

POLICY GUIDE SHEET

October 2019

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

BP/AR 0460 - Local Control and Accountability Plan

(BP/AR revised)

Policy updated to delete the section on "Technical Assistance/Intervention," as that material is now addressed in BP 0520 - Intervention for Underperforming Schools. Paragraph added to generally address actions that may be taken whenever a school or a numerically significant student subgroup is not making sufficient progress toward the goals in the local control and accountability plan (LCAP). Regulation updated to reflect **NEW LAW (AB 1240)** which adds, as a measure of student achievement, the percentage of students who have successfully completed both college entrance courses and career technical education courses.

BP 0520 - Intervention for Underperforming Schools

(BP added)

New policy contains material formerly in BP 0460 - Local Control and Accountability Plan regarding interventions to support the continuous improvement of student performance within the priorities identified in the district's LCAP. Paragraph added to reference interventions that will be provided to schools identified by the California Department of Education (CDE) for comprehensive support and improvement (CSI), targeted support and improvement (TSI), and additional targeted support and improvement (ATSI).

BP 0520.1 - Comprehensive and Targeted Support and Improvement

(BP added)

New policy addresses the state's accountability system, developed in response to federal Title I requirements, to provide interventions to schools identified by CDE for CSI, TSI, or ATSI. Policy includes criteria for the identification of schools, requirements for a school improvement plan, and actions to be taken if implementation of the school plan is unsuccessful after a specified period of years.

BP 1431 - Waivers

(BP revised)

Policy updated to add the requirement, when submitting a general waiver request to the State Board of Education, to include a written summary of any objections to the request by school site councils or advisory committees, as applicable. Policy adds the requirement that a request pertaining to a regional occupational center or program operated by a joint powers agency be submitted as a joint waiver request with other participating districts. Policy reflects guidance in CDE's General Waiver Instructions regarding proper notice for a public hearing on a waiver request proposal.

BP/AR 3515 - Campus Security

(BP/AR revised)

Policy updated to clarify that audio capability of surveillance equipment should be disabled in accordance with state law prohibiting the recording of conversations unless the parties to the conversation may reasonably expect that the communication may be overheard or recorded, and to reflect a National Institute of Justice recommendation that signage state that the district's surveillance system may or may not be actively monitored. Regulation adds section on "Locks" reflecting requirement for state-funded new construction projects, as well as certain modernization projects, to include locks that allow classroom doors to be locked from the inside. Regulation also adds strategies to increase adult presence and supervision on campus and to provide staff training in emergency response.

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BP/AR 4116 - Probationary/Permanent Status

(BP/AR revised)

Policy updated to reflect court decisions clarifying the distinction between probationary employees and temporary employees. Material regarding eligibility for permanent status based on average daily attendance moved from AR to BP, except option for not granting permanent status deleted, as this option was only applicable to districts with less than 250 average daily attendance and the remainder of this policy and regulation is for use only by districts that grant permanent status. Policy also adds material regarding the notification of nonreelection of a probationary employee, formerly in AR 4117.6 - Decision Not to Rehire. Regulation updated to add material regarding the computation of the length of service required for classification as a permanent employee, including types of service excluded from that computation.

AR 4117.6 - Decision Not to Rehire

(AR deleted)

Regulation deleted and concepts moved to BP 4116 - Probationary/Permanent Status.

BP 4119.22/4219.22/4319.22 - Dress and Grooming

(BP revised)

Policy updated to reflect **NEW LAW (SB 188)** which prohibits discrimination against traits historically associated with race, including hair texture and "protective hairstyles" such as braids, locks, and twists.

BP 4216 - Probationary/Permanent Status

(BP revised)

Policy updated to reflect **NEW LAW (AB 1353)** which shortens the length of the probationary period in non-merit system districts from one year to either six months or 130 days of paid service, whichever is longer, for consistency with districts incorporating the merit system. Policy also revised to clarify that employees may be dismissed during the probationary period without cause.

BP/AR 4218 - Dismissal/Suspension/Disciplinary Action

(BP/AR revised)

Policy and regulation updated to reflect procedural rights that must be granted to permanent district employees based on the court decision in *Skelly v. State Personnel Board*, including notification of the materials upon which the proposed action is based and the employee's right to respond to a designated district official ("Skelly officer") who will decide whether the recommended discipline should be imposed.

BP 5131 - Conduct

(BP revised)

Policy updated to reflect **NEW LAW (AB 272)** which authorizes boards to limit or prohibit, except under specified circumstances, student use of smartphones while at school or while under the supervision and control of a district employee. Details regarding student use of mobile communication devices moved to BP 5131.8 - Mobile Communication Devices.

BP 5131.8 - Mobile Communication Devices

(BP added)

New policy reflects **NEW LAW (AB 272)** which authorizes boards to limit or prohibit student use of smartphones while at school or while under the supervision and control of a district employee, except under specified circumstances (i.e., in an emergency, with permission of teacher or administrator, when directed by student's health care provider, when required by student's individualized education program). Policy also addresses reasonable search of students' mobile communication devices, employees' authority to confiscate a device, and discipline for off-campus use of a mobile communication device which poses a threat of danger to the safety of students, staff, or district property or substantially disrupts school activities.

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BP 5132 - Dress and Grooming

(BP revised)

Policy updated to reflect **NEW LAW (SB 188)** which prohibits discrimination against traits historically associated with race, including hair texture and "protective hairstyles" such as braids, locks, and twists.

AR 5141.26 - Tuberculosis Testing

(AR revised)

Regulation updated to reflect guidance from the California Department of Public Health and the Child Health and Disability Prevention office of the California Department of Health Care Services clarifying that the health screening for school entry includes testing for tuberculosis only when required by the local health department. Regulation also reflects law authorizing parents/guardians to submit a signed waiver indicating that they do not want or are unable to obtain the health screening for their child.

BP/AR 5142 - Safety

(BP/AR revised)

Policy updated to add the district's responsibility to provide for the proper supervision of students during before- and after-school programs, morning drop-off at school, and afternoon pick-up and to provide for appropriate student instruction in emergency procedures. Policy adds section reflecting the requirement to print safety hotline numbers on student identification cards for students in grades 7-12, including the National Suicide Prevention Lifeline and, pursuant to **NEW LAW (SB 316)**, the National Domestic Violence Hotline. Regulation updated to add communication of school rules to students, the responsibility of individuals supervising students to remain alert for unauthorized persons, and the requirement for inspection of new playgrounds by a certified safety inspector. Regulation also updates the list of activities with safety risks in accordance with the legal definition of "hazardous recreational activity" and prohibits any such activity unless it is properly supervised, students wear protective gear as appropriate, and participants have insurance coverage. Section on "Laboratory Safety" expanded to include student instruction in safety procedures, proper handling of hazardous materials and bloodborne pathogens, and accessibility of emergency information and first aid supplies.

BP/AR 7140 - Architectural and Engineering Services

(BP/AR revised)

Policy updated to clarify the district's responsibility to select a licensed architect and/or structural engineer as required by law when professional design services are used for construction or modernization of school facilities and to address the need to comply with state safety and design standards. Policy adds the general duties of the architect and/or structural engineer and the circumstances under which design specifications must be submitted to CDE and the Division of the State Architect. Regulation updates the components of the selection process to more directly reflect law and adds the district's authority, if negotiations with the most qualified firm are unsuccessful, to negotiate a contract with the second most qualified firm and then the third most qualified firm. Regulation also includes the option to award a contract to a single entity for both the design and construction of a school facility in excess of \$1 million ("design build" contract).

BB 9323 - Meeting Conduct

(BB revised)

Bylaw updated to clarify circumstances under which the board may exercise flexibility in allocating time for public input to ensure full opportunity for public input and presentation of the diversity of viewpoints.

