

# BP 0450 Campbell Union ESD

## Board Policy

### Comprehensive Safety Plan

BP 0450

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

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that teaches strategies for violence prevention and emphasizes high expectations for student conduct, responsible behavior and respect for others.

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

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

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3515 - Campus Security)

(cf. 3515.2 - Disruptions)

(cf. 5131 - Conduct)

[\(cf. 5131.2 - Bullying\)](#)

(cf. 5131.4 - Student Disturbances)

(cf. 5137 - Positive School Climate)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5136 - Gangs)

(cf. 5144 - Discipline)

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

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

The Superintendent or designee shall oversee the development of a comprehensive districtwide safety plan that identifies major safety concerns as well as the district's goals and priorities for safe schools. The plan shall include violence prevention strategies and actions to be taken in the event of a crisis.

Each principal or designee shall ensure the development of a site-level plan, in accordance with law, tailored to the specific concerns of each school. The plan shall take into account the school's staff, available resources and building design, as well as other factors unique to the site.

(cf. 0420 - School Plans/Site Councils)  
(cf. 1220 - Citizen Advisory Committees)

Each school site shall review and update its safety plan by March 1 of each year. New school campuses shall develop a safety plan within one year of initiating operations. (Education Code 32286)

Each school shall forward the safety plan to the district for approval. (Education Code 32288)

~~(cf. 0510 – School Accountability Report Card)~~

~~The Board shall review the comprehensive districtwide and/or school safety plan(s) in order to ensure compliance with law, Board policy and administrative regulation.~~

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

(cf. 1340 - Access to District Records)

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

(cf. 1312.3 - Uniform Complaint Procedures)

In collaboration with experts trained in emergency response, the district will train staff in the use and implementation of the Incident Command System (ICS) to align the district's emergency response process to that of local police and fire departments.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32260-32262 Interagency School Safety Demonstration Act of 1985

32270 School safety cadre

32280-32289 School safety plans

32290 Safety devices

35147 School site councils and advisory committees

35183 School dress code; uniforms

35291 Rules

35291.5 School-adopted discipline rules

35294.10-35294.15 School Safety and Violence Prevention Act

41510-41514 School Safety [and Violence Prevention Act Consolidated Competitive Grant Program](#)

48900-48927 Suspension and expulsion

48950 Speech and other communication

49079 Notification to teacher; student act constituting grounds for suspension or expulsion

67381 Violent crime

PENAL CODE

422.55 Definition of hate crime

626.8 Disruptions

11164-11174.3 Child Abuse and Neglect Reporting Act

CALIFORNIA CONSTITUTION

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

CODE OF REGULATIONS, TITLE 5

11987-11987.7 School Community Violence Prevention Program requirements

11992-11993 Definition, persistently dangerous schools

UNITED STATES CODE, TITLE 20

[7101-7165 Safe and Drug-Free Schools and Communities Student Support and Academic Enrichment Grants](#)

7912 Transfers from persistently dangerous schools

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Management Resources:

CSBA PUBLICATIONS

[Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016](#)

Safe Schools: Strategies for Governing Boards to Ensure Student Success, Third Edition, October 2011

Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2010

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

[Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014](#)

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

[FEDERAL BUREAU OF INVESTIGATION PUBLICATIONS](#)

[Uniform Crime Reporting Handbook, 2004](#)

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007

~~Early Warning, Timely Response: A Guide to Safe Schools, August 1998~~

U.S. SECRET SERVICE AND U.S. DEPARTMENT OF EDUCATION PUBLICATIONS  
Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating  
Safe School Climates, 2004~~2~~

#### WEB SITES

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

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

~~California Emergency Management Agency: <http://www.calema.ca.gov>~~

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

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

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

Federal Bureau of Investigation: <http://www.fbi.gov>

~~National Alliance for Safe Schools: <http://www.safeschools.org>~~

National Center for Crisis Management: <http://www.schoolcrisisresponse.com>

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

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

U.S. Secret Service, National Threat Assessment Center:

[http://www.secretservice.gov/ntac\\_ssi.shtml](http://www.secretservice.gov/ntac_ssi.shtml)

#### Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: August 27, 1998 Campbell, California

revised: March 17 2005

revised: November 6, 2008

revised: June 21, 2012

# AR 0450 Campbell Union ESD

## Administrative Regulation

### Comprehensive Safety Plan

AR 0450

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

##### Development and Review School Site of Safety Plan

The school site council shall write and develop a comprehensive safety plan relevant to the needs and resources of that particular school. The site council shall consult with local law enforcement in the writing and development of the plan, as well as other school site councils and safety committees, when practical. (Education Code 32281, 32282)

(cf. 0420- School Plans/Site Councils)

In addition, the school site council may consult with other local agencies as appropriate, including health care and emergency service providers.

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

The school site council may delegate the responsibility for writing and developing a school safety plan to a school safety planning committee. This committee shall be composed of the following members: (Education Code 32281)

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school
4. One classified employee who is a representative of the recognized classified employee organization
5. Other members, if desired

~~(cf. 1220—Citizen Advisory Committees)~~

~~(cf. 1400—Relations Between Other Governmental Agencies and the Schools)~~

Before adopting its comprehensive school safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the school safety plan. (Education Code 32288)

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting: (Education Code 32288)

1. The local mayor
2. A representative of the local school employee organization
3. A representative of each parent organization at the school site, including the parent teacher association and parent teacher clubs

(cf. 1230 - School-Connected Organizations)

4. A representative of each teacher organization at the school site

(cf. 4140/4240 - Bargaining Units)

5. A representative of the student body government
6. All persons who have indicated that they want to be notified

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting: (Education Code 32288)

1. A representative of the local churches
2. Local civic leaders
3. Local business organizations

(cf. 1220 - Citizen Advisory Committees)

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

The school site council or safety planning committee shall evaluate, and amend as necessary, the safety plan at least once a year to ensure that the plan is properly implemented. (Education Code 35294.2)

## Content of the Safety Plan

The districtwide and/or school site safety plan shall include an assessment of the current status of school crime committed on campus(es) and at school-related functions. (Education Code 32282)

The plan also shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety. The plan shall include the development of all of the following:  
(Education Code 32282)

1. Child abuse reporting procedures consistent with Penal Code 11164

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Routine and emergency disaster procedures including, but not limited to:

a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act

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

(cf. 6159 - Individualized Education Program)

b. An earthquake emergency procedure system in accordance with Education Code 32282

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3516.3 - Earthquake Emergency Procedure System)

c. A procedure to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

(cf. 1330 - Use of School Facilities)

(cf. 3516.1 - Fire Drills and Fires)

(cf. 3516.2 - Bomb Threats)

(cf. 3516.5 - Emergency Schedules)

(cf. 3543 - Transportation Safety and Emergencies)

3. Policies pursuant to Education Code 48915(c) and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

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

4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079

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

5. A discrimination and harassment policy consistent with the prohibition against discrimination pursuant to Education Code 200-262.4

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

(cf. 1312.3 - Uniform Complaint Procedures)

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

(cf. 5131.2 Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate Motivated Behavior)

6. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"

(cf. 5132 - Dress and Grooming)

7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school

(cf. 5142 - Safety)

8. A safe and orderly school environment conducive to learning

(cf. 5137 - Positive School Climate)

9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5

(cf. 5144 - Discipline)

~~10. Hate crime reporting procedures~~

Among the strategies for providing a safe environment, the school safety plan may also include:

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

2. Disciplinary policies and procedures that contain prevention strategies such as strategies to prevent bullying, hazing, and cyberbullying, as well as behavioral expectations and consequences for violations

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5113 - Absences and Excuses)

(cf. 5131 - Conduct)

(cf. 5113.1 - Truancy)

~~(cf. 5136 - Gangs)~~

(cf. 5145.12 - Search and Seizure)

3. Curriculum that emphasizes prevention and alternatives to violence such as multicultural education, character/values education, media analysis skills, conflict resolution and community service learning

(cf. 6142.3 - Civic Education)

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

~~(cf. 6141.6 - Multicultural Education)~~

(cf. 6142.8 - Comprehensive Health Education)

4. Parent involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules and increase the number of adults on campus

(cf. 1240 - Volunteer Assistance)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

5. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

6. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction

(cf. 1020 - Youth Services)

7. Measures to prevent or minimize the influence of gangs on campus

(cf. 5136 - Gangs)

87. Procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of the school

(cf. 3514.1 - Hazardous Substances)

(cf. 3514.2 - Integrated Pest Management)

98. Procedures for receiving verification for law enforcement when ~~that~~ a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime.

(cf. 5116.1 - Intradistrict Open Enrollment)

109. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for ~~the~~ closing of campuses to outsiders, securing the campus perimeter, and protecting buildings against vandalism.

(cf. 1250 - Visitors/Outsiders)

(cf. 3515 - Campus Security)

(cf. 3530 - Risk Management/Insurance)

(cf. 5131.5 - Vandalism, Theft and Graffiti)

11. Guidelines for the roles and responsibilities of school counselors and other mental health providers, such as strategies to create and maintain a positive school climate, school safety and increase student achievement. Additionally, the strategies may include intervention, restorative programs and positive interventions and supports.

