

*Grade Twelve, 2012*

*Matrix of Test Variations, Accommodations, and Modifications for Administration of California*

*Statewide Assessments*

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

*Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP)*

*Students*, May 2007

WEB SITES

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

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

**CAREER TECHNICAL EDUCATION**

The Board of Education desires to provide a comprehensive career technical education (CTE) program in the secondary grades which integrates core academic instruction with technical and occupational instruction in order to increase student achievement, graduation rates, and readiness for postsecondary education and employment. The district's CTE program shall be designed to help students develop the academic, career, and technical skills needed to succeed in a knowledge- and skills-based economy. The program shall include a rigorous academic component and provide students with a strong experience and understanding of all aspects of an industry.

The district's CTE program shall focus on preparing students to enter current or emerging high-skill, high-wage, and/or high-demand occupations. CTE opportunities may be offered through linked learning programs, partnership academies, apprenticeship programs or orientation to apprenticeships, regional occupational centers or programs, tech prep programs, small learning communities, or other programs that expose students to career options while preparing them for future careers in a given industry or interest area.

The Board shall review and approve all district plans and applications for the use of state and/or federal funds supporting CTE.

The Board shall adopt district standards for CTE which meet or exceed the state's model content standards and describe the essential knowledge and skills that students enrolled in these courses are expected to master. The course curriculum shall be aligned with district-adopted standards and the state's curriculum framework.

At least every three years, the Superintendent or designee shall compare the district's curriculum, course content, and course sequence of CTE with the model state curriculum standards. (Education Code 52376)

The Superintendent or designee shall systematically review the district's CTE classes to determine the degree to which each class may offer an alternative means for completing and receiving credit for specific portions of the course of study prescribed by the district for high school graduation. The Board shall ensure that these classes are equivalent in content and rigor to the courses prescribed for graduation. (Education Code 52376)

The Superintendent or designee may develop partnerships with local businesses and industries to ensure that course sequences, career technical and integrated curriculum, classroom instruction and projects, and assessments have real-world relevance and reflect labor market needs and priorities. He/she also may work to develop connections with businesses, postsecondary institutions, community organizations, and/or other employers to provide students with actual or simulated work-based learning opportunities.



## **CAREER TECHNICAL EDUCATION** (continued)

The Superintendent or designee may collaborate with postsecondary institutions to ensure that the district's program is articulated with postsecondary programs in order to provide a sequential course of study. Articulation opportunities may include dual or concurrent enrollment in community college courses.

The Superintendent or designee may create a process to inform all secondary students and their parents/guardians about the CTE experiences available in the district, CTE courses that satisfy college admission criteria, and, if applicable, CTE courses that satisfy high school graduation requirements.

In addition, secondary students may receive individualized career guidance and academic counseling which provides information about academic and CTE opportunities related to the student's career goals.

The Superintendent or designee shall ensure that teachers of CTE courses possess the qualifications and credentials necessary to teach their assigned courses. He/she also shall provide teachers and administrators with professional development designed to enhance their knowledge of standards-aligned CTE and shall provide opportunities for CTE teachers to collaborate with teachers of academic courses in the development and implementation of integrated curriculum models.

### **Nondiscrimination**

The Board of Education desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Prior to the beginning of each school year, the Superintendent or designee may advise students, parents/guardians, employees, and the general public that all CTE opportunities are offered without regard to any actual or perceived characteristic protected from discrimination by law. (34 CFR 100.B, 104.8, 106.9)

The above notification shall be disseminated in languages other than English as needed and shall state that the district will take steps to ensure that the lack of English language skills will not be a barrier to admission and participation in the district's CTE program. (20 USC 2354; 34 CFR 100.B)

**CAREER TECHNICAL EDUCATION (continued)**

**School and Community Involvement**

The district may also involve parents/guardians; students; academic and CTE teachers; administrators; career guidance and academic counselors; representatives of tech prep consortia if applicable, business and industry, labor organizations, and special populations; and other interested individuals in the development, implementation, and evaluation of CTE programs. (20 USC 2354)

**Program Evaluation**

The Board may consider to monitor the achievement of students participating in the district's CTE program in order to determine the need for program improvements. The Superintendent or designee may annually report to the Board and the California Department of Education on program enrollment and completion rates, including enrollment and completion of programs in nontraditional fields as defined in 20 USC 2302; student academic assessment results; attainment of career and technical skill proficiencies; attainment of a high school diploma or equivalent; graduation rates; and subsequent placement in postsecondary education or advanced training, military service, or employment. Data shall be disaggregated, in accordance with 20 USC 2323, by race, ethnicity, gender, disability status, migrant status, English proficiency, and economic disadvantage status and for each special population as defined in 20 USC 2302 and listed in the section "Nondiscrimination" above.