CSBA Sample

Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0460(a)

LOCAL CONTROL AND ACCOUNTABILITY PLAN

Note: Education Code 52060-52077 require the Governing Board to adopt and annually update, on or before July 1, a local control and accountability plan (LCAP). Pursuant to Education Code 52060, as amended by AB 2878 (Ch. 826, Statutes of 2018), the LCAP must include goals and actions aligned with eight state priorities related to (1) the degree to which teachers are appropriately assigned and fully credentialed, students have sufficient access to standards-based instructional materials, and facilities are maintained in good repair; (2) implementation of and student access to state academic content and performance standards; (3) parent/guardian involvement and family engagement; (4) student achievement; (5) student engagement; (6) school climate; (7) student access to and enrollment in a broad course of study, including programs and services provided to benefit low-income students, English learners, and/or foster youth (i.e., "unduplicated students" for purposes of supplemental and concentration grants under the local control funding formula (LCFF)); and (8) student outcomes in the specified course of study. Education Code 52060 provides that, in addition to addressing the state priorities in the LCAP, the district may establish and address local priorities and goals. Examples include priorities for student wellness and other conditions of children, professional development, community involvement, and effective governance and leadership. See the accompanying administrative regulation for further information about the required content of the LCAP.

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

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0415 - Equity)

Note: Pursuant to Education Code 52064, the State Board of Education (SBE) has adopted a template that districts must use to complete the LCAP. An electronic version of the template is available on the California Department of Education's (CDE) web site.

As amended by AB 1840 (Ch. 426, Statutes of 2018), Education Code 52064 requires the SBE, by January 31, 2020, to expand the template to include more specific information about the goals, actions, expenditures, and services for all students and subgroups of students, as well as information about the district, highlights of the LCAP, and annual performance as indicated by the California School Dashboard.

The Board shall adopt a districtwide local control and accountability plan (LCAP), based on the template adopted by the State Board of Education (SBE), that addresses the state priorities in Education Code 52060 and any local priorities adopted by the Board. The LCAP shall be updated on or before July 1 of each year and, like the district budget, shall cover the next fiscal year and two subsequent fiscal years. (Education Code 52060, 52064; 5 CCR 15494-15497)

(cf. 3100 - Budget)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Note: Education Code 52060 requires that the LCAP include annual goals to be achieved for all students and for each numerically significant student subgroup as defined in Education Code 52052. In addition, several state priorities address programs and services for "unduplicated students," as defined in Education Code 42238.01-42238.02.

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

Note: Pursuant to Education Code 42238.01, as amended by AB 1962 (Ch. 748, Statutes of 2018), no later than the 2020-21 fiscal year, the definition of "foster youth" for the purpose of identifying unduplicated students will include a dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court in accordance with the tribe's law, provided the child would also meet one of the descriptions in Welfare and Institutions Code 300 describing when a child may be adjudged a dependent child of the juvenile court.

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

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

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

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

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

(cf. 0420 - School Plans/Site Councils)

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

(cf. 0400 - Comprehensive Plans)
 (cf. 0440 - District Technology Plan)
 (cf. 0450 - Comprehensive Safety Plan)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)*(cf. 5030 - Student Wellness)**(cf. 6171 - Title I Programs)**(cf. 7110 - Facilities Master Plan)*

Note: Pursuant to Education Code 52064.1, as added by AB 1808 (Ch. 32, Statutes of 2018), districts are required, by July 1, 2019, to develop an LCFF budget overview for parents/guardians with specified information. The budget overview must be developed in conjunction with, and attached as a cover to, the LCAP and annual update to the LCAP. The budget overview is subject to the requirements of Education Code 52062 and 52070 pertaining to the adoption, review, and approval of the LCAP. The Superintendent of Public Instruction (SPI) is required to develop, before December 31, 2018, a template for the budget overview.

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

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

*(cf. 1312.3 - Uniform Complaint Procedures)***Plan Development**

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

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

5 CCR 15495 defines what it means to consult with students, including unduplicated students and other numerically significant student subgroups, and gives examples of methods that may be used for this consultation. State regulations do not provide examples of consultation with groups other than students, but consultations might include surveys, the establishment of an advisory committee consisting of representatives of all the specified groups, solicitation of feedback from the groups after a draft plan is available, discussion of the LCAP at staff meetings, and communication with parent organizations, student councils, school site councils, or other established committees or organizations. The district may expand the following paragraph to reflect district practice.

The Board shall consult with teachers, principals, administrators, other school personnel,

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

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

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 6020 - Parent Involvement)

Public Review and Input

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

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

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

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

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

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP. The notification shall be provided using the most efficient method of

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

(cf. 5145.6 - Parental Notifications)

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

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

Note: Education Code 52062, as amended by AB 1808, requires the district to consult with its special education local plan area administrator(s) to ensure that specific actions for individuals with disabilities are included in the LCAP.

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

(cf. 0430 - Comprehensive Local Plan for Special Education)

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

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

(cf. 9320 - Meetings and Notices)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Adoption of the Plan

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

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

Submission of Plan to County Superintendent of Schools

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

Education Code 52064.1, ~~as added by AB 1808~~, requires the district to file the LCFF budget overview for parents/guardians with the County Superintendent to be reviewed for adherence with the template adopted by the SPI. If the budget overview is not approved, the County Superintendent will withhold approval of the LCAP and will provide technical assistance pursuant to Education Code 52071.

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

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

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

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Monitoring Progress

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

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

(cf. 0500 - Accountability)

Note: Pursuant to Education Code 52071, when a school or a numerically significant student subgroup is not making sufficient progress toward its LCAP goals, the County Superintendent may be required to provide technical assistance or the Board may request technical assistance. In addition, the Superintendent of Public Instruction may intervene in any school which has been identified as in need of intervention based on criteria specified in Education Code 52072. Pursuant to Education Code 52059.5, CDE has established a unified system of support for districts and schools that meets state requirements as well as federal Title I requirements and ensures consistency between technical assistance provided under both sets of requirements. For more information, see BP 0520 - Intervention for Underperforming Schools.

The Superintendent or designee shall seek and/or accept technical assistance or other intervention that may be required pursuant to Education Code 52071 or 52072 when a school or a numerically significant student subgroup is not making sufficient progress toward the goals in the LCAP.

(cf. 0520 - Intervention for Underperforming Schools)

(cf. 0520.1 - Comprehensive and Targeted Support and Improvement)

Technical Assistance/Intervention

Note: Pursuant to Education Code 52071, as amended by AB 1808, the Board may, at its discretion, request technical assistance from the County Superintendent as described in items #1-2 below. The County Superintendent may charge a fee not to exceed the cost of the service, if the provision of the service requested would create an unreasonable or untenable cost burden for the County Superintendent.

At its discretion, the Board may submit a request to the County Superintendent for technical assistance, including, but not limited to: (Education Code 52071)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

1. Assistance in identifying district strengths and weaknesses in regard to state priorities, which includes the review of performance data on the state and local indicators included in the Dashboard and other relevant local data, and in identifying effective, evidence-based programs or practices that address any areas of weakness.
2. Assistance from an academic, programmatic, or fiscal expert, or team of experts, in identifying and implementing effective programs and practices that are designed to improve performance in any identified areas of weakness. The district may engage other service providers, including, but not limited to, other school districts, county offices of education, or charter schools, to provide such assistance.

Note: Pursuant to Education Code 52071, as amended by AB 1808, the district must be provided technical assistance whenever one or more numerically significant student subgroups meet the criteria for assistance and intervention established pursuant to Education Code 52064.5.

In the event that the County Superintendent requires the district to receive technical assistance based on one or more numerically significant student subgroups meeting the criteria established pursuant Education Code 52064.5, the Board shall work with the County Superintendent, or another service provider at district expense, and shall provide the County Superintendent timely documentation of the district's completion of the activities listed in items #1-2 above or substantially similar activities. (Education Code 52071)

Note: Pursuant to Education Code 52074, as amended by AB 1840, either the County Superintendent or the SPI may refer a district to the California Collaborative for Educational Excellence (CCEE) if it is determined to be necessary to help the district accomplish the goals set forth in the district's LCAP. Additionally, if a district receives an emergency apportionment pursuant to Education Code 41320-41322, the district shall be deemed to have been referred to the CCEE.