12. Strategies for suicide prevention and intervention

(df. 5141.52 Suicide Prevention)

13. Procedures to implement when a person interferes with or disrupts a school activity, remains on campus after having been asked to leave, or creates a disruption with the intent to threaten the immediate physical safety of students or staff

(cf. 3515.2 - Disruptions)

140. Crisis intervention strategies, which may include the following:

a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate

~~(cf. 3515.2 - Disruptions)~~

(cf. 3515.5 - Sex Offender Notification)

~~(cf. 5131.4 - Campus Disturbances)~~

(cf. 5131.4 - Student Disturbances)

b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)

~~cb.~~ Assignment of staff members responsible for each identified task and ~~—~~ procedure

~~de.~~ Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for student and staff to practice the evacuation plan

~~ed.~~ Coordination of communication to schools, Governing Board members, parents/guardians and the media

(cf. 1112 - Media Relations)

(cf. 9010 - Public Statements)

~~fe.~~ Development of a method for the reporting of violent incidents

~~gf.~~ Development of follow-up procedures that may be required after the crisis has occurred, such as counseling

154. Staff training in violence prevention and intervention techniques, including preparation to implement the elements of the safety plan

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Regulation      CAMPBELL UNION SCHOOL DISTRICT  
approved:      August 27, 1998      Campbell, California  
revised:        March 17, 2005  
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# BP 0520.2 Campbell Union ESD

## Board Policy

### Title I Program Improvement Schools

BP 0520.2

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

The Governing Board desires to assist all students in meeting state academic achievement standards and in narrowing the achievement gap among student groups. To that end, the district shall provide support and assistance to increase student achievement in any school that receives federal Title I funding and has been identified by the California Department of Education as a program improvement (PI) school. ~~the Board shall assist all districts schools, including those receiving federal Title I funds, in achieving adequate yearly progress toward the state's proficient level of achievement on state assessments.~~

~~(cf. 4112.24 – Teacher Qualifications Under the No Child Left Behind Act)~~

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

~~(cf. 6162.51 - State Academic Achievement Tests Standardized Testing and Reporting Program)~~

(cf. 6171 - Title I Programs)

~~Whenever a district school is identified as in need of program improvement (PI), the Superintendent or designee shall coordinate program improvement efforts with federal, state and local school improvement programs as appropriate. S/he shall also revise the school's Single Plan for Student Achievement in accordance with law and as specified in administrative regulation.~~

The Superintendent or designee shall ensure that school improvement strategies developed for any PI school are coordinated, aligned, and effectively implemented in accordance with administrative regulation and the Board-approved school improvement plan.

As necessary, the Board shall determine corrective actions for schools in Year 3 of PI and/or restructuring options for schools in Year 4 of PI or beyond.

(cf. 0420 - School Plans/Site Councils)

(cf. 0460-Local Control and Accountability Plan)

(cf. 5116.1 Intradistrict Open Enrollment)

(cf. 6179-Supplemental Instruction)

Whenever a school is identified for Year 4 PI, but is not identified as a “persistently lowest achieving school” pursuant to Education Code 53201, the parents/guardians of students attending that school may petition the Board to implement an intervention for the purpose of improving

academic achievement or student safety, provided that the state limit on the number of such schools has not yet been reached. To be considered by the Board, the petition shall contain all required content and signatures to specify of of our intervention models. (i.e., turnaround model, restart model, school closure, or transformation model) or an alternative governance arrangement, as described in 5 CCR 4803-4807. The district shall implement the option requested by the parents/guardians unless, at a regularly scheduled public hearing, the Board makes a finding in writing stating the reason it cannot implement the recommended option and instead designates one of the other options to be implemented. (Education Code 53300-53301; 5 CCR 4800-4808)

(cf. 0420.1—School-Based Program Coordination)

(cf. 0520.1—High Priority Schools Grant Program)

(cf. 0520.4—Quality Education Investment Schools)

Depending on the length of time a district school has been identified for program improvement, the Board and Superintendent or designee shall implement opportunities for supplemental educational services, student transfers, other corrective actions and/or restructuring in accordance with law.

~~Although school improvement plans are still in effect for PI schools, districts are no longer required, because of the repeal of 20 USC 6316 by P.L. 114-95, to (1) offer intradistrict transfers to all students in Title I schools identified for Year 1 PI or beyond or (2) provide supplemental educational services from an approved service provider to eligible students in schools identified for Year 2 PI or beyond.~~

~~At their discretion, districts may choose to continue to offer intradistrict transfers to students in PI schools. If the Governing Board elects to continue to offer the option to transfer, it may revise the paragraph below to reflect that option. 20 USC 6311, as amended by P.L. 114-95, requires that any student who was previously granted a transfer out of a PI school be allowed to remain at the school to which he/she transferred until the highest grade maintained at that school; see BP/AR 5116.1—Intradistrict Open Enrollment.~~

~~In addition, although the requirement to provide supplemental educational services was repealed, the CDE has elected to instead require the provision of alternative supports, defined and administered by the district, to eligible students beginning with the 2016-17 school year; see the accompanying administrative regulation. Also see BP 6179—Supplemental Instruction and the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016).~~

(cf. 5116.1—Intradistrict Open Enrollment)

(cf. 6179—Supplemental Instruction)

## Program Evaluation

The Board shall annually review the adequate yearly progress of each district school based on state academic assessments and other indicators specified in the state plan for the No Child Left Behind Act. The Superintendent or designee shall publicize and disseminate the results of this review to parents/guardians, principals, schools, and the community so that the instructional

~~program can be continually refined to help all students meet state academic standards. (20USC 6316)~~

~~The Superintendent or designee shall develop an annual report card that includes the information specified in 20 USC 6311 for each district school and for the district as a whole. The required information may be incorporated into each school's school accountability report card. (20 USC 6311)~~

(cf. 0510 - School Accountability Report Card)

(cf. 6190 - Evaluation of the Instructional Program)

~~The Board and Superintendent or designee shall also review program improvement schools and provide the Board with regular reports on the implementation of the school improvement plan with respect to parental involvement, professional development and the effectiveness of other program improvement efforts in raising student achievement.~~

~~(cf. 4131—Staff Development)~~

~~(cf.6020—Parent Involvement)~~

~~The report card shall be concise, presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand. It shall be made accessible to the public on the district's web site. (20 USC 6311)~~

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

As necessary based on the results of ~~these~~ this evaluations, the Board may require the Superintendent or designee to review and revise any of the school's reform plans, including the school's Single Plan for Student Achievement, allocate additional resources toward the implementation of the plan, and/or require more frequent monitoring of the school's progress in order to raise student achievement.

Legal Reference:

EDUCATION CODE

35256 School accountability report card

[53200-53203 Persistently lowest achieving schools](#)

[53300-53303 Parent Empowerment Act](#)

~~60642.5—California Standards Tests~~

~~60850-60856 High School Exit Examination~~

64000 Categorical programs included in consolidated application

64001 Single school plan for student achievement, consolidated application programs

CODE OF REGULATIONS, TITLE 5

11992-11994 Persistently dangerous schools, definition

~~13075-13075.4 Supplemental educational services~~

~~4800-4808 Parent Empowerment petitions~~

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

6301 Title I program purpose

~~6311 Adequate yearly progress~~

6312 Local educational agency plan

6313 Eligibility of schools and school attendance areas; funding allocation

~~6316 School improvement~~

7912 Persistently dangerous schools

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

~~200.13-200.20 Adequate yearly progress~~

~~200.30-200.35 Identification of program improvement schools~~

~~200.36-200.38 Notification requirements~~

~~200.39-200.43 Requirements for program improvement, corrective action, and restructuring~~

~~200.44 School choice option~~

~~200.45-200.47 Supplemental educational services~~

~~200.48 Funding for transportation and supplemental services~~

200.49-200.51 State responsibilities

200.52-200.53 District improvement

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

~~[Every Student Succeeds Act 2016-17 School year Transition Plan, April 2016](#)~~

~~[2008 Adequate Yearly Progress Report Information Guide, August 2008](#)~~

~~[California's Accountability Workbook](#)~~

FEDERAL REGISTER

Final Rule and Supplementary Information, October 29, 2008. Vol. 73, No. 210, pages 64436-64513

U.S. DEPARTMENT OF EDUCATION [PUBLICATIONS GUIDANCE](#)

~~[Transitioning to the Every Student Succeeds Act \(ESSA\): Frequently Asked Questions, rev. May 4, 2016](#)~~

~~[Public School Choice, January 14, 2009](#)~~

~~[Supplemental Educational Services, January 14, 2009](#)~~

WEB SITES

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

California Department of Education, Program Improvement:  
<http://www.cde.ca.gov/ta/ac/ti/programimprov.asp>U.S. Department of Education, No Child Left  
Behind: <http://www.nclb.gov>

Policy CAMPBELL UNION SCHOOL DISTRICT  
adopted: May 22, 2003      Campbell, California  
revised: January 13, 2005  
revised: June 18, 2009

# AR 0520.2 Campbell Union ESD

## Administrative Regulation

### Title I Program Improvement Schools

AR 0520.2

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

##### Definitions

Adequate yearly progress (AYP) is a series of annual academic performance goals defined by the State Board of Education and encompasses the following requirements:

1. Annual measurable objectives: Achievement of the minimum statewide annual measurable objectives (AMOs) on English language arts (ELA) and mathematics (schoolwide/districtwide and subgroups) on state assessments.
2. Participation rate: Achievement of 95 percent student participation rate on ELA and mathematics assessments (schoolwide/districtwide and subgroups) for the whole school and each significant subgroup.
3. Academic Performance Index (API): Growth in the API score as defined annually by the State Board of Education (SBE) (schoolwide/districtwide).

(cf. 6162.51—Standardized Testing and Reporting Program)

AYP includes measurable annual objectives for continuous and substantial improvement for the achievement of all students at the school and for any subgroup of students, including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency, when the number of students in the subgroup is sufficient to yield statistically reliable results. (20 USC 6311)

(cf. 0500—Accountability)

(cf. 6162.51—State Academic Achievement Tests)

Program improvement (PI) school is a school receiving federal Title I funds that has failed to make AYP for two or more consecutive school years on the same content area (i.e., ELA or mathematics) schoolwide or for any numerically significant subgroup, or has failed to make AYP on the same additional indicator (i.e., participation rate or API).