*Legal Reference: (see next page)*

**CAREER TECHNICAL EDUCATION (continued)**

*Legal Reference:*

EDUCATION CODE

1205 *Classification of counties*

8006-8155 *Career technical education*

17078.70-17078.72 *Career technical education facilities*

33430-33432 *Health science and medical technology grants*

35168 *Inventory of equipment*

41505-41508 *Pupil Retention Block Grant*

41540-41544 *Targeted instructional improvement block grant*

44257.3 *CTC recognition of study in linked learning teaching methods*

44260-44260.1 *Designated subjects career technical education credential*

44260.9 *Designated subjects career technical education credential*

48430 *Legislative intent; continuation education schools and classes*

48980 *Parental notifications*

51220-51229 *Courses of study, grades 7-12*

51760-51769.5 *Work experience education*

52300-52499.66 *Career technical education*

52519-52520 *Adult education, occupational training*

53080-53084 *School-to-career initiatives*

53086 *California Career Resource Network*

54690-54699.1 *California Partnership Academies*

54750-54760 *California Partnership Academies, green technology and goods movement occupations*

56363 *Related services for students with disabilities; specially designed career technical education*

66205.5-66205.9 *Approval of career technical education courses for admission to California colleges*

88500-88551 *Community college economic and workforce development program*

GOVERNMENT CODE

54950-54963 *Brown Act*

LABOR CODE

3070-3099.5 *Apprenticeships*

CODE OF REGULATIONS, TITLE 5

1635 *Credit for work experience education*

3051.14 *Specially designed career technical education for students with disabilities*

10070-10075 *Work experience education*

10080-10092 *Community classrooms*

10100-10111 *Cooperative vocational education*

11500-11508 *Regional occupational centers and programs*

11535-11538 *Career technical education contracts with private postsecondary schools*

11610-11611 *Regional adult and vocational education councils*

CODE OF REGULATIONS, TITLE 8

200-240 *Apprenticeships*

*Legal Reference continued: (see next page)*

## **CAREER TECHNICAL EDUCATION (continued)**

### *Legal Reference: (continued)*

#### UNITED STATES CODE, TITLE 20

2301-2414 *Carl D. Perkins Career and Technical Education Act of 2006*

6301-6578 *Improving the Academic Achievement of the Disadvantaged*

#### CODE OF FEDERAL REGULATIONS, TITLE 34

76.730-76.731 *Records related to federal grant programs*

80.32 *Equipment acquired with federal funds*

80.42 *Record retention*

100.B *Appendix B Guidelines for eliminating discrimination in career technical education programs*

104.1-104.39 *Section 504 of the Rehabilitation Act of 1973*

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

### *Management Resources:*

#### CSBA PUBLICATIONS

*Orientation to Apprenticeship Overview, Construction Management Task Force Fact Sheet, November 2007*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*2008-2012 State Plan for Career Technical Education*

*Multiple Pathways to Student Success: Envisioning the New California High School, 2010*

*Regional Occupational Centers and Programs Operations Handbook March 2008*

*Model Programs and Practices: Setting Standards for Regional Occupational Centers and Programs (ROCPs), rev. October 2007*

*Career Technical Education Framework for California Public Schools, Grades Seven Through Twelve, January 2007*

*California Career Technical Education Model Curriculum Standards, Grades Seven Through Twelve, May 2005*

*Management of Vocational Education Equipment, April 2000*

#### CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS, DIVISION OF APPRENTICESHIP STANDARDS PUBLICATIONS

*Orientation to Apprenticeships: A Guide for Educators, January 2001*

#### WEB SITES

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

Association for Career and Technical Education: <http://www.acteonline.org>

California Association of Regional Occupational Centers and Programs: <http://www.carocp.org>

California Career Resource Network: <http://www.californiacareers.info>

California Department of Education, Career Technical Education: <http://www.cde.ca.gov/ci/ct>

California Department of Employment Development: <http://www.edd.ca.gov>

California Department of Industrial Relations: <http://www.dir.ca.gov>

California Workforce Investment Board: <http://www.calwia.org>

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

University of California, a-g Course Submissions: [http://www.ucop.edu/a-gGuide/ag/course\\_submissions](http://www.ucop.edu/a-gGuide/ag/course_submissions)

U.S. Department of Education, Office of Vocational and Adult Education: <http://www.ed.gov/about/offices/list/ovae/pi/cte/index.html>