If referred to the California Collaborative for Educational Excellence by either the County Superintendent or the Superintendent of Public Instruction (SPI), the district shall implement the recommendations of that agency in order to accomplish the goals set forth in the district's LCAP. (Education Code 52071, 52074)

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

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

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

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

*Legal Reference:*EDUCATION CODE

305-306 English language education

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

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

41020 Audits

41320-41322 Emergency apportionments

42127 Public hearing on budget adoption

42238.01-42238.07 Local control funding formula

44258.9 County superintendent review of teacher assignment

47604.33 Submission of reports by charter schools

47606.5 Charter schools, local control and accountability plan

48985 Parental notices in languages other than English

51210 Course of study for grades 1-6

51220 Course of study for grades 7-12

52052 Numerically significant student subgroups

52059.5 Statewide system of support

52060-52077 Local control and accountability plan

52302 Regional occupational centers and programs

52372.5 Linked learning program

54692 Partnership academies

60119 Sufficiency of textbooks and instructional materials; hearing and resolution

60605.8 California Assessment of Academic Achievement; Academic Content Standards Commission

64001 School plan for student achievement

99300-99301 Early Assessment Program

WELFARE AND INSTITUTIONS CODE

300 Dependent child of the court

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

15494-15497 Local control and accountability plan and spending requirements

UNITED STATES CODE, TITLE 20

6311 State plan

6312 Local educational agency plan

6826 Title III funds, local plans

Management Resources continued: (see next page)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Management Resources:

CSBA PUBLICATIONS

The California School Dashboard and Small Districts, October 2018

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

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

California School Dashboard

LCFF Frequently Asked Questions

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

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

California Career Technical Education Model Curriculum Standards, 2013

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS (continued)

California Common Core State Standards: Mathematics, rev. 2013

California English Language Development Standards, 2012

WEB SITES

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

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

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

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CSBA Sample

Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0520(a)

INTERVENTION FOR UNDERPERFORMING SCHOOLS

Note: Pursuant to Education Code 52059.5, the California Department of Education (CDE) has established a single statewide system of support for districts and schools that meets state requirements as well as federal Title I requirements. The following policy reflects the purposes and requirements of the statewide system and may be revised to reflect district practice.

The Governing Board desires that all district schools provide a high-quality educational program that maximizes the achievement of each district student. The district shall provide assistance to schools to support the continuous improvement of student performance within the priorities identified in the district's local control and accountability plan (LCAP) and to enhance the achievement of low-performing student subgroups.

(cf. 0460 - Local Control and Accountability Plan)

(cf. 0500 - Accountability)

Note: Pursuant to Education Code 52071, the Governing Board may, at its discretion, request technical assistance from the County Superintendent of Schools as described in items #1-2 below. The County Superintendent may charge a fee, not to exceed the cost of the service, when the district has otherwise not been identified for technical assistance or state intervention and the service requested would create an unreasonable or untenable cost burden for the County Superintendent.

At its discretion, the Board may submit a request to the County Superintendent of Schools for technical assistance regarding the following: (Education Code 52071)

1. Identifying the district's strengths and weaknesses in regard to state priorities addressed in the LCAP, including collaboration between the district and County Superintendent to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness
2. Securing assistance from an academic, programmatic, or fiscal expert, or team of experts, to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the district

In the event that the County Superintendent requires the district to receive technical assistance based on a determination that one or more numerically significant student subgroups in a district school meet the performance criteria established pursuant Education Code 52064.5, the Board shall work with the County Superintendent and

INTERVENTION FOR UNDERPERFORMING SCHOOLS

shall provide the County Superintendent timely documentation of the district's completion of the activities listed in items #1-2 above or substantially similar activities. (Education Code 52071)

With the approval of the County Superintendent, the district may, at its own expense, engage another service provider, including, but not limited to, another school district, the county office of education, or a charter school, to act as a partner to the district in filling the district's need for technical assistance. (Education Code 52071)

Note: Pursuant to Education Code 52074, either the County Superintendent or the Superintendent of Public Instruction (SPI) may refer a district to the California Collaborative for Educational Excellence (CCEE) if it is determined to be necessary to help the district accomplish the goals set forth in the district's LCAP. Additionally, if a district receives an emergency apportionment pursuant to Education Code 41320-41322, the district shall be deemed to have been referred to CCEE.

If referred to the California Collaborative for Educational Excellence by either the County Superintendent or the Superintendent of Public Instruction (SPI), the district shall implement the recommendations of that agency in order to accomplish the goals set forth in the district's LCAP. (Education Code 52071, 52074)

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

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

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

INTERVENTION FOR UNDERPERFORMING SCHOOLS

Note: Pursuant to 20 USC 6311, based on data in the Dashboard, schools that are in the lowest performing five percent statewide of schools receiving federal Title I funding, as well as high schools with a graduation rate lower than 67 percent averaged over two years, are identified by CDE for comprehensive support and improvement (CSI). Schools are identified for targeted support and improvement (TSI) if one or more numerically significant student subgroups meet the criteria for the lowest performing five percent of Title I schools, or for additional targeted support and improvement (ATSI) if one student group, on its own, meets these criteria. For program requirements, see BP 0520.1 - Comprehensive and Targeted Support and Improvement.

In addition, any school identified by the California Department of Education for comprehensive support and improvement, targeted support and improvement, or additional targeted support and improvement shall develop and implement a school plan in accordance with 20 USC 6311. Such schools may be required to partner with an external entity, agency, or individual with demonstrated expertise and capacity to identify and implement more rigorous interventions.

(cf. 0420 - School Plans/Site Councils)

(cf. 0520.1 - Comprehensive and Targeted Support and Improvement)

Legal Reference:

EDUCATION CODE

52052 Numerically significant student subgroups

52059.5 Statewide system of support

52060-52077 Local control and accountability plan

60640-60649 California Assessment of Student Performance and Progress

64001 School plan for student achievement

UNITED STATES CODE, TITLE 20

6311-6322 Improving basic programs for disadvantaged students, especially:

6311 State plans

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Dashboard

CSI/TSI/ATSI Frequently Asked Questions

California ESSA Consolidated State Plan, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments, 2016

WEB SITES

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

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

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

CSBA Sample

Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0520.1(a)

COMPREHENSIVE AND TARGETED SUPPORT AND IMPROVEMENT

Note: Pursuant to 20 USC 6311, the California Department of Education (CDE) has established a system of school support and improvement to assist low-performing schools. Based on data in the California School Dashboard (or other performance data if a school is too small to receive a color-coded performance level on the Dashboard), every three years CDE identifies schools that need comprehensive support and improvement (CSI), including (1) schools in the lowest performing five percent of Title I schools and (2) all high schools (including Title I, non-Title I, traditional, and alternative schools) with a graduation rate lower than 67 percent averaged over two years. A district with school(s) that meet the criteria for CSI is eligible to apply to CDE for Title I, Part A funding to assist with the development and implementation of a plan to improve student outcomes. Such a district may also choose to provide all students in a CSI school the option to transfer to another district school, provided that priority is given to the lowest achieving students from low-income families, and may use up to five percent of its Title I allocation to pay for transportation for this purpose.

Schools will be annually identified for targeted support and improvement (TSI) if one or more student subgroups, for two consecutive years, meet the criteria for the lowest performing five percent of Title I schools. Every three years, TSI schools that have not improved will be identified for additional targeted support and improvement (ATSI).

Identification of schools for CSI and ATSI began in the 2018-19 school year. Schools will be identified for TSI for the first time beginning in 2020-21.

The Governing Board is committed to enabling all district students to meet state academic achievement standards. The district shall provide support and assistance to increase student achievement in all district schools, especially any school that has been identified by the California Department of Education (CDE) as in need of comprehensive support and improvement (CSI), targeted support and improvement (TSI), or additional targeted support and improvement (ATSI).

(cf. 0500 - Accountability)

(cf. 0520 - Intervention for Underperforming Schools)

(cf. 6011 - Academic Standards)

(cf. 6171 - Title I Programs)

When any school is identified for CSI, TSI, or ATSI, the Superintendent or designee shall notify the school community, including the principal, teachers, and parent/guardians of students of the school, of the identification and, if applicable, shall inform the school of the student subgroup(s) which are consistently underperforming at the school.