## Year One Program Improvement

~~When any Title I school is identified for Year One Program Improvement: (20 USC 6316)~~

~~1. The Superintendent or designee shall provide students enrolled in the school the option of transferring, as described below in the section "Student Transfers," to another school, which may include a charter school, served by the district that has not been identified for PI.~~

~~(cf. 0420.4—Charter School Authorization)~~

~~(cf. 5116.1—Intradistrict Open Enrollment)~~

~~2. Within three months of being identified for PI, the school shall develop or revise a school plan, in consultation with parents/guardians, school staff, the district, and outside experts, for approval by the Governing Board. The plan shall cover a two-year period and address the components specified in 20 USC 6316.~~

~~(cf. 6020—Parent Involvement)~~

~~To fulfill this requirement, the school may revise its Single Plan for Student Achievement to reflect the requirements of 20 USC 6316.~~

~~(cf. 0420—School Plans/Site Councils)~~

~~(cf. 6171—Title I Programs)~~

~~3. Within 45 days of receiving the plan, the Superintendent or designee shall establish a peer review process to assist with the review of the plan, work with the school as necessary, and approve the plan if it meets the requirements of law.~~

~~4. The school shall implement the improvement plan no later than the beginning of the next full school year following the school's identification for program improvement, or, if the plan has not been approved prior to beginning the school year, immediately upon approval of the plan.~~

~~For any district school in its first year of program improvement (PI), the Superintendent or designee shall implement a school improvement plan that was approved by the Governing Board.~~

~~5.~~

~~As the school develops and implements the school plan,~~

~~The Superintendent or designee shall ensure that the school receives technical assistance either from the district, the California Department of Education, an institution of higher education, a~~

private organization, an educational service agency or another entity with experience in helping schools improve academic achievement, including assistance in:

1a. Analyzing state assessment data and other examples of student work to identify and address problems in instruction and/or problems in implementing Title I requirements pertaining to parent involvement, professional development, or school and district responsibilities identified in the school plan

2b. Identifying and implementing professional development, instructional strategies and methods of instruction that are based on scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for school improvement

3e. Analyzing and revising the school's budget so that the school's resources are more effectively allocated to the activities most likely to increase student achievement and to remove the school from program improvement status

(cf. 3100 - Budget)

#### Year Two Program Improvement

~~For any Title I school that fails to make AYP by the end of the first full school year after being identified for Program Improvement, the Superintendent or designee shall: (20 USC 6316)~~

~~1. Continue to provide all students enrolled in the school the option of transferring, as described below in the section "Student Transfers"~~

~~2. Arrange for the provision of supplemental educational services to eligible students from low income families by a provider with a demonstrated record of effectiveness, as described below under "Supplemental Educational Services" (SES).~~

~~3. Continue to provide for technical assistance in accordance with item #5 in the section "Year 1 Program Improvement" above~~

For any district school in its second year of PI, the Superintendent or designee shall continue to implement the school improvement plan ~~and~~ to provide for technical assistance in accordance with the section "Year 1 Program Improvement" above.

In addition, the Superintendent or designee shall arrange for the provision of alternative supports to eligible students from low-income families, as described below in the section "Alternative Supports."

## Year Three Program Improvement: Corrective Action

~~When a school continues to fail to make AYP by the end of the second full school year after identification for program improvement (four consecutive years of failure to make AYP), the Superintendent or designee shall continue to provide all elements of Year One and Year Two Program Improvement. In addition, the Board, in consultation with the Superintendent, shall take at least one of the following corrective actions: (20 USC 6316)~~

After the second full school year after identification for PI, the Superintendent or designee shall continue to implement all elements of Year 1 and year 2 PI specified above, as well as the corrective action(s) determined by the Board, which may include:

1. Replacinge school staff relevant to the failure

(cf. 4113 - Assignment)

(cf. 4114 - Transfers)

(cf. 4314 - Transfers)

2. Implementing a new curriculum and related professional development

(cf. 4131/4231/4331- Staff Development)

(cf. 6141-Curriculum Development and Evaluation)

3. Significantly decreasinge management authority at the school level

4. Appointing an outside expert to advise the school

5. Extending the school year or school day for the school

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

6. Restructuringe the internal organization of the school

~~Whenever a school is identified for Year 3 PI, continues to fail to make AYP, has an API of less than 800, and is not identified as a "persistently lowest achieving school" pursuant to Education Code 53201, the parents/guardians of students attending that school may petition the district to implement an intervention for the purpose of improving academic achievement or student safety, provided that the state limit on the number of such schools has not yet been reached. To be considered by the Board, the petition shall contain all required content and signatures and specify one of four intervention models (i.e., turnaround model, restart model, school closure, or~~

~~transformation model) or an alternative governance arrangement, as described in 5 CCR 4803-4807. The district shall implement the option requested by the parents/guardians unless, at a regularly scheduled public hearing, the Board makes a finding in writing stating the reason it cannot implement the recommended option and instead designates one of the other options to be implemented. (Education Code 53300-53303; 5 CCR 4800-4808)~~

#### Year Four and Beyond Program Improvement: Restructuring

~~For any school that continues to fail to make AYP after one full year of corrective action, the in Year 4 of PI or beyond, the Superintendent or designee shall continue to provide all students enrolled in the school with the option to transfer to another school within the district and continue to make SES available to eligible students who remain in the school. implement all elements of Year 1 and Year 2 PI specified above, as well as one of the following options for alternative governance and restructuring, as determined by the Board: In addition, the Board shall develop a plan and make necessary arrangements to implement one of the following options for alternative governance and restructuring, consistent with state law: (20 USC 6316)~~

1. Reopeninging the school as a charter school
2. Replacinge all or most of the school staff relevant to the failure
3. Entering into a contract with an entity with a demonstrated record of effectiveness to operate the school
4. Turning the operation of the school over to the California Department of Education
5. Institutinge any other major restructuring of the school's governance arrangements that makes fundamental reforms

#### Alternative Supports

In any school identified for Year 2 PI or beyond, eligible students from low-income families shall be offered district-selected alternative supports designed to improve their academic achievement. Alternative supports may include, but are not limited to, any of the following:

1. Academic support offered during school hours, before school, after school, during intercession, and/or during summer learning programs

(cf. 5148.2 - Before/After School Programs)

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer Learning Programs)

(cf. 6179 - Supplemental Instruction)

2. Small group instruction and/or pull-out interventions offered during the regular school day

3. Interventions offered during After School Education and Safety or 21st Century Community Learning Center programs

4. High quality academic tutoring

5. Provision of supplemental materials that support alternative support services

6. Provision of a crisis, intervention, and/or academic counselor to meet with eligible students

7. Services and programs that remove barriers to promote academic achievement of eligible students

The types of alternative supports and the criteria used to identify eligible students may be included in the district's local control and accountability plan and shall be consistent and aligned with local priorities.

(cf. 0460 - Local Control and Accountability Plan)

AR 0520.2(g)

If the district contracts with outside entities or community partners to provide alternative supports to eligible students, the Superintendent or designee shall ensure that no electronic device or other items of value are given, retained, or used as an incentive or achievement award and that funds are expended only on direct services to eligible students.

The district shall set aside a reasonable amount of Title I, Part A funds for alternative supports. Whenever the district does not have sufficient funds to serve all eligible students, it may give priority to the lowest achieving PI schools or the lowest achieving eligible students attending a PI school. The Superintendent or designee may identify the lowest achieving eligible students based on assessment scores, grades, teacher evaluations, or another locally defined measure.

Notifications

~~Whenever a school is identified for program improvement, corrective action or restructuring, the Superintendent or designee shall promptly notify parents/guardians of students enrolled in that school. The notification shall include: (20 USC 6316; 34 CFR 200.37)~~

- ~~1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary or secondary schools in the district and state~~
- ~~2. The reasons for the identification~~
- ~~3. An explanation of what the school is doing to address the problem of low achievement~~
- ~~4. An explanation of what the district or state is doing to help the school address the achievement problem~~
- ~~5. An explanation of how parents/guardians can become involved in addressing the academic issues that caused the school to be identified for program improvement~~
- ~~6. An explanation of the option to transfer to another district school or charter school as described below under "Student Transfers"~~
- ~~7. If the school is in Year two of PI or beyond, an explanation of how parents/guardians can obtain supplemental educational services for their child as described below under "Supplemental Educational Services."~~

~~(cf. 5145.6 – Parental Notifications)~~

~~The Superintendent or designee shall disseminate information about corrective actions taken at any district school to the parents/guardians of each student in that school and to the public through such means as the Internet, the media and public agencies. (20 USC 6316)~~

~~The Superintendent or designee shall promptly notify teachers and parents/guardians whenever a school is identified for restructuring and shall provide them adequate opportunities to comment before taking action and to participate in developing any plan for restructuring school governance. (20 USC 6316, 34 CFR 200.36)~~

~~All notifications pertaining to program improvement shall be written in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand. (20 USC 6316)~~

~~Student Transfers~~

~~All students enrolled in a Title I school that is identified for program improvement in Year One and beyond shall be provided an option to transfer to another district school or charter school that: (20 USC 6316; 34 CFR 200.44)~~

~~1. Has not been identified for program improvement, corrective action or restructuring (cf. 5117—Interdistrict Attendance)~~

~~2. Has not been identified by the California Department of Education as a "persistently dangerous" school pursuant to 20 USC 7912~~

~~(cf. 0450—Comprehensive Safety Plan)~~

~~Among these students offered an option to transfer out of a PI school, priority shall be given to the lowest achieving students from low income families, as defined by the district for purposes of allocating Title I funds. (20 USC 6316; CFR 200.44)~~

~~If two or more district schools are eligible to accept transfers based on criteria listed in items #1-2 above, the district shall provide a choice of more than one such school and shall take into account parent/guardian preferences among the choices offered. (34 CFR 200.44)~~

~~School capacity shall not be used to deny transfer opportunities to students. However, the Superintendent or designee may consider capacity in selecting schools that will be offered as alternatives for school choice. The Board may increase capacity in eligible district schools to accommodate all students who wish to transfer.~~

~~The transfer option shall be offered so that students may transfer in the school year following the school year in which the administration of the assessments that resulted in the identification of the school for program improvement, corrective action or restructuring. In order to provide adequate time for parents/guardians to exercise their transfer option before the school year begins, the Superintendent or designee shall notify parents/guardians of the available school choices sufficiently in advance of, but no later than 14 calendar days before, the start of the school year. (34 CFR 200.37, 200.44)~~