U.S. Department of Labor, Bureau of Labor Statistics: <http://www.bls.gov>

**SUPPLEMENTAL INSTRUCTION**

**Required Supplemental Programs**

The district shall offer direct, systematic, and intensive supplemental instruction for:

1. Students in grades 2-9 who have been retained or recommended for retention pursuant to Education Code 48070.5 (Education Code 37252.2). However, the district recognizes that early intervention is critical and will continue to support students in grades transitional kindergarten-first when possible.
2. Students in grades 7-12 who do not demonstrate "sufficient progress" toward passing the state exit examination required for high school graduation in order to help them pass the exam. (Education Code 37252, 60851)

"Sufficient progress" shall be determined based on a student's results on the state Standardized Testing and Reporting assessments and the minimum levels of proficiency recommended by the State Board of Education.

In addition, students who do not possess sufficient English language skills to be assessed shall be considered students who do not demonstrate sufficient progress towards passing the exit exam and shall receive supplemental instruction designed to help them succeed on the exit exam. (Education Code 37252)

3. Students who have not passed one or both parts of the exit exam by the end of grade 12, for up to two consecutive school years after the completion of grade 12 or until they have passed both parts of the exit exam, whichever comes first. (Education Code 37254)
4. Eligible students from low-income families whenever the district or a district school receiving federal Title I funds has been identified by the California Department of Education for program improvement for two or more years. (20 USC 6316)

*Legal Reference: (see next page)*

**SUPPLEMENTAL INSTRUCTION** (continued)

*Legal Reference:*

EDUCATION CODE

37200-37202 *School calendar*

37223 *Weekend classes*

37252-37254.1 *Supplemental instruction, summer school*

41505-41508 *Pupil Retention Block Grant*

42238.01-42238.07 *Local control funding formula*

46100 *Length of school day*

48070-48070.5 *Promotion and retention*

48200 *Compulsory education*

48985 *Translation of notices*

51210-51212 *Courses of study, elementary schools*

51220-51228 *Courses of study, secondary schools*

52060-52077 *Local control and accountability plan*

60603 *Definitions, core curriculum areas*

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

60850-60859 *High school exit examination*

CODE OF REGULATIONS, TITLE 5

11470-11472 *Summer school*

UNITED STATES CODE, TITLE 20

6316 *Program improvement schools and districts*

*Management Resources:*

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Supplemental Educational Services, January 14, 2009

Creating Strong Supplemental Educational Services Programs, May 2004

WEB SITES

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

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

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

**CONTINUATION EDUCATION**

**Cautionary Notice:** AB 97 (Ch. 47, Statutes of 2013) repealed Education Code 42605, which provided temporary flexibility for specified "Tier 3" categorical programs, and instead redirects the funding for those categorical programs into the Local Control Funding Formula (LCFF) (Education Code 42238.01-42251). The supplemental and concentration grant portions of the LCFF may be used for any schoolwide or districtwide educational purpose in accordance with state regulations to be adopted by January 31, 2014, with a goal of increasing or improving services for English learners, foster youth, and students eligible for free and reduced-price meals. Certain requirements related to Tier 3 categorical program(s) in the following policy or regulation are no longer applicable.

The Board of Education shall provide a continuation education program to meet the educational needs of district students who are not attending a high school or other appropriate educational institution and who are not legally exempted from compulsory continuation school attendance.

The Board shall establish a plan to coordinate instruction and training in the school with the home, employment and other agencies and shall designate one or more persons as coordinators. (5 CCR 11003)

The Superintendent or designee shall develop administrative regulations governing the involuntary transfer of students into the continuation education program. (Education Code 48432.5)

The Superintendent or designee may allow the voluntary enrollment of students in the continuation education program as space permits and when it is determined to be in the best interests of the student.

Minors otherwise subject to compulsory attendance in continuation education classes may be exempted if they meet any of the conditions specified in Education Code 48410.

The Board may maintain continuation classes during the district's regular school hours or during special school hours for these classes established by the Board. (Education Code 48434)

*Legal Reference: (see next page)*

## CONTINUATION EDUCATION (continued)

*Legal Reference:*

EDUCATION CODE

41505-41508 *Pupil Retention Block Grant*

42243.7 *District revenue limit for districts with a continuation high school*

48400-48454 *Compulsory continuation education in general, especially:*

48401 *Weekly minimum attendance requirement*

48402 *Minors not regularly employed*

48410-48416 *Compulsory continuation education*

48430-48438 *Continuation classes*

48450-48454 *Violation*

48900 *Grounds for suspension and expulsion*

48903 *Limitations on days of suspension*

51224 *Courses of study*

51225.3 *Requirements for graduation*

60850-60856 *High school exit examination*

FAMILY CODE

7000-7002 *Emancipation of minors law*

7050 *Purposes for which emancipated minor considered an adult*

CODE OF REGULATIONS, TITLE 5

11000-11010 *Continuation education*

*Management Resources:*

WEB SITES

CDE: [www.cde.ca.gov](http://www.cde.ca.gov)