COMPREHENSIVE AND TARGETED SUPPORT AND IMPROVEMENT (continued)

School Plan

Note: Pursuant to 20 USC 6311, the district is required to develop a school improvement plan for each school identified for CSI, TSI, or ATSI, which must be based on all state indicators in the California School Dashboard. In accordance with the discretion granted to state agencies under 20 USC 6311, CDE has determined that schools eligible for Dashboard Alternative School Status pursuant to Education Code 52052 that have fewer than 100 students are not exempted from this requirement, but they do have flexibility within the school planning process to focus on the Dashboard state indicators that are more applicable to the nature of their program. See the Frequently Asked Questions on CDE's web site.

20 USC 6311 also requires that the plan include evidence-based interventions. Such interventions are described in the U.S. Department of Education's Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments.

Upon receiving notification from CDE that a district school has been identified as eligible for CSI, TSI, or ATSI, the district shall, in partnership with principals, other school leaders, teachers, and parents/guardians, develop and implement a plan to improve student outcomes at the school. The plan shall: (20 USC 6311)

1. Be based on all state indicators in the California School Dashboard, including student performance against state-determined long-term goals, except that any school subject to the state's Dashboard Alternative School Status that has fewer than 100 students may focus on the state indicators that are more applicable to the nature of its program
2. Be based on a school-level needs assessment
3. Include evidence-based interventions
4. If the school is identified for CSI or ATSI, identify resource inequities, which may include a review of district and school-level budgets, to be addressed through implementation of the plan

(cf. 0400 - Comprehensive Plans)

The school plan for student achievement developed pursuant to Education Code 64001 may serve as the school improvement plan required for CSI, TSI, or ATSI, provided that the plan meets the requirements of 20 USC 6311. (Education Code 64001)

(cf. 0420 - School Plans/Site Councils)

The school improvement plan shall be submitted to the Board for approval. (20 USC 6311)

COMPREHENSIVE AND TARGETED SUPPORT AND IMPROVEMENT (continued)

Note: In addition to requiring district approval of school plans, 20 USC 6311 requires that CSI plans be approved by the state educational agency. However, CDE does not directly review and approve school-level plans. Instead, the template adopted by the State Board of Education for the local control and accountability plan requires a district with school(s) identified for CSI to provide the following information within the plan summary.

If any district school is identified for CSI, the district's local control and accountability plan shall include descriptions of how the district provides support to CSI school(s) in developing the CSI plan and how the district will monitor and evaluate the implementation and effectiveness of the CSI plan to support student and school improvement.

(cf. 0460 - Local Control and Accountability Plan)

Monitoring and Intervention

The Board and the Superintendent or designee shall regularly review the performance of each school identified for CSI, TSI, or ATSI.

Note: For schools identified for TSI, 20 USC 6311 requires the district to monitor the school's implementation of its plan and take action if implementation of the plan is unsuccessful after a period of years established by the district. The following paragraph extends this requirement to CSI and ATSI schools and may be modified to reflect district practice, including the number of years for determining if the plan has been successful.

After two years of implementing the school plan, if any such school has been unsuccessful in improving student outcomes to a level that exceeds initial eligibility criteria, the district shall identify the problem and take additional action as necessary.

Note: In accordance with 20 USC 6311 and CDE's California ESSA Consolidated State Plan, schools identified for ATSI and CSI are expected to meet exit criteria after four years. A school is considered to have met exit criteria if it no longer has any combination of performance levels on state indicators that meet the criteria used for identification at the time the school was identified.

For schools identified for CSI, CDE must monitor and periodically review the implementation of the school's plan. The following paragraph reflects interventions established by CDE that may be imposed if a school fails to satisfy the exit criteria for CSI within four years of the initial identification. For further information, see CDE's California ESSA Consolidated State Plan.

If a school identified for CSI fails to improve student outcomes within four years to a level that exceeds the CSI eligibility criteria, it shall be subject to more rigorous interventions that include, but are not limited to, partnering with an external entity, agency, or individual with demonstrated expertise and capacity to:

COMPREHENSIVE AND TARGETED SUPPORT AND IMPROVEMENT (continued)

1. Conduct a new needs assessment that focuses on systemic factors and conduct a root cause analysis that identifies gaps between current conditions and desired conditions in student performance and progress
2. Use the results of the analysis along with stakeholder feedback to develop a new improvement plan that includes:
 - a. A prioritized set of evidence-based interventions and strategies
 - b. A program evaluation component with support to conduct ongoing performance and progress monitoring

Legal Reference:

EDUCATION CODE

52052 Numerically significant student subgroups

52059.5 Statewide system of support

52060-52077 Local control and accountability plan

64001 School plan for student achievement

UNITED STATES CODE, TITLE 20

6311-6322 Improving basic programs for disadvantaged students, especially:

6311 State plans

6313 Eligibility of schools and school attendance areas; funding allocation

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Dashboard

CSI/TSI/ATSI Frequently Asked Questions

California ESSA Consolidated State Plan, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments, 2016

WEB SITES

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

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

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

CSBA Sample Board Policy

Community Relations

BP 1431(a)

WAIVERS

Note: The following **optional** policy covers waiver requests that the State Board of Education (SBE) generally has legal authority to grant (general waivers). In order to provide districts with flexibility without undermining the basic intent of the law, Education Code 33050-33053 permit **districts the Governing Board** to request that **the SBE waive sections of the Education Code, and Title 5 of the California Code of Regulations, or any applicable federal law.** Education Code 33050 exempts certain sections of the Education Code from **the SBE's authority of the SBE to grant waivers. SB 75 (Ch. 51, Statutes of 2019) amended Education Code 33050 to prohibit the waiver of specified provisions relating to funding for charter schools.**

However, this This policy does not address waivers expressly authorized by law for specific programs and situations (specific waivers) such as the waiver of Education Code 56101 for students with disabilities, **the waiver of specified school site council provisions pursuant to Education Code 65001, and waivers that may be granted by the Commission on Teacher Credentialing, or waivers that may be specifically granted by the Superintendent of Public Instruction such as waivers for alternative schools. See BP 6181 - Alternative Schools/Programs of Choice. For any such waiver, the process for obtaining the waiver would be as specified in the provision of law governing the program.**

The Governing Board recognizes that **strict compliance with the law may sometimes hinder the district's ability to provide its students with an effective, well-rounded educational program. circumstances may arise in the operation of the district that require a waiver from state law or regulation.** When it is in the interest of district students, the Board may request that the State Board of Education (SBE) waive any provision of state **or federal law or regulation which it SBE** has authority to waive pursuant to Education Code 33050.

Note: The California Department of Education (CDE) **has instituted web site contains** an online waiver request system **which it encourages districts to use. In addition, CDE has updated as well as** guidance and Frequently Asked Questions **on its web site** to help expedite the waiver submission process. Prior to submitting a waiver request, the district should confirm that it has gathered all the data required and **has** complied with all the legal requirements for the request. The district should also review Education Code 33051 which specifies the reasons for which **the SBE may deny the request. For example, a request to waive a provision of law regarding a program that requires the existence of a site council must be approved by that site council; otherwise the request will be denied by the SBE.**

Any waiver request to be submitted to **the SBE** shall first be approved by the Board. The Superintendent or designee shall ensure that each proposed waiver request includes all information necessary for the Board to analyze the need for the waiver and make an informed decision.

Prior to presenting the proposed request for Board approval, the Superintendent or designee shall consult with and obtain the approval of any advisory committee or site council when required by law. If the proposed waiver request affects a program that requires the existence of a school site council, the Superintendent or designee shall obtain the school site council's approval of the request before presenting it to the Board. As

WAIVERS (continued)

appropriate, other councils or advisory committees, including bilingual advisory committees, shall be provided adequate opportunity to review a proposed waiver request, and the request shall include a written summary of any objections to the request by the councils or advisory committees. (Education Code 33051)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

Note: The following **optional** paragraph is for **use by** districts with an employee organization certified to represent the district's employees in negotiations with the district.