~~Notice of the transfer option shall:~~

~~1. Inform parents/guardians that, due to the identification of the current school as in need of improvement, their child is eligible to attend another public school, including a charter school, served by the district~~

- ~~2. Identify each public school or public charter school that the parent/guardian can select~~
- ~~3. Explain why the choices made available to them may have been limited~~
- ~~4. Describe the timelines and procedures that parents/guardians must follow in selecting a school for their child, including a requirement that parents/guardians rank-order their preferences of eligible schools as appropriate~~
- ~~5. Provide information on the academic achievement of the school(s) to which the student may transfer (34 CFR 200.37)~~
- ~~6. Explain the provision of transportation to the new school (34 CFR 200.37)~~

~~The notice may include other information about the school(s) to which the student may transfer, such as a description of any special academic programs or facilities, the availability of before- and after-school programs, the professional qualifications of teachers in the core academic subjects, and a description of parent involvement opportunities. (34 CFR 200.37)~~

~~(cf. 4112.24—Teacher Qualifications Under the No Child Left Behind Act)  
(cf. 5148.2—Before/After School Programs)~~

~~In addition to mailing notices directly to parents/guardians, the Superintendent or designee shall provide information about transfer options through broader means, such as the Internet, the media, and public agencies serving students and their families. (34 CFR 200.36)~~

~~(cf. 1100—Communication with the Public)  
(cf. 1113—District and School Web Sites)  
(cf. 1114—District Sponsored Social Media)~~

~~To ensure that parents/guardians have current information, the district shall prominently display on its web site, in a timely manner each school year, the number of students who were eligible for and who participated in the student transfer option, beginning with data from the 2007-08 school year and each subsequent year thereafter, and a list of available schools to which eligible students may transfer in the current school year. (34 CFR 200.39)~~

~~In accordance with timelines established for the transfer request process, the Superintendent or designee shall notify parents/guardians of their child's school assignment and shall establish a reasonable deadline by which parents/guardians must either accept the assignment or decline the assignment and remain in the school of origin.~~

~~The district shall provide, or shall pay for the provision of, transportation for the student to the public school that student chooses to attend. (20 USC 6316; 34 CFR 200.44)~~

~~(cf. 3540—Transportation)~~

~~To ensure that transportation may be reasonably provided, the Superintendent or designee may establish transportation zones based on geographic location. Transportation to schools within a zone shall be fully provided, while transportation outside the zone may be partially provided.~~

~~(cf. 3541—Transportation Routes and Services)~~

~~Any student who transfers to another school may remain in that school until he/she has completed the highest grade in that school. However, the district shall not be obligated to provide, or pay for the provision of, transportation for the student after the end of the school year that the school of origin is no longer identified for program improvement, corrective action or restructuring. (20 USC 6316; 34 CFR 200.44)~~

~~If all district schools are identified for program improvement, corrective action or restructuring, the Board shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for an interdistrict transfer. (20 USC 6316); 34 CFR 200.44~~

~~(cf. 5117—Interdistrict Attendance)~~

### Supplemental Educational Services

~~When required by law, supplemental educational services shall be provided outside the regular school day and shall be specifically designed to increase achievement of eligible students from low-income families on state academic assessments and to assist them in attaining state academic standards. (20 USC 6316)~~

~~(cf. 6011—Academic Standards)~~

~~(cf. 6179—Supplemental Instruction)~~

~~When a school is required to provide supplemental educational services, the Superintendent or designee shall annually notify parents/guardians of (20 USC 6316; 34 CFT 200.37):~~

- ~~1. The availability of supplemental educational services~~
- ~~2. The identity of approved providers that are within the district or are reasonably available in neighboring local educational agencies~~

~~3.——The identity of approved providers that are accessible through technology, such as distance learning~~

~~4.——The services, qualifications and demonstrated effectiveness of each provider, including an indication of those providers who are able to serve students with disabilities or limited English proficiency (20 USC 6316)~~

~~5.——The benefits of receiving supplemental educational services~~

~~In addition, the notification shall describe procedures and timelines that parents/guardians must follow to select a provider.~~

~~This notification shall be clearly distinguishable from other information sent to parents/guardians regarding identification of the school for PI, corrective action, or restructuring (34 CFT 200.37)~~

~~The Superintendent or designee shall distribute sign-up forms for supplemental educational services directly to all eligible students and their parents/guardians and make them available and accessible through broad means of dissemination such as the Internet, other media, and communications through public agencies serving eligible students and their families. (34 CFR 200.48)~~

~~The district shall provide a minimum of two enrollment windows, at separate points in the school year, that are of sufficient length to enable parents/guardians of eligible students to make informed decisions about requesting supplemental educational services and selecting a provider. (34 CFR 200.48)~~

~~Eligible supplemental services providers shall be given access to school facilities, using a fair, open, and objective process, on the same basis as other groups that seek access to school facilities. (34 CFT 200.48)~~

~~(cf. 1330—Use of School Facilities)~~

~~When the district is an approved service provider, the Superintendent or designee shall be careful to provide parents/guardians with a balanced presentation of the options available to parents/guardians, and shall ensure that they understand their right to select the district or any other service provider.~~

~~No district employee who administers or provides SES, either solely or in collaboration with a SES provider, or who has a financial interest of any kind in a SES provider, shall use his/her position as a district employee to encourage district students or their parents/guardians to use the services of that provider. (5 CCR 13075.7)~~

~~(cf. 9270—Conflict of Interest)~~

~~Within a reasonable period of time established by the Superintendent or designee, parents/guardians shall select a service provider from among those approved by the SBE. Upon request, the Superintendent or designee shall assist parents/guardians in choosing a provider. (20 USC 6316; 34CFR 200.46)~~

~~The Superintendent or designee shall ensure that eligible students with disabilities, students covered under Section 504 and students with limited English proficiency receive appropriate supplemental educational services with any necessary accommodations or language assistance. (34 CFR 200.46)~~

~~If no provider is able to make the services available to such students, the district shall provide these services with necessary accommodations or language assistance, either directly or through a contract. Supplemental educational services shall be consistent with a student's individualized education program or Section 504 plan.~~

~~(cf. 6159—Individualized Education Program)~~

~~(cf. 6164.4—Identification of Individuals for Special Education)~~

~~(cf. 6164.6—Identification and Education under Section 504)~~

~~(cf. 6174—Education for English Language Learners)~~

~~If available funds are insufficient to provide supplemental educational services to each eligible student whose parents/guardians request those services, priority shall be given to the lowest achieving eligible students. (20 USC 6316)~~

~~If the number of parents/guardians selecting a particular provider exceeds the capacity of that provider, priority shall be given to the lowest achieving eligible students.~~

~~Once a provider has been selected by a parent/guardian, the Superintendent or designee shall enter into an agreement with the provider. The agreement shall: (20 USC 6316)~~

~~1. Require the district to develop, in consultation with the parents/guardians and the provider, a student learning plan which includes specific achievement goals for the student, a description of how the student's progress will be measured, and a timetable for improving achievement. In the case of a student with disabilities, the student learning plan shall be consistent with the student's IEP.~~

~~2. Describe how the student's parents/guardians and teacher(s) will be regularly informed of the student's progress.~~

~~3. Provide for the termination of the agreement if the provider is unable to meet such goals and timetables.~~

~~4. Contain provisions with respect to the district making payments to the provider.~~

~~5. Prohibit the provider, without written parent/guardian permission, from disclosing to the public the identity of any student eligible for or receiving supplemental educational services.~~

~~(cf. 5125.1 Release of Directory Information)~~

Regulation    CAMPBELL UNION SCHOOL DISTRICT

approved: May 22, 2004    Campbell, California

revised: August 28, 2003

revised: January 13, 2005

revised: June 18, 2009

revised: August 21, 2014

E 0520.2 was deleted. (Campbell Union School District never had this exhibit.)

# BP 0520.3 Campbell Union ESD

## Board Policy

### Title I Program Improvement Districts

BP 0520.3

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

The Governing Board desires to continuously improve educational programs and district operations to enable all students to achieve proficiency. The Superintendent or designee shall ensure the implementation and coordination of all district improvement plans and shall annually ~~review and analyze~~ report to the Board the district's performance in making adequate yearly progress (AYP) toward student achievement standards, ~~in accordance with criteria established by the State Board of Education (SBE). The Board's review shall include an evaluation of whether district improvement efforts are aligned and adequately focused on increasing achievement levels for all students. As necessary, the Board and the Superintendent or designee shall take steps to improve district operations and programs to enable students to achieve proficiency.~~

(cf.0460-Local Control and Accountability Plan)

(cf. 0500 - Accountability)

(cf. 6011 - Academic Standards)

(cf. 6162.51 - Standardized Testing and Reporting Program)

Year 1-2 PI: Revision and Implementation of LEA Plan

~~In the event that the district is identified for PI by the CDE, the Superintendent or designee shall, in accordance with law and administrative regulation, notify parents/guardians, administer a district self-assessment process, and revise the LEA plan. (20 USC 6316; Education Code 52055.57)~~

The District shall implement all actions required for the Title I program improvement (PI) as required by law and the California Department of Education (CDE).

The development of district improvement strategies shall be based upon the results of a self assessment conducted with state program assessment tools that identify specific problems contributing to low student achievement.