**COMMUNITY DAY SCHOOL**

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Bellflower Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Board of Education recognizes the need to provide an appropriate alternative educational program for expelled students who are prohibited from attending regular schools in the district and for certain students referred by probation or district processes. The district shall operate one or more community day schools designed to meet the needs of these students. The Superintendent or designee shall ensure that any such school is operated in accordance with legal requirements related to enrollment, instructional time and facilities.

The Board perceives the community day school as a flexible component of a comprehensive effort to meet the needs of expelled and other at-risk students.

In order to foster positive attitudes and academic progress, the Board recognizes that community day schools must give students substantial individual help with their problems. Community day school staff shall collaborate with district counselors, psychologists, and other support staff and with the county office of education, law enforcement, probation, and human services agency staff who work with at-risk youth. To the extent possible, community day school programs shall provide a low student-teacher ratio as well as individualized instruction and assessment.

The Superintendent or designee shall establish procedures for the involuntary transfer of students to a community day school in accordance with law and administrative regulation.

The Superintendent or designee may require community day school students to attend school for up to seven days each week in a directed program designed to provide students with the skills and attitudes necessary for success when they are returned to a regular school environment.

*Legal Reference: (see next page)*

**COMMUNITY DAY SCHOOL** (continued)

*Legal Reference:*

EDUCATION CODE

1980-1986 *County community schools*

17085-17096 *Emergency portable facilities*

17280-17316 *Field Act, approvals*

17365-17374 *Field Act, fitness of occupancy*

48660-48666 *Community day schools*

48900-48926 *Suspension or expulsion*

WELFARE AND INSTITUTIONS CODE

300 *Minors subject to jurisdiction*

602 *Minors violating laws defining crime; ward of court*

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Rehabilitation Act of 1973, Section 504*

*Management Resources:*

CDE PROGRAM ADVISORIES

0306.96 *Expulsion Policies and Expulsion Placements, SPB: 95/96-04*

WEB SITES

CDE, Educational Options Office: <http://www.cde.ca.gov/spbranch/essdiv/edoptshome.html>

**ADULT EDUCATION**

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Bellflower Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Board of Education recognizes that education is a lifelong process and that it is important for individuals to continuously develop new skills.

The Superintendent or designee shall develop and oversee the district's adult education program. The Board shall approve all courses to be offered in this program.

*Legal Reference: (see next page)*

## ADULT EDUCATION (continued)

### *Legal Reference:*

#### EDUCATION CODE

8500-8538 *Adult education*  
41505-41508 *Pupil Retention Block Grant*  
41975-41976.2 *Adult education; authorized classes and courses*  
44865 *Qualifications for home teachers and teachers in special classes*  
46190-46192 *Adult school; days of attendance*  
46300.4 *Independent study in adult education*  
46351-46352 *Adult classes*  
51040 *Prescribed courses*  
51225.3 *Requirements for graduation*  
51241-51246 *Exemptions from attendance*  
51730-51732 *Elementary school special day and evening classes*  
51810-51815 *Community service classes*  
51938 *Parental excuse from sexual education or HIV/AIDS prevention education*  
52500-52523 *Adult schools*  
52530-52531 *Use of hospitals*  
52540-52544 *Adult English classes*  
52550-52556 *Classes in citizenship*  
52570-52572 *Disabled adults*  
52610-52616.24 *Finances*  
52651-52656 *Immigrant Workforce Preparation Act*  
60410 *Books for adult classes*

#### CODE OF REGULATIONS, TITLE 5

10501 *Adult education*  
10508 *Records and reports*  
10530-10560 *Standards*  
10600-10615 *Adult education innovation*

#### UNITED STATES CODE, TITLE 8

1184 *Foreign students*

### *Management Resources:*

#### CDE PUBLICATIONS

*Adult Education Handbook for California, 1997*

#### CDE LEGAL ADVISORIES

0319.97 *Amendments to F-1 Student Visa Requirements, LO: 1-97*

#### CDE PROGRAM ADVISORIES

0600.92 *Using Independent Study in Adult Education Programs: An Option*

0609.88 *Education Fees for F-1 Visa Students*

0622.87 *Discrimination Against the Handicapped in Adult Education Programs*