In addition, the Superintendent or designee shall **involve** **consult with** the exclusive representative of district employees in the development of the waiver request, and shall include in the request the exclusive representative's position regarding the waiver. (Education Code 33050, **33051**)

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

Note: The following paragraph is for use by districts that participate in a joint powers entity to operate a regional occupational center or program. See BP 6178.2 - Regional Occupational Center/Program.

A request for a waiver related to a regional occupational center or program operated by a joint powers agency shall be submitted as a joint waiver request with other participating school districts upon approval of a unanimous vote of the governing board of the joint powers agency. (Education Code 33050)

(cf. 6178.2 - Regional Occupational Center/Program)

Note: Education Code 33050 does not include specific requirements in regard to the public hearing that must be held before the Board submits a waiver request. CDE's General Waiver Instructions, located on its web site, state that the public hearing must be properly noticed and held during a board meeting.

To receive public testimony on each **proposal for a** waiver request **proposal**, the Board shall hold a properly noticed public hearing during a Board meeting. (Education Code 33050)

Note: Education Code 33050 does not specify the length of the advanced notice required for the public hearing described above. However, CSBA believes that the notice must allow sufficient time to enable members of the public adequate opportunity to participate in the waiver request process.

CDE's General Waiver Instructions provide that distribution of the board meeting agenda is insufficient to constitute proper notice for the public hearing. The notice must specifically invite public testimony, and can be advertised by (1) printing a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation, or (2) in small districts, posting a formal notice at each school and three public places in the district.

WAIVERS (continued)

The following **optional** paragraph may be revised to specify the length of the notice in accordance with district practice, **and should be modified appropriately depending on the size of the district.**

The notice, which shall state the time, date, location, and subject of the public hearing **and invite public testimony**, may be printed in a newspaper of general circulation **and/or** posted at each school and three public places in the district.

(cf. 9320 - Meetings and Notices)

Note: ~~The following optional paragraph addresses renewal of general waivers which have been granted by the SBE. According to CDE's State Board of Education - CalEd Facts issued in January 2013, pursuant~~ Pursuant to Education Code 33051, any general waiver which has been granted for two consecutive years, or which is initially granted for two years, may be regarded as "permanent" for as long as the information on the waiver request remains current. However, ~~the~~ SBE may require updated information for a general waiver whenever it determines that information to be necessary. ~~The~~ SBE may also rescind a waiver if additional information supporting a recession is made available to the SBE. ~~Additionally, a district is required to apply annually for the renewal of any waiver regarding teacher credentialing.~~

If the district determines that a waiver is needed for more than one year, the Board shall reapply to SBE. When the ~~district~~ Board has requested and received the same general waiver from the SBE for two consecutive years, the Board ~~is not required~~ **does not subsequently need** to reapply annually **if provided that** the information contained on the request remains current, ~~However, the district shall apply annually except that the district shall apply annually~~ for the renewal of any waiver regarding teacher credentialing. (Education Code 33051)

Legal Reference: (see next page)

WAIVERS (continued)

Legal Reference:

EDUCATION CODE

~~5000-5033 Governing board elections~~

~~10400-10407 Cooperative improvement programs~~

~~17047.5 Facilities used by special education students~~

~~17291 Portable school buildings~~

~~33050-33053 General waiver authority~~

~~37202 Equity length of time~~

~~41000-41360 School finance~~

~~41381 Minimum school day~~

~~41600-41854 Computation of allowances~~

~~41920-42842 Budget requirements; local taxation by school districts~~

~~44666-44669 School-Based Management and Advanced Career Opportunities~~

~~44681-44689 Administrator Training and Evaluation~~

~~45108.7 Maximum number of senior management positions~~

~~48660-48666 Community day schools~~

~~48800 Attendance at community college~~

~~49550-49560 Meals for needy students~~

~~51224.5 Algebra instruction~~

~~51745.6 51747.3 Charter school independent study ratio funding~~

~~52160-52178 Bilingual-Bicultural Education Act of 1976~~

~~52522 Plans for adult education~~

~~54407 Waiver for compensatory education programs~~

~~56000-56867 Special education programs~~

~~58407 Waiver related to individualized instruction program~~

~~60119 Public hearing on sufficiency of instructional materials~~

~~65001 School site councils~~

CODE OF REGULATIONS, TITLE 5

~~3100 Resource specialist caseload waivers~~

~~3945 Cooperative programs~~

~~11960 Charter school attendance~~

~~11963.4 Charter school percentage funding~~

~~13017 Waivers, compensatory education New Careers in Education Program~~

~~13044 Waivers, compensatory education Professional Development and Program Improvement Programs~~

UNITED STATES CODE, TITLE 20

~~1400-1482 Individuals with Disabilities Education Act~~

~~7115 Student Support and Academic Enrichment Grants~~

Management Resources:

WEB SITES

California Department of Education, Waiver Office: <http://www.cde.ca.gov/re/lr/wr>

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

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3515(a)

CAMPUS SECURITY

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

The Governing Board is committed to providing a school environment that promotes the safety of students, **employees staff**, and visitors to school grounds. The Board also recognizes the importance of protecting district property, facilities, and equipment from vandalism and theft.

(cf. 4158/4258/4358 - **Employee Security**)

(cf. 5131.5 - **Vandalism and Graffiti**)

(cf. 5142 - **Safety**)

Note: A district's campus security strategy may be developed as part of the school's comprehensive school safety planning process (see BP/AR 0450 - Comprehensive Safety Plan).

The Superintendent or designee shall develop campus security procedures, which **are consistent with the goals and objectives of** **may be included in** the district's comprehensive safety plan and/or site-level safety plans. Such procedures shall be regularly reviewed to reflect changed circumstances and to assess their effectiveness in achieving safe school objectives.

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

Surveillance Systems

Note: The following **optional** section is for use by districts that have authorized the use of surveillance systems. ~~Although courts have not ruled on the use of surveillance systems in a school setting,~~ **Generally,** the use of cameras (i.e., a "search" within the meaning of the Fourth Amendment) must be reasonable and the cameras must not be used in areas where there is a "reasonable expectation of privacy" (New Jersey v. T.L.O.). **To protect reasonable expectations of privacy,** ~~Thus,~~ cameras should not **be** located in areas such as bathrooms, locker rooms, or private offices. **In addition,** Education Code 51512 prohibits the use of a recording device in a classroom without the prior consent of the teacher and principal. Examples of locations where cameras may generally be used include hallways, stairwells, parking lots, and cafeterias. For language about the use of cameras on school buses, see **BP/AR 5131.1 - Bus Conduct.**

Penal Code 632 prohibits the recording of conversations unless the parties to the conversation may reasonably expect that the communication may be overheard or recorded. Thus, if the district's equipment has audio capability, it should be disabled so that sounds are not recorded.

~~Before adopting the use of such a system, a cost-benefit analysis should be conducted to determine whether surveillance cameras are the most effective method to address the particular security concerns on the campus (e.g., certain locations are difficult to monitor and other means of deterrence have not been successful). Another determination is whether the cameras will be monitored in "real time" by trained personnel or whether the images will be recorded and later used as "evidence." The district should also~~

CAMPUS SECURITY (continued)

determine whether the system will record images 24 hours a day, during school hours, or on some other schedule. Because audio surveillance generally requires a warrant, if the district's equipment has audio capability, it should be disabled so that sounds are not recorded.

The Board believes that reasonable use of surveillance cameras will help the district achieve its goals for campus security. In consultation with the **district's** safety planning committee, and **other** relevant **stakeholders**, and staff, the Superintendent or designee shall identify appropriate locations for the placement of surveillance cameras. Cameras shall not be placed in areas where students, staff, or community members have a reasonable expectation of privacy. Any audio capability on the district's surveillance equipment shall be disabled so that sounds are not recorded.