Each year that the district is in PI status, it shall:

1. Review the Title I local educational agency (LEA) plan and, as needed, revise the plan. Revisions may be made in an addendum to the existing plan. The revised LEA plan or plan addendum shall be approved by the Board and electronically submitted to the CDE.  
(cf. 6171-Title 1 Programs)

2. Reserve and spend at least 10 percent of its Title I, Part A allocation to provide high-quality professional development for instructional staff  
(cf. 4131-Staff Development)

~~The revised LEA plan or plan addendum shall be approved by the Board and submitted to the CDE. The Superintendent or designee shall regularly report to the Board regarding the implementation of the plan during Years 1 and 2 of the program.~~

~~The Superintendent or designee shall utilize available state and local resources to identify specific problems contributing to low student achievement and provide technical assistance and support to resolve those problems. He/she also shall work closely with individual school sites to raise student achievement in accordance with school plans.~~

~~(cf. 0520.1—High Priority Schools Grant Program)  
(cf. 0520.2—Title I Program Improvement Schools)~~

~~Year 3 PI: Corrective Action~~

~~If the district does not make AYP after two years of receiving program funding, In addition, during Year 3 of PI or beyond, the Board shall cooperate with the Superintendent of Public Instruction (SPI) and the State Board of Education (SBE) in the identification and implementation of appropriate corrective actions. As applicable, the district shall implement the recommendations of the district assistance and intervention team (DAIT) that has been assigned to assist the district pursuant to Education Code 52055.57~~

The Superintendent or designee shall submit to the CDE an annual report regarding the district's evidence of progress, including a summary description of the district's progress toward implementing the strategies in the LEA plan, an analysis of the district's progress toward student achievement goals in the LEA plan based on state or local assessment data, and documentation that the Board has been notified of the report.

BP 0520.3(d)

~~The Board shall enter into a contract with a district assistance and intervention team (DAIT) whenever the SPI and SBE determine this to be the most appropriate corrective action. Upon receiving a report of recommendations from the DAIT: (Education Code 52055.57, 52059)~~

~~1. The Board may, not later than 30 days after completion of the report, appeal to the SPI to be exempted from implementing one or more of the report's recommendations.~~

~~2. Not later than 60 days after completion of the report, the Board shall, at a regularly scheduled meeting, adopt the report recommendations, as modified by any exemptions granted by the SPI.~~

~~The Superintendent or designee shall establish a district leadership team to collaborate with the DAIT in the development and implementation of an action plan to address high priority needs. This team may include site and district administrators, teacher leaders, special education teachers, English learner experts, fiscal officers, and other key personnel, as appropriate.~~

~~The Board and the Superintendent or designee shall monitor the district's progress in implementing the DAIT's recommendations and shall continually use student performance data to determine whether additional district or school site changes are necessary to improve student achievement.~~

Legal Reference:

[BP 0520.3 \(e\)](#)

EDUCATION CODE

52055.57-52055.59 Districts identified or at risk of identification for program improvement

52059 Statewide system of school support

UNITED STATES CODE, TITLE 20

6301 Title I program purpose

6311 [State Plan Adequate yearly progress](#)

6312 Local educational agency plan

~~6316 School and district improvement~~

6321 Fiscal responsibilities

~~CODE OF FEDERAL REGULATIONS, TITLE 34~~

~~200.13-200.20 Adequate yearly progress~~

~~200.30-200.35 Identification of program improvement schools~~

~~200.36-200.38 Notification requirements~~

~~200.52-200.53 District improvement~~

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

[Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016](#)

[Local Educational Agency Program Improvement Plan Addendum Template, rev. April 2016](#)

[Blueprint for District Assistance and Intervention, 2008](#)

[2007 Adequate Yearly Progress Report Information Guide, August 2007](#)

[A Training Guide for Local Educational Agencies and Schools: Program Improvement, September 2006](#)

[U.S. DEPARTMENT OF EDUCATION GUIDANCE](#)

[LEA and School Improvement Non-Regulatory Guidance, rev. July 21, 2006](#)

#### WEB SITES

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

California Department of Education, Program Improvement:

<http://www.cde.ca.gov/ta/ac/ti/programimprov.asp>

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

Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: March 12, 2009 Campbell, California

# ~~AR 0520.3 Campbell Union ESD~~

## ~~Administrative Regulation~~

### ~~Title I Program Improvement Districts~~

~~AR 0520.3~~

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

#### ~~Year 1-2 Program Improvement (PI): Revision and Implementation of LEA Plan~~

~~(cf. 0520.2—Title I Program Improvement Schools)~~

~~(cf. 6171—Title I Programs)~~

~~4. Within three months after the district's identification for PI, develop or revise the LEA plan in consultation with parents/guardians, school staff, and others. This plan shall reflect the findings of the self-assessment and shall: (20 USC 6316; 34 CFR 200.52; Education Code 52055.57)~~

~~a. Incorporate scientifically based research strategies that will strengthen the core academic program in district schools~~

~~b. Identify actions that have the greatest likelihood of improving student achievement in meeting the state's academic achievement standards~~

~~c. Address the professional development needs of the instructional staff by committing to spending at least 10 percent of the district's allocation of Title I, Part A, funds for professional development~~

~~(cf. 4131—Staff Development)~~

~~(cf. 4331—Staff Development)~~

~~d. Include specific measurable achievement goals and targets for each of the student subgroups identified pursuant to 20 USC 6311, especially those that did not make adequate yearly progress (AYP)~~

~~e. Address the fundamental teaching and learning needs in the district's schools and the specific academic problems of low-achieving students, including a determination of why the district's prior plan failed to bring about increased student academic achievement~~

~~f. Incorporate, as appropriate, student learning activities before school, after school, during the summer, and during any extension of the school year~~

~~(cf. 5148.2—Before/After School Programs)~~

~~(cf. 6176—Weekend/Saturday Classes)~~

~~(cf. 6177—Summer School)~~

~~(cf. 6179—Supplemental Instruction)~~

~~g. Specify the responsibilities of the district and the state under the plan, including the district's fiscal responsibilities under 20 USC 6321 and the technical assistance to be provided by the state~~

~~h. Include strategies to promote effective parent/guardian involvement in district schools~~

~~(cf. 6020—Parent Involvement)~~

~~5. Contingent upon state funding, after working with the County Superintendent or an external verifier, contract with an external provider to provide support and implement recommendations to assist the district in resolving shortcomings identified in the verified self-assessment (Education Code 52055.57)~~

~~6. Implement the LEA plan expeditiously, but not later than the beginning of the next school year after the school year in which the district administered the assessments that resulted in its PI identification (20 USC 6316; 34 CFR 200.52; Education Code 52055.57)~~

~~The district shall exit PI status when it makes AYP for two consecutive years. (20 USC 6316; 34 CFR 200.53; Education Code 52055.57)~~

### ~~Year 3 PI: Corrective Action~~

~~If the district fails to make AYP by the end of the second year in PI, it shall be subject to corrective actions determined by the State Board of Education (SBE). (20 USC 6316; 34 CFR 200.53; Education Code 52055.57)~~

~~If the SBE takes any corrective action other than, or in addition to, the appointment of a district assistance and intervention team (DAIT), the Superintendent or designee shall appear before the SBE within Year 3 of PI to review the district's progress. The Superintendent or designee, the DAIT, and/or the County Superintendent shall provide testimony and written data sufficient for the SBE to determine whether an alternative corrective action is needed. (Education Code 52055.57)~~

# BP 1312.3 Campbell Union ESD

## Board Policy

### Uniform Complaint Procedures

BP 1312.3

#### Community Relations

The Governing Board recognizes that the district is primarily responsible for ensuring that it complies with state and federal laws and regulations governing educational programs. The district shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination and shall seek to resolve those complaints in accordance with the district's uniform complaint procedures. (5 CCR 4620)

The district shall follow uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified under Education Code 200 and 220, Penal Code 422.55, or Government Code 11135, including age, marital or parental status, actual or perceived sex, sexual orientation, gender, gender identity, gender expression, or genetic information, ethnic group identification, race, ancestry, national origin, religion, color, physical or mental disability; or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity that receives or benefits from state financial assistance.

Uniform complaint procedures shall also be followed when addressing complaints alleging failure to comply with state and or federal laws in collection of student fees, consolidated categorical aid programs, child care and development programs, [after school education and safety programs](#), child nutrition programs, special education programs, and the development and adoption of the school safety plan (5 CCR 4610).

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 3260 - Fees and Charges)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5148 - Child Care and Development)

[\(cf. 5148.2 - Before/After School Programs\)](#)

(cf. 6159 - Individualized Education Program)

(cf. 6171 - Title I Programs)

(cf. 6174 - Education for English Language Learners)

Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments shall be investigated pursuant to the district's Williams uniform complaint procedures (AR 1312.4).

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

This process includes:

1. Level 1 - Discussion with teacher (if appropriate).

If resolution is not reached refer to item #2 below.

2. Level 2 - Discussion with principal

If resolution is not reached refer to item #3 below.

3. Level 3 - Discussion with Assistant/~~Associate/Deputy~~ Superintendent of Human Resources, ~~Assistant Superintendent of~~ Instructional Services or ~~Assistant Superintendent of~~ Administrative Services, as appropriate.

The Board acknowledges and respects every individual's right to privacy while at the same time emphasizing its responsibility for the safety of all students and employees. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties, the facts, and the integrity of the process. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board prohibits retaliation in any form for the participation in complaint procedures, including but not limited to the filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate a mediation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedures

35186 Williams uniform complaint procedures

37254 Intensive instruction and services for students who have not passed exit exam

41500-41513 Categorical education block grants

48985 Notices in language other than English

49010-49013 Student fees

49060-49079 Student records

49490-49590 Child nutrition programs

52160-52178 Bilingual education programs

52300-52490 Career technical education

52500-52616.24 Adult schools

52800-52870 School-based program coordination

54000-54028 Economic impact aid programs

54100-54145 Miller-Unruh Basic Reading Act

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56867 Special education programs

59000-59300 Special schools and centers

64000-64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section  
4600-4687 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs  
UNITED STATES CODE, TITLE 20  
6301-6577 Title I basic programs  
6601-6777 Title II preparing and recruiting high quality teachers and principals  
6801-6871 Title III language instruction for limited English proficient and immigrant students  
7101-7184 Safe and Drug-Free Schools and Communities Act  
7201-7283g Title V promoting informed parental choice and innovative programs  
7301-7372 Title V rural and low-income school programs

Management Resources:

WEB SITES

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

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

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

Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: August 27, 1998 Campbell, California

revised: August 24, 2006

revised: January 22, 2009

revised: June 20, 2013

revised: March 27, 2014

# AR 1312.3 CAMPBELL UNION SCHOOL DISTRICT

## Administrative Regulation

### Uniform Complaint Procedures

AR 1312.3

### Community Relations

#### Compliance Officers

The Governing Board designates the following compliance officer to receive and investigate complaints and ensure district compliance with law:

Associate Superintendent, Human Resources  
155 North Third Street  
Campbell, CA 95008  
(408) 341-7213

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which s/he has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against or implicating a compliance officer or that raises concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

The compliance officer, or if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall

consult with the Superintendent or designee, or if appropriate, the site principal to implement, if possible, one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

## Notifications

The Superintendent or designee shall meet the uniform notification requirements of 5 CCR 4622, including the annual written notification of district complaint procedures and information to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

The Superintendent or designee shall make available copies of the district's uniform complaint procedures free of charge. (5 CCR 4622)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying.
4. Include statements that:
  - a. The district is primarily responsible for compliance with state and federal laws and regulations.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of

the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.

d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.

e. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances. If the allegation involves retaliation or unlawful discrimination and the investigation reveals that discrimination has occurred, the district will take steps to prevent recurrence of discrimination and correct its discriminatory effect ~~of~~ on the complainant, and on others, if appropriate.

f. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

g. The Board is required to adopt and annually update the Local Control Accountability Plan (LCAP) in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.

h. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as responsibilities of the district liaison for foster youth to ensure and facilitate those requirements and to assist the student in transferring the student's records when s/he transfers between schools within the district and another district.

ie. In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the complainant shall also have ~~The complainant has a~~ the right to appeal the district's decision to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving the district's decision.

jd. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

ke. Copies of the district's Uniform Complaint Procedures are available free of charge.

(cf. 5145.6 - Parental Notifications)

## Procedures

The following procedures shall be used to address all complaints alleging that the district has violated federal or state laws or regulations governing educational programs or has committed unlawful discrimination. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled and when a decision or ruling is made.

For complaints alleging unlawful discrimination, the district shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.

### Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the district. (5 CCR 4630)

Complaints alleging unlawful discrimination, harassment, intimidation, or bullying may only be filed by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation, or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint

must be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. (5 CCR 4630)

A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirements related to the LCAP may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of ~~fn~~ noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630) This

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a reference number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint. (5 CCR 4600)

#### Step 2: Investigation of Complaint

The compliance officer is encouraged to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative and the district's representatives shall also have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (5 CCR 4631)

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

The district's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

#### Step 3: Response

Within 60 calendar days of receiving the complaint the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision as described in Step 4 below unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

#### Step 4: Final Written Decision

The report of the district's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the district shall arrange a meeting at which a community member will interpret it for the complainant.

The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant and the respondent. (5 CCR 4631).

This report shall include (5 CCR 4631):

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account: (5 CCR 4631)

a. Statements made by any witnesses.

b. The relative credibility of the individuals involved.

c. How the complaining individual reacted to the incident.

d. Any documentary or other evidence related to the alleged conduct.

e. Past instances of similar conduct by any alleged offenders.

f. Past false allegations made by the complainant.

2. The conclusions of law (5 CCR 4631)

3. Disposition of the complaint (5 CCR 4631)

4. The rationale for the above disposition (5 CCR 4631)

For complaints of retaliation or unlawful discrimination the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

a. How the misconduct affected one or more students' education.

b. The type, frequency, and duration of the misconduct.

c. The relationship between the alleged victim(s) and offender(s).

d. The number of persons engaged in the conduct and at whom the conduct was directed.

e. The size of the school, location of the incidents, and context in which they occurred.

f. Other incidents at the school involving different individuals.

5. Corrective actions, if any are warranted (5 CCR 4631)

For complaints of unlawful discrimination, the decision may, as required by law include:

a. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint respondent.

b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information will not be shared with the respondent.

c. Systemic measures the school has taken to eliminate a hostile environment to prevent recurrence.

d.6. Notice of the complainant's and respondent's right to appeal the decision within 15 calendar days to the California Department of Education, and procedures to be followed for initiating such an appeal (5 CCR 4631, 4652)

67. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved.

In addition, any decision concerning a discrimination, harassment, intimidation, or bullying complaint based on state law shall include a notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies (5 CCR 4631; Education Code 262.3)

If a student or an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the individual was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges is found to have merit, the district shall provide a remedy to all affected students and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them. (Education Code 49013)

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination, appropriate corrective actions that focus on remedies that may be offered to the victim but not communicated to the respondent may include but are not limited to the following:

1. Counseling

2. Academic support

3. Health services

4. Supports to help the victim move safely about campus

5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints involving retaliation or unlawful discrimination, appropriate corrective actions that focus on a student offender may include, but are not limited to the following:

1. Transfer from school as permitted by law
2. Parent/guardian conference
3. Education/counseling regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a Student Success Team (SST)
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education (CDE). (5 CCR 4632)

The complainant shall file his/her appeal within 15 calendar days of receiving the district's decision and the appeal must specify the reason(s) for appealing the district's decision and whether the facts are incorrect and/or the law has been misapplied. The appeal must be accompanied by a copy of the locally filed complaint, and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the ~~23~~  
~~=3492[[]per'ds?>X<~~ Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint

2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's complaint procedures
7. Other relevant information requested by the CDE

The CDE may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists. In addition, the CDE may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

#### Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

For complaints alleging discrimination, harassment, intimidation, or bullying based on state law, a complainant must wait until 60 calendar days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies, provided the district has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law. (Education Code 262.3)

Regulation    CAMPBELL UNION SCHOOL DISTRICT  
approved: August 27, 1998    Campbell, California  
revised:        August 24, 2006  
revised:        January 22, 2009  
revised:        December 13, 2012  
revised:        March 27, 2014

# BP 3230 CSBA Sample (NEW POLICY)

## Board Policy

### Federal Grant Funds

BP 3230

Business and Noninstructional Operations

The Governing Board recognizes the district's responsibility to maintain fiscal integrity and transparency in the use of all funds awarded through federal grants. The district shall comply with all requirements detailed in any grant agreement with an awarding agency and with the federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards specified in 7 CFR 200.0-200.521 and any stricter state laws and district policy.

Any goods or services purchased with federal funds shall be reasonable in cost and necessary for the proper and efficient performance or administration of the program.

The Superintendent or designee shall ensure that the district's financial management systems and procedures provide for the following: (2 CFR 200.302)

1. Identification in district accounts of each federal award received and expended and the federal program under which it was received

(cf. 3100 - Budget)

2. Accurate, current, and complete disclosure of the financial and performance results of each federal award or program in accordance with the reporting requirements of 2 CFR 200.327 and 200.328

(cf. 3460 - Financial Reports and Accountability)

3. Records and supporting documentation that adequately identify the source and application of funds for federally funded activities, including information pertaining to federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

4. Effective controls and accountability for all funds, property, and other assets and assurance that all assets are used solely for authorized purposes
5. Comparison of actual expenditures with budgeted amounts for each federal award
6. Written procedures to implement provisions governing payments as specified in 2 CFR 200.305
7. Written procedures for determining the allowability of costs in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award

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

The Superintendent or designee shall develop and implement appropriate internal control processes to reasonably assure that transactions are properly executed, recorded, and accounted for so that the district can prepare reliable financial statements and federal reports, maintain accountability over assets, and demonstrate compliance with federal laws, regulations, and conditions of the federal award. (2 CFR 200.61, 200.62, 200.303)

Equipment purchased with federal funds shall be properly inventoried and adequately maintained to safeguard against loss, damage, or theft of the property.

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

(cf. 3440 - Inventories)

(cf. 3512 - Equipment)

All staff involved in the administration or implementation of programs and activities supported by federal funds shall receive information and training on the allowable use of federal funds, purchasing procedures, and reporting processes commensurate with their duties.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The district shall submit performance reports to the awarding agency in accordance with the schedule and indicators required for that federal grant by law and the awarding agency. As required, such reports may include a comparison of actual accomplishments to the objectives of the federal award, the relationship between financial data and performance accomplishments, the reasons that established goals were not met if applicable, cost information to demonstrate cost

effective practices, analysis and explanation of any cost overruns or high unit costs, and other relevant information. The final performance report shall be submitted within 90 days after the ending date of the grant. (2 CFR 200.301, 200.328)

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

42122-42129 Budget requirements

CODE OF FEDERAL REGULATIONS, TITLE 2

180.220 Amount of contract subject to suspension and debarment rules

200.0-200.521 Federal uniform grant guidance, especially:

200.1-200.99 Definitions

200.100-200.113 General provisions

200.317-200.326 Procurement standards

200.327-200.329 Monitoring and reporting

200.333-200.337 Record retention

200.400-200.475 Cost principles

200.500-200.521 Audit requirements

CODE OF FEDERAL REGULATIONS, TITLE 34

76.730-76.731 Records related to federal grant programs

CODE OF FEDERAL REGULATIONS, TITLE 48

2.101 Federal acquisition regulation; definitions

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Department of Education Audit Guide

California School Accounting Manual

EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Questions and Answers Regarding 2 CFR Part 200, March 17, 2016

WEB SITES

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

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

Office of Management and Budget, Uniform Guidance:

[https://www.whitehouse.gov/omb/grants\\_docs](https://www.whitehouse.gov/omb/grants_docs)

State Controller's Office: <http://www.sco.ca.gov>

System for Award Management (SAM): [www.sam.gov/portal/SAM/##11](http://www.sam.gov/portal/SAM/##11)

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

U.S. Government Accountability Office: <http://www.gao.gov>

## AR 3230 CSBA Sample (new administrative regulation)

### Administrative Regulation

Federal Grant Funds

AR 3230

Business and Noninstructional Operations

#### Allowable Costs

Prior to obligating or spending any federal grant funds, the Superintendent or designee shall determine whether a proposed purchase is an allowable expenditure of federal funds in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award. He/she shall also determine whether the expense is a direct or indirect cost as defined in 2 CFR 200.413 and 200.414 and, if the purchase will benefit other programs not included in the grant award, the appropriate share to be allocated to the federal grant.

(cf. 3350 - Travel Expenses)

The Superintendent or designee shall review and approve all transactions involving federal grant funds and shall ensure the proper coding of expenditures consistent with the California School Accounting Manual.