(cf. 5131.1 - Bus Conduct)

(cf. 5145.12 - Search and Seizure)

Note: According to the National Institute of Justice publication **The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies**, signage is an important component of a successful **surveillance** system and can serve as a deterrent against vandals. The Institute also recommends that the signs state whether or not that the system may or may not be is being actively monitored, so that potential victims are not under the impression. Such language is intended to deter potential perpetrators while also not building an expectation among potential victims that a person is watching events live and will be able to provide immediate assistance. is also recommended that districts provide notice to students and parents/guardians about the district's surveillance program in order to clarify that there is no expectation of privacy in those locations where the cameras will be placed and that images from the cameras may be used in disciplinary proceedings.

Prior to the operation of the surveillance system, the Superintendent or designee shall ensure that signs are posted at conspicuous **and targeted** locations at affected **around** school buildings and grounds. These signs shall inform students, staff, and visitors that surveillance may occur and shall state whether the district's system is actively monitored by school personnel **state that the facility uses video surveillance equipment for security purposes and that the equipment may or may not be actively monitored at any time.** The Superintendent or designee shall also provide prior written notice to students and parents/guardians about the district's surveillance system, including the locations where surveillance may occur, **explaining and** that the recordings may be used in disciplinary proceedings, **and/or** that matters captured by the camera may be referred to local law enforcement, as appropriate.

(cf. 5144 - Discipline)

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

Note: Pursuant to 20 USC 1232(g) (Family Educational Rights and Privacy Act), **34 CFR 99.3**, and Education Code 49061, any recording or image of that is directly related to a student collected and is maintained by the district or a person acting for the district is considered a "student record" and thus is subject to those laws regarding access, disclosure, and retention. See BP/AR 5125 - Student Records. Also

CAMPUS SECURITY (continued)

see the U.S. Department of Education's **FAQs on Photos and Videos under FERPA**, located on its web site.

In addition, a recording or image of a staff member that may be used in a personnel action is subject to the laws regarding personnel records, including an employee's right to comment on derogatory information placed in **his/her a personnel** file. See AR 4112.6/4212.6/4312.6 - Personnel Files.

To the extent that any images from the district's surveillance system create a student or personnel record, the Superintendent or designee shall ensure that the images are accessed, retained, and disclosed in accordance with law, Board policy, administrative regulation, and any applicable collective bargaining agreements.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)
 (cf. 5125 - Student Records)
 (cf. 5125.1 - Release of Directory Information)

*Legal Reference:*EDUCATION CODE

17070.10-17079.30 Leroy F. Greene School Facilities Act, especially:

17075.50 Classroom security locks, new construction projects

17583 Classroom security locks, modernization projects

32020 Access gates

32211 Threatened disruption or interference with classes

32280-~~32288~~ **32289** School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school districts

38000-38005 Security ~~patrols~~ **departments**

49050-49051 Searches by school employees

49060-49079 Student records

PENAL CODE

469 Unauthorized making, duplicating or possession of key to public building

~~626-626.10~~ **626.11** Disruption of schools

CALIFORNIA CODE OF REGULATIONS, TITLE 24

1010.1.9 Door operations

1010.1.11 Lockable doors from the inside

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.3 Definition of education records

COURT DECISIONS

Brannum v. Overton County School Board (2008) 516 F. 3d 489

New Jersey v. T.L.O. (1985) 469 U.S. 325

ATTORNEY GENERAL OPINIONS

83 *Ops.Cal.Atty.Gen.* 257 (2000)

75 *Ops.Cal.Atty.Gen.* 155 (1992)

Management Resources: (see next page)

CAMPUS SECURITY (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999 rev. 2005

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

FAQs on Photos and Videos under FERPA

WEB SITES

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>

National Institute of Justice: <http://www.ojp.usdoj.gov/nij>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Protecting Student Privacy: <https://studentprivacy.ed.gov>

(3/07) 10/19

CSBA Sample

Board Policy

Certificated Personnel

BP 4116(a)

PROBATIONARY/PERMANENT STATUS

Note: The following Board policy is for use by districts that grant permanent status to certificated employees following successful completion of a probationary period, and should be modified for consistency with the district's collective bargaining agreement if applicable.

Pursuant to Education Code 44929.23, districts with an average daily attendance (ADA) of less than 250 may adopt a policy of annually reelecting certificated employees instead of granting them permanent status. Such districts may replace the following policy with a policy statement reflecting the decision to not grant permanent status in accordance with the authority granted pursuant to Education Code 44929.23.

Probationary employees should not be confused with temporary employees, as there are significant differences in terms of the layoff procedures and reemployment rights applicable to them; see BP 4117.3 - Personnel Reduction. According to the courts in Bakersfield Elementary Teachers Association v. Bakersfield City School District and California Teachers Association v. Vallejo City Unified School District, employees who have not attained permanent status but who cannot properly be classified as temporary or substitute employees (see BP 4121 - Temporary/Substitute Personnel) must be classified as probationary employees. An employee should not be classified as temporary rather than probationary solely on the basis of not holding a clear credential (e.g., a holder of a preliminary credential, internship certificate, provisional internship permit, short-term staff permit, emergency permit, or credential waiver). In addition, in Stockton Teachers Association CTA/NEA v. Stockton Unified School District, the court held that employees hired for the term of a categorically funded project pursuant to Education Code 44909 may only be considered temporary employees if they are terminated at the expiration of the categorically funded project and, if not terminated, must be considered probationary employees.

The Governing Board desires to employ and retain highly qualified certificated personnel to implement the district's educational program. Newly hired certificated personnel shall serve a probationary period during which the Board shall determine their suitability for long-term district employment.

Certificated employees who satisfactorily complete the probationary period shall be granted permanent status.

Note: The district should select the option below that reflects ~~district practice~~ and the ADA of the district.

Pursuant to Education Code 44929.21, a district with ADA of 250 or more must grant permanent status in accordance with Option 1.

Pursuant to Education Code 44949.23, if the Governing Board of a district with ADA of less than 250 elects to dismiss probationary employees during the school year in accordance with Education Code 44948.2 and 44948.3, the district must grant permanent status after two years (Option 1). Other districts with less than 250 ADA may choose to grant permanent status after three years (Option 2).

PROBATIONARY/PERMANENT STATUS (continued)

(Districts of 250 ADA or more, and districts with less than 250 ADA whose Board has elected to dismiss probationary employees during the school year pursuant to Education Code 44948.2 and 44948.3)

A probationary teacher **employee** who has been employed by the district in a position(s) or positions requiring certification for two complete consecutive school years and is then rehired **reelected** for the next succeeding school year shall become a permanent employee at the beginning of the third year. (Education Code 44929.21, 44929.23)

Probationary Status

Note: The following optional paragraphs apply to all districts.

During the probationary period, Probationary employees shall receive **training professional development and,** assistance and evaluations consistent with their needs as new teachers. ~~Such training and assistance~~ **which** may consist of inservice training and/or meetings with the employee's evaluator to discuss areas of strength and areas requiring improvement. Inservice training may be provided during school hours as part of a comprehensive staff development program.

(cf. 4131 - Staff Development)

The performance of each probationary employee shall be evaluated and assessed at least once every school year.

(cf. 4115 - Evaluation/Supervision)

~~*(cf. 4131 - Staff Development)*~~

Dismissal/Nonreelection of Probationary Employees

During the school year, a probationary employee may be suspended or dismissed only for cause and in accordance with district procedures. (Education Code 44948.3)

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

PROBATIONARY/PERMANENT STATUS (continued)

With proper notice, the Board may, without cause, elect not to reemploy a probationary employee for the subsequent year. (Education Code 44929.21, 44929.23)

(cf. 4117.3 - Personnel Reduction)

(cf. 4117.6 - Decision Not to Rehire)

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

The Superintendent or designee shall annually provide the Board with recommendations regarding the reelection or nonreelection of probationary certificated personnel for the ensuing school year.

Note: The following optional paragraph is for use by districts that grant permanent status to certificated employees after completion of two consecutive years of service (Option 1 above). Districts with less than 250 ADA that grant permanent status upon completion of three consecutive years of service (Option 2 above) should revise the following paragraph to indicate that a nonreelection notice may be provided during the employee's first or second year of employment if the probationary employee will not be reelected for the following year.