(cf. 3300 - Expenditures and Purchases)

(cf. 3314 - Payment for Goods and Services)

#### Period of Performance

All obligations of federal funds shall occur on or between the beginning and ending dates of the grant project and shall be paid no later than 90 days after the end of the funding period, unless specifically authorized by the grant award to be carried over beyond the initial term of the grant. (2 CFR 200.77, 200.308, 200.309, 200.343)

#### Procurement

On or before July 1, 2017, or such later date as may be approved in the Uniform Guidance, the Superintendent or designee shall comply with the standards specified in 2 CFR 200.317-200.326

and Appendix II of Part 200 when procuring goods and services needed to carry out a federal grant as well as any more restrictive state laws and district policies concerning the procurement of goods and services.

As appropriate to encourage greater economy and efficiency, the Superintendent or designee shall avoid acquisition of unnecessary or duplicative items, give consideration to consolidating or breaking out procurements, analyze lease versus purchase alternatives, consider entering into an interagency agreement for procurement of common or shared goods and services, and/or use federal excess or surplus property. (2 CFR 200.318)

The procurement of goods or services with federal funds shall be conducted in a manner that provides full and open competition in accordance with state laws and district regulations and the following requirements:

1. Any purchase of supplies or services that does not exceed the "micro-purchase" threshold specified in 48 CFR 2.101 may be awarded without soliciting competitive quotes, provided that the district considers the price to be reasonable and maintains written evidence of this reasonableness in the record of all micro-purchases. (2 CFR 200.67, 200.320)

2. For any purchase that exceeds the micro-purchase threshold but is less than the bid limit required by Public Contract Code 20111, the Superintendent or designee shall utilize "small-purchase" procedures that include obtaining price or rate quotes from an adequate number of qualified sources. (2 CFR 200.320)

3. Contracts for goods or services over the bid limits required by Public Contract Code 20111 shall be awarded pursuant to California law and AR 3311 - Bids, unless exempt from bidding under the law.

(cf. 3311 - Bids)

4. If a purchase is exempt from bidding and the district's solicitation is by a request for proposals, the award may be made by either a fixed-price or cost-reimbursement type contract awarded to the entity whose proposal is most advantageous to the program, with price and other factors considered. (2 CFR 200.320)

(cf. 3312 - Contracts)

5. Procurement by noncompetitive proposals (sole sourcing) may be used only when the item is available from a single source, the need or emergency will not permit a delay resulting from competitive solicitation, the awarding agency expressly authorizes sole sourcing in

response to the district's request, and/or competition is determined inadequate after solicitation of a number of sources. (2 CFR 200.320)

6. Time and materials type contracts may be used only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general administrative expenses, and profit. (200.328)

For any purchase of \$25,000 or more, the Superintendent or designee shall verify that any vendor which is used to procure goods or services is not excluded or disqualified by the federal government. (2 CFR 180.220, 200.213)

All solicitations shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description shall avoid detailed product specifications to the extent possible, but may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. When it is impractical or not economical to make a clear and accurate description of the technical requirements, a brand name or equivalent description may be used to define the performance or other salient requirements of procurement, clearly stating the specific features of the named brand which must be met by offers. In addition, every solicitation shall identify all requirements which the offer must fulfill and any other factors to be used in evaluating bids or proposals. (2 CFR 200.319)

The Superintendent or designee shall maintain sufficient records to document the procurement, including, but not limited to, the rationale for the method of procurement, selection of the contract type, contractor selection or rejection, and the basis for the contract price. (2 CFR 200.318)

The Superintendent or designee shall ensure that all contracts for purchases using federal grant funds contain the applicable contract provisions described in Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. (2 CFR 200.326)

#### Capital Expenditures

The Superintendent or designee shall obtain prior written approval from the awarding agency before using federal funds to make capital expenditures, including the acquisition of land, facilities, equipment, and intellectual property and expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or

alterations to capital assets that materially increase their value or useful life. (2 CFR 200.12, 200.13, 200.20, 200.33, 200.48, 200.58, 200.89, 200.313, 200.439)

#### Conflict of Interest

No Governing Board member, district employee, or district representative shall participate in the selection, award, or administration of a contract supported by federal funds if he/she has a real or apparent conflict of interest, such as when he/she or a member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of them has a financial interest in or a tangible personal benefit from a firm considered for a contract. Such persons are prohibited from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or subcontractors unless the gift is an unsolicited item of nominal value. (2 CFR 200.318)

Employees engaged in the selection, award, and administration of contracts shall also comply with BB 9270 - Conflict of Interest.

(cf. 9270 - Conflict of Interest)

#### Cash Management

The Superintendent or designee shall ensure the district's compliance with 2 CFR 200.305 pertaining to payments and cash management, including compliance with applicable methods and procedures that minimize the time elapsing between the transfer of funds to the district and the district's disbursement of funds. (2 CFR 200.305)

When authorized by law, the district may receive advance payments of federal grant funds, limited to the minimum amounts needed and timed in accordance with the actual immediate cash requirements of the district for carrying out the purpose of the program or project. Except under specified conditions, the district shall maintain the advance payments in an interest-bearing account. The district shall remit interest earned on the advanced payment to the awarding agency on an annual basis, but may retain interest amounts specified in 2 CFR 200.305 for administrative expenses. (2 CFR 200.305)

When required by the awarding agency, the district shall instead submit a request for reimbursement of actual expenses incurred. The district may also request reimbursement as an alternative to receiving advance payments. (2 CFR 200.305)

The Superintendent or designee shall maintain source documentation supporting the expenditure of federal funds, such as invoices, time sheets, payroll stubs, or other appropriate documentation.

## Personnel

All district employees who are paid in full or in part with federal funds, including employees whose salary is paid with state or local funds but is used to meet a required match or in-kind contribution to a federal program, shall document the amount of time they spend on grant activities. (2 CFR 200.430)

## Records

Except as otherwise provided in 2 CFR 200.333, or where state law or district policy requires a longer retention period, financial records, supporting documents, statistical records, and all other district records related to a federal award shall be retained for a period of three years from the date of submission of the final expenditure report or, for a federal award that is renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report. (2 CFR 200.333)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

## Audits

Whenever the district expends \$750,000 or more in federal grant funds during a fiscal year, it shall arrange for either a single audit or a program-specific audit in accordance with 2 CFR 200.507 or 200.514. (2 CFR 200.501)

The Superintendent or designee shall ensure that the audit meets the requirements specified in 2 CFR 200.500-200.521.

Specified records pertaining to the audit of federal funds expended by the district shall be transmitted to the clearinghouse designated by the federal Office of Management and Budget and shall be made available for public inspection. Such records shall be transmitted within 30 days after receipt of the auditor's report or within nine months after the end of the audit period, whichever is sooner, unless a longer period is agreed to in advance by the federal agency or a different period is specified in a program-specific audit guide. (2 CFR 200.512)

In the event that the audit identifies any deficiency, the Superintendent or designee shall promptly act to either correct the identified deficiency, produce recommended improvements, or demonstrate that the audit finding is invalid or does not warrant action. (2 CFR 200.26, 200.508, 200.511)

BP 3270 Campbell Union ESD

# Campbell Union ESD

## Board Policy

### Sale And Disposal Of Books, Equipment And Supplies

BP 3270

#### Business and Noninstructional Operations

The Governing Board recognizes its fiscal responsibility to maximize the use of district equipment, supplies, instructional materials, and other personal property while providing up-to-date resources that facilitate student learning and effective district operations. When the Board, upon recommendation of the Superintendent or designee, declares any district-owned personal property unusable, obsolete, or no longer needed, the Board shall determine the estimated value of the property and shall decide whether the property will be donated, sold, or otherwise disposed of as prescribed by law and administrative regulation.

(cf. 0440 - District Technology Plan)

(cf. 3512 - Equipment)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

The Board shall approve the price and terms of any sale or lease of personal property of the district.

If the Board members who are in attendance at a meeting unanimously agree that the property, whether one or more items, does not exceed \$2,500 in value, the property may be sold without advertising for bids. (Education Code 17546)

(cf. 9323.2 - Actions by the Board)

If the Board members who are in attendance at a meeting unanimously find that the value of the property is insufficient to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the Board or may be disposed of by dumping in the local public dump. (Education Code 17546)

Instructional materials shall be considered obsolete or unusable by the district if they have been replaced by more recent editions or new materials selected by the Board, are not aligned with the district's academic standards or course of study, and have no foreseeable value in other instructional areas. Such materials may be sold or donated if they continue to serve educational purposes that would benefit others outside the district. Instructional materials are not appropriate for sale or donation if they meet any of the following criteria:

1. Contain information rendered inaccurate or incomplete by new research or technologies
2. Contain demeaning, stereotyping, or patronizing references to any group of persons protected against discrimination by law or Board policy
3. Are damaged beyond use or repair

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

(cf. 1312.4 - Williams Uniform Complaint Procedures)

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

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

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

The Superintendent or designee shall establish procedures to be used whenever the district sells equipment or supplies originally acquired under a federal grant or subgrant. Such procedures shall be designed to ensure the highest possible return. (~~342~~ CFR ~~80.32200.313~~)

(cf. 3440 - Inventories)

#### Legal Reference:

##### EDUCATION CODE

17540-17542 Sale or lease of personal property by one district to another

17545-17555 Sale of personal property

35168 Inventory, including record of time and mode of disposal

60510-60530 Sale, donation, or disposal of instructional materials

##### GOVERNMENT CODE

25505 District property; disposition; proceeds

##### CODE OF REGULATIONS, TITLE 5

3944 Consolidated categorical programs, district title to equipment

3946 Disposal of equipment purchased with state and federal consolidated application funds

##### UNITED STATES CODE, TITLE 40

549 Surplus property

##### CODE OF FEDERAL REGULATIONS, TITLE ~~342~~

200.0-200.521 Federal uniform grant guidance

~~80.32-80.33 Equipment and supplies acquired under a grant or subgrant~~

#### Management Resources:

##### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Standards for Evaluating Instructional Materials for Social Content, 2013