At any time during a probationary employee's first year of employment in the district, the Board may give written notice to the employee of the Board's decision not to reelect the employee for a second school year. If the Board does not give written notice, the employee shall be deemed reelected for the next succeeding school year.

Note: For districts that select Option 1 above, Education Code 44929.21 requires the district to give written notice, as provided below, if the probationary employee will not be reelected for the third year. Districts with less than 250 ADA must also provide notice by March 15 pursuant to Education Code 44948.5.

During the final year of the probationary period, the Board may decide not to reelect the employee for the following year, and shall so notify the employee in writing on or before March 15. If the Board does not give written notice on or before March 15, the employee shall be deemed reelected for the next succeeding school year. (Education Code 44929.21, 44948.5)

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

Note: State law does not specify a method that must be used to provide the above notice to a probationary employee who is not reelected for the subsequent school year. The following paragraph may be revised to reflect district practice.

In Grace v. Beaumont Unified School District, the court ruled that acceptable methods of notification include email, certified mail if a return receipt shows that the letter was received before March 15, oral notification, and/or adoption and publication of termination decision(s) by employee number at a board meeting when the employee is present.

PROBATIONARY/PERMANENT STATUS (continued)

In Hoschler v. Sacramento City Unified School District, the court held that, when providing notice of nonreelection pursuant to Education Code 44929.21, the district must ensure that the employee receives notice on or before March 15 either through personal service or through another method which will ensure actual receipt equivalent to imparting actual notice. Because the district provided notice via certified mail but did not have evidence that the employee received the certified letter on or before March 15, the notice was not timely and the employee was deemed to have been reelected for the subsequent school year.

In Sullivan v. Centinela Valley Union High School District, the court held that a probationary teacher who avoided service of the notice may not assert failure of notice since it reasonably can be inferred that the teacher did so with knowledge of the nonreelection decision.

Such notices shall be delivered through personal service upon the employee, certified mail with return receipt, email, or another method which documents actual receipt of the notice by the employee.

Permanent Status

Note: The following ~~optional~~ paragraph is for use by districts with 250 ADA or more and those districts with less than 250 ADA that grant permanent status.

~~Granting of permanent status shall be based on completion of the probationary period in accordance with applicable law. Employees granted permanent status acquire specific rights under the Education Code, including those relating to discipline and dismissal. (Education Code 44932-44988)~~

~~(cf. 4118 – Dismissal/Suspension/Disciplinary Action)~~

Legal Reference: (see next page)

PROBATIONARY/PERMANENT STATUS (continued)*Legal Reference:*EDUCATION CODE*44466 Status of university interns**44850.1 No tenure in administrative or supervisory position**44885.5 Status of district interns**44908 Complete year for probationary employees**44909 Classification of certificated employees in categorically funded projects****44911 44910-44913 Service not computed in eligibility for permanent status****44915 Classification of probationary employees**44917-44921 Status of substitute or temporary employees**44929.20 Continuing contracts (not to exceed four years - ADA under 250)**44929.21 Districts of 250 ADA or more**44929.23 Districts with less than 250 ADA**44929.28 Employment by another district**44930-44988 Resignations, dismissals and leaves of absence, especially:**44948.2 Election to use provisions of Section 44948.3**44948.3 Dismissal of probationary employees****44948.5 Nonreelection procedures, districts under 250 ADA******44949 Cause, notice and right to hearing required for dismissal of probationary employee******44955 Reduction in number of permanent employees***COURT DECISIONS***Grace v. Beaumont Unified School District (2013) 216 Cal. App. 4th 1325******Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 203 Cal. App. 4th 1552******Sullivan v. Centinela Valley Union High School District (2011) 194 Cal. App. 4th 69******California Teachers Assn. v. Vallejo City Unified School District (2007) 149 Cal. App. 4th 135, 146******Hoschler v. Sacramento City Unified School District (2007) 149 Cal. App. 4th 258******Bakersfield Elementary Teachers Assn. v. Bakersfield City School District (2006) 145 Cal. App. 4th 1260, 1280******Fischer v. Los Angeles Unified School District (1999) 70 Cal. App. 4th 87******Bellflower Education Assn. v. Bellflower Unified School District (1991) 228 Cal. App. 3d 805******Fontana Teachers Assn. v. Fontana Unified School District (1988) 201 Cal. App. 3d 1517******Grimsley v. Board of Trustees (1987) 189 Cal. App. 3d 1440***

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CSBA Sample Board Policy

All Personnel

BP 4119.22(a)

4219.22

DRESS AND GROOMING

4319.22

Note: The following **optional** policy may be revised to reflect district practice. Government Code 12949, several court cases, and Public Employment Relations Board (PERB) decisions support districts' non-negotiable management prerogative to adopt a dress code. However, in 22 PERC P29, 136, PERB determined that districts must provide the exclusive bargaining representative with an opportunity to bargain over the "effects" of the dress code which may have an impact on matters within scope of representation. Districts should consult legal counsel when prescribing or prohibiting specific items of clothing.

The Governing Board believes that appropriate dress and grooming by district employees contribute to a productive learning environment and model positive behavior. During school hours and at school activities, employees shall maintain professional standards of dress and grooming that demonstrate their high regard for education, present an image consistent with their job responsibilities and assignment, and do not endanger the health or safety of employees or students. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

(cf. 0415 - Equity)

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

(cf. ~~4112.21/4212.21/4312.21~~ 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

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

The district shall allow employees to appear and dress in a manner consistent with their gender identity or gender expression. (Government Code 12949)

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Note: Government Code 12926, as amended by SB 188 (Ch. 58, Statutes of 2019), defines "race," for purposes of prohibiting employment discrimination, as including traits historically associated with race, such as hair texture and protective hairstyles, as defined.

The district shall not discriminate against employees based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Government Code 12926)

In addition, the The district shall not dismiss an employee, discriminate against an employee in compensation or in terms, conditions, or privileges of employment, or refuse to hire a job applicant on the basis of religious dress or grooming practices. (Government Code 12926, 12940)

DRESS AND GROOMING (continued)

This policy shall be presented to employees upon employment, through the employee handbook or other appropriate means, and may be periodically reviewed with all employees as necessary.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

GOVERNMENT CODE

3543.2 Scope of representation

12926 Definitions

12940 Unfair employment practices

12949 Dress standards, consistency with gender identity

COURT DECISIONS

San Mateo City School District v. PERB (1983) 33 Cal. 3d 850

Domico v. Rapides Parish School Board (5th Cir. 1982) 675 F.2d 100

East Hartford Education Assn. v. Board of Education (2d Cir. 1977) 562 F. 2d 856 838

Finot v. Pasadena Board of Education (1967) 250 Cal.App.2d 189

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Santa Ana Unified School District (1998) 22 PERC P29, 136

Inglewood Unified School District (1985) 10 PERC P17, 000

Management Resources:

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

Transgender Rights in the Workplace

WEB SITES

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

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

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CSBA Sample Board Policy

Classified Personnel

BP 4216(a)

PROBATIONARY/PERMANENT STATUS

Note: Education Code 45113 mandates the Governing Board in a non-merit system district to develop rules and regulations establishing a period of probationary service of no more than one year for the personnel management of classified employees. For districts establishing the merit system pursuant to Education Code 45240-45320, rules for the efficient running of the classified service are established by the personnel commission pursuant to Education Code 45260. The following policy may be revised to reflect district practice, the collective bargaining agreement, or personnel commission rules.

These rules and regulations are often included in the collective bargaining agreement; if so, a separate policy is not mandated. All parts of the following policy may be revised to reflect district practice; the first two paragraphs should be revised to reflect the duration of probationary period used in the district. This policy applies only to districts not incorporating the merit system (Education Code 45240-45320).

Employees newly hired for regular positions in the classified service shall be considered probationary employees until they have satisfactorily completed one year of probationary service. Upon satisfactorily completing this period, they shall become permanent classified employees of the district.

The Governing Board desires to employ and retain highly qualified classified personnel to support the district's educational program and operations. Newly hired classified employees shall serve a probationary period during which the Board shall determine their suitability for long-term district employment.

Note: The following paragraph should be revised to reflect the specific length of the probationary period prescribed by the district, provided the probationary period does not exceed the time limits specified below.

Education Code 45113, as amended by AB 1353 (Ch. 542, Statutes of 2019), shortened the maximum length of the required probationary period in non-merit system districts from one year to six months or 130 days of paid service, whichever is longer. Therefore, the maximum length of the required probationary period for non-merit districts is now the same as that of districts incorporating the merit system as provided under Education Code 45301. Education Code 45113, as amended, will not override any conflicting provision of a collective bargaining agreement entered into before January 1, 2020, until the collective bargaining agreement expires or is renewed.

A probationary employee who has been employed by the district for six months or 130 days of paid service, whichever is longer, shall be classified as a permanent employee of the district. (Education Code 45113, 45301)

Probationary employees shall receive written performance evaluations by their supervisor during the probationary period. These evaluations shall indicate whether the evaluator is satisfied or not satisfied with the employee's ability, performance, and compatibility with the job.

PROBATIONARY/PERMANENT STATUS (continued)

(cf. 4215 - Evaluation/Supervision)

The ~~Superintendent or designee~~ **district** may, **without cause**, dismiss ~~an~~ **a new** employee during the ~~initial~~ probationary period.

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

Permanent employees promoted to a higher classification shall be considered probationary in their new position until they have satisfactorily completed **the probationary period** ~~one year of service in that position.~~

Note: AB 365 (Ch. 844, Statutes of 2001) amended Education Code 45113 to add the following requirement.
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A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional position shall be employed in the classification from which ~~he/she~~ **the employee** was promoted. (Education Code 45113)

This policy shall be made available to classified employees and the public. (Education Code 45113)

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

Legal Reference:

EDUCATION CODE

45113 Rules and regulations for classified service in districts not incorporating the merit system

45240-45320 Merit system

Management Resources:

WEB SITES

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

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CSBA Sample Board Policy

Classified Personnel

BP 4218(a)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

Note: The following policy is for use by districts that have not incorporated the merit system for classified employees pursuant to Education Code 45240-45320. For procedures applicable to districts that have incorporated the merit system, see BP/AR 4218.1 - Dismissal/Suspension/Disciplinary Action (Merit System).

The following policy is subject to collective bargaining and may be deleted or revised by any district whose collective bargaining agreement covers classified employee dismissal, suspension, and other disciplinary action. **To the extent that this policy is inconsistent with provisions of the collective bargaining agreement, the collective bargaining agreement would prevail.**

The Governing Board expects all employees to perform their jobs satisfactorily and to exhibit professional and appropriate conduct. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law or any applicable collective bargaining agreement, Board policy, **and or** administrative regulation.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 4000 - Concepts and Roles)

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions)

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

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4200 - Classified Personnel)

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

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

Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension without pay, reduction of pay step in class, compulsory leave, and dismissal.

A probationary classified employee may be dismissed by the Superintendent or designee at any time prior to the expiration of the probationary period.

(cf. 4216 - Probationary/Permanent Status)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Note: Education Code 45113 mandates districts not incorporating the merit system to prescribe, by written rule or regulation, causes and procedures for disciplinary action against permanent classified employees. Also see the accompanying administrative regulation.

Permanent classified employees shall be subject to disciplinary action only for cause as specified in the accompanying administrative regulation. (Education Code 45113)

Procedures for Serious Disciplinary Proceedings

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

In Skelly v. State Personnel Board, the California Supreme Court held that permanent public employees have a right to certain due process protections prior to any punitive disciplinary action, such as termination, suspension, or demotion. These procedural rights include notice of the proposed materials upon which the action is based and the right to respond, either orally or in writing, to the individual recommending that discipline be imposed. These procedural rights are designed to protect an employee who may be wrongfully disciplined, without necessitating a full evidentiary hearing before the Governing Board. Therefore, CSBA recommends that the Superintendent or designee appoint a Skelly officer to evaluate whether there are reasonable grounds for believing that the employee engaged in the alleged misconduct and whether the proposed discipline is justified.

Pursuant to Education Code 45113 and 45116, a permanent classified employee must be given notice of any recommendation for disciplinary action against the employee, including a time period during which the employee may request a hearing on the charges. See the section "Initiation and Notification of Charges" in the accompanying administrative regulation.

~~Pursuant to Education Code 45113, the Governing Board may delegate its authority to determine whether sufficient cause exists for disciplinary action against classified employees, excluding peace officers as defined in Penal Code 830.32, to an impartial third-party hearing officer. Hearings conducted by the Board or a hearing officer are not subject to the procedures used by the Office of Administrative Hearings pursuant to Government Code 11500-11529. The following section is for use by boards who conduct their own hearing and should be revised by boards that use a hearing officer.~~

~~As amended by AB 2234 (Ch. 996, Statutes of 2018), Education Code 45113 requires the Board to delegate its authority to an administrative law judge in cases involving allegations of egregious misconduct with a minor. Egregious misconduct is defined as immoral conduct leading to an allegation of a sex offense pursuant to Education Code 44010, a controlled substance offense pursuant to Education Code 44011, or child abuse or neglect pursuant to Penal Code 11165.2-11165.6. In conducting hearings on such matters, the administrative law judge is required to comply with Education Code 44990-44994, as added by AB 2234, pertaining to the testimony of minor witnesses.~~

The Superintendent or designee shall develop disciplinary procedures for use when dismissal, suspension, demotion, involuntary reassignment, or other serious disciplinary action is contemplated against an employee. The procedures for such discipline shall include an opportunity for an employee for whom any such disciplinary action is recommended to meet with, or respond in writing to, a designated district official ("Skelly officer") who will determine whether the recommended discipline should proceed further or be modified or withdrawn.

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Note: Pursuant to Education Code 45113 and 45116, a permanent classified employee must be given notice of any disciplinary action against the employee, including a time period during which the employee may request a **Board** hearing on the charges. See the section "Initiation and Notification of Charges" in the accompanying administrative regulation.

Pursuant to Education Code 45113, the Board may delegate its authority to determine whether sufficient cause exists for disciplinary action against classified employees, excluding peace officers as defined in Penal Code 830.32, to an impartial third-party hearing officer. Hearings conducted by the Board or a hearing officer are not subject to the procedures used by the Office of Administrative Hearings pursuant to Government Code 11500-11529. ~~The following section is for use by boards who conduct their own hearing and should be revised by boards that use a hearing officer. Districts that refer all disciplinary matters to a third-party hearing officer rather than holding Board hearings should revise the remainder of this section accordingly.~~

Education Code 45113 requires the Board to delegate its authority to an administrative law judge in cases involving allegations of egregious misconduct with a minor. Egregious misconduct is defined as immoral conduct leading to an allegation of a sex offense pursuant to Education Code 44010, a controlled substance offense pursuant to Education Code 44011, or child abuse or neglect pursuant to Penal Code 11165.2-11165.6.

~~If a permanent classified employee receives a notice from the Superintendent or designee of a recommended suspension, demotion, involuntary reassignment, or dismissal, the employee may request a Board hearing on the matter.~~

After meeting with the employee or considering the employee's written response, if the Skelly officer determines that the recommended discipline should proceed, the Superintendent or designee shall send the employee a notice of the recommended disciplinary action, a statement of charges, and the results of the Skelly hearing. The notice shall include a statement advising the employee of the right to request a Board hearing on the matter.

If the employee fails to request a hearing within the time specified in the notice, the employee is deemed to have waived the right to do so, and the Board may order the recommended disciplinary action into effect immediately.

~~If a timely request is submitted, a hearing shall be conducted by the Board, except that, if the matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. (Education Code 45113, 45312)~~

~~(cf. 3515.3—District Police/Security Department)~~

The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board and the availability of legal counsel and witnesses. The employee shall be notified of the time and place of the hearing.