##### WEB SITES

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

School Services of California, Inc.: <http://www.sscal.com>

Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: August 27, 1998 Campbell, California

revised: March 25, 2010

revised: March 31, 2016

revised: October 2016

AR 3270 Campbell Union ESD

# Campbell Union ESD

## Administrative Regulation

### Sale And Disposal Of Books, Equipment And Supplies

AR 3270

#### Business and Noninstructional Operations

##### Instructional Materials

Surplus or undistributed obsolete instructional materials that are usable for educational purposes may be sold by the district. Alternatively, such materials may be donated to: (Education Code 60510)

1. Another district, county free library, or other state institution
2. A United States public agency or institution
3. A nonprofit charitable organization
4. Children or adults in California or foreign countries for the purpose of increasing the general literacy of the people

(cf. 0440 - District Technology Plan)

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

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

Any organization, agency, or institution receiving obsolete instructional materials donated by the district shall certify to the Governing Board that it agrees to make no charge to any persons to whom it gives or lends these materials. (Education Code 60511)

(cf. 9323 - Meeting Conduct)

Surplus or undistributed obsolete instructional materials which are unusable or which cannot be distributed as specified above may be disposed of by either of the following: (Education Code 60530)

1. Mutilated as not to be salable as instructional materials and sold for scrap or for use in the manufacture of paper pulp or other substances at the highest obtainable price
2. Destroyed by any economical means, provided that the materials are not destroyed until ——— at least 30 days after the district has given notice to all persons who have filed a request

for such notice

(cf. 3510 - Green School Operations)  
(cf. 3511.1 - Integrated Waste Management)

#### Equipment/Supplies Acquired with Federal Funds

When the district has a need to replace equipment originally purchased with funds from a federal grant or subgrant, it may, subject to the approval of the agency that awarded the grant, trade in the original equipment or sell the property and use the proceeds to offset the cost of the replacement property. (~~34-2~~ CFR 80.32200.313)

(cf. 3230 - Federal Grant Funds)

When any original or replacement equipment or supplies acquired under a federal grant or subgrant are no longer needed for the original project or program or for other federally supported activities, the district may retain or sell such items or, if the item has a current fair market value of less than \$5,000, may otherwise dispose of the item in a manner approved by the Board. Whenever the district sells equipment or supplies that have a current fair market value of \$5,000 or more, it shall provide an amount to the federal agency equal to the agency's share of the current market value of the equipment or the proceeds from the sale of the equipment or supplies. (~~34-2~~ CFR 80.32-80.33200.313, 200.314)

In the event that the district is provided equipment that is federally owned, the district shall request disposition instructions from the federal agency when it no longer needs the equipment. (~~34-2~~ CFR 80.32200.313)

#### Other Personal Property

The district may sell other surplus or obsolete district-owned personal property through any of the following methods:

1. The Superintendent or designee may advertise for bids by posting a notice in at least three public places in the district for at least two weeks, or by publishing a notice at least once a week for at least two weeks in a newspaper having a general circulation in the district and, if possible, publishing within the district. The district shall sell the property to the highest responsible bidder or shall reject all bids. (Education Code 17545, 17548)

———Property for which no qualified bid has been received may be sold, without further advertising, by the Superintendent or designee. (Education Code 17546)

(cf. 3311 - Bids)

2. The property may be sold by means of a public auction conducted by district employees, employees of other public agencies, or by contract with a private auction firm. (Education Code

17545)

3. The district may sell the property without advertising for bids under any of the following conditions:

a. The Board members in attendance at a meeting have unanimously determined that the property does not exceed \$2,500 in value. (Education Code 17546)

(cf. 9323.2 - Actions by the Board)

b. The district sells the property to agencies of the federal, state, or local government, to any other school district, or to any agency eligible under the federal surplus property law and the sale price equals the cost of the property plus the estimated cost of purchasing, storing, and handling. (Education Code 17540; 40 USC 549)

c. The district sells or leases the property to agencies of the federal, state, or local government or to any other school district and the price and terms of the sale or lease are fixed by the Board and approved by the County Superintendent of Schools. (Education Code 17542)

Money received from the sale of surplus personal property shall be either deposited in the district reserve or general fund or credited to the fund from which the original purchase was made. (Education Code 17547)

(cf. 3100 - Budget)

Regulation CAMPBELL UNION SCHOOL DISTRICT

approved: August 27, 1998 Campbell, California

revised: March 25, 2010

revised: March 31, 2016

revised: October, 2016

# AR 3440 Campbell Union ESD

## **Administrative Regulation**

### **Inventories**

AR 3440

### **Business and Noninstructional Operations**

In order to provide for the proper tracking and control ~~for~~of district property, the Superintendent or designee shall maintain an inventory of equipment in accordance with law for the following:

1. All equipment items currently valued in excess of \$500 (Education Code 35168)
2. All equipment items purchased with state and/or federal categorical funds that have a useful life of more than one year with an acquisition cost of \$500 or more per unit

(cf. 3290 - Gifts, Grants and Bequests)

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

(cf. 3512 - Equipment)

In addition, the Superintendent or designee may maintain a list of specific items which shall be inventoried for internal control purposes regardless of their initial cost or current value.

The inventory shall contain a record of the following information: (education Code 35168; 5 CCR 3946)

1. Name and description of the property
2. Identification number
3. Original cost of the item of equipment or a reasonable estimate if the original cost is unknown
4. Date of acquisition
5. Location of use
6. The date and method of disposal

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

In addition to the information specified in items #1-6 above, the following information shall be recorded for equipment acquired with state and/or federal categorical funds unless otherwise specified in law: (~~34 CFR 80.32~~; 5 CCR 3946, 2 CFR 200.313)

1. Source of the property (funding source)
2. Titleholder
3. Percentage of federal participation in the cost of the property
4. Use and condition of property
5. Sale price of the property upon disposition and method used to determine current fair market value

(cf. 3230 - Federal Grant Funds)

At the time of purchase, the Superintendent or designee shall affix a label to the equipment containing the identification number and the district name. Equipment items purchased with categorical program funds shall also be labeled with the name of the project in accordance with 5 CCR 3946.

Whenever an equipment item is moved to a new location or the equipment is used for a new purpose, the new location or purpose shall be recorded in the inventory.

A copy of the inventory shall be kept at the district office and at the appropriate school site.

(cf. ~~3850-3580~~ - District Records)

The Superintendent or designee shall annually submit an inventory listing of federally owned property in its custody to the federal agency that granted the award. (2 CFR 200.312)

### Physical Inventory

At least once every two years, a physical inventory of equipment shall be conducted and the results reconciled with the property records. (~~34~~2 CFR ~~80.32~~300.313)

The Superintendent or designee shall establish procedures for conducting the physical inventory which shall include, but not be limited to, designation of person(s) responsible for coordinating and conducting the inventory, preparation and distribution of count sheets, ~~and~~ procedures for

implementing the inventory, and procedures for conducting a recount to substantiate the validity of the inventory.

The Superintendent or designee shall investigate any differences between the quantities determined by the physical inspection and those in the accounting records.

Legal Reference:

EDUCATION CODE

35168 Inventory of equipment

CODE OF REGULATIONS, TITLE 5

3946 Control, safeguards, disposal of equipment purchased with consolidated application funds

16022-16023 Classification of records

16035 Historical inventory of equipment

UNITED STATES CODE, TITLE 20

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

CODE OF FEDERAL REGULATIONS, TITLE 342

200.0-200.521 Federal uniform grant guidance

~~80.1-80.52 Uniform administrative requirements for grants to state and local governments~~

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual, 2008

~~OFFICE OF MANAGEMENT AND BUDGET COMMUNICATIONS~~

~~Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, rev. May 10, 2004~~

WEB SITES

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

School Services of California, Inc.: <http://www.sscal.com>

White House, Office of Management and Budget: <http://www.whitehouseomb.gov/omb>

Regulation CAMPBELL UNION SCHOOL DISTRICT

approved: August 27, 1998 Campbell, California

revised: December 10, 2009

revised: October, 2016

# AR 3460 Campbell Union ESD

## **Administrative Regulation**

### **Financial Reports and Accountability**

AR 3460

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

##### Interim Reports

Each interim fiscal report developed pursuant to Education Code 42130 shall include an assessment of the district budget as revised to reflect current information regarding the adopted state budget, district property tax revenues, if any, and ending balances for the preceding fiscal year. (Education Code 42130, 42131)

The interim reports shall be based on State Board of Education (SBE) criteria and standards which address fund and cash balances, reserves, deficit spending, estimation of average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected local control funding formula (LCFF) revenue, salaries and benefits, other revenues and expenditures, and facilities maintenance. For purposes of assessing projections of LCFF revenue, the first interim report shall be compared to the adopted district budget, and the second interim report shall be compared to the projections in the first interim report. (Education Code 42130; 5 CCR 15453-15464)

(cf. 3100 - Budget)

(cf. 3220.1 - Lottery Funds)

(cf. 3300 - Expenditures and Purchases)

(cf. 3314 - Payment for Goods and Services)

The report shall also provide supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, contingent revenues, contributions (i.e., projected contributions from unrestricted general fund resources to restricted general fund resources, projected transfers to or from the general fund to cover operating deficits in the general fund or any other fund, and capital project cost overruns that may impact the general fund budget), long-term commitments, unfunded liabilities, temporary interfund borrowings, the status of labor agreements, and the status of other funds. (Education Code 42130; 5 CCR 15453, 15464)

(cf. 3110 - Transfer of Funds)

##### Audit Report

The Superintendent or designee shall establish a timetable for the completion and review of the annual audit within the deadlines established by law.

The Superintendent or designee shall provide the necessary financial records and cooperate with the auditor selected by the Governing Board to ensure that the audit report contains all information required by law and the Governmental Accounting Standards Board (GASB).

The audit shall include an audit of income and expenditures by source of funds for all funds of the district, including the student body and cafeteria funds and accounts, state and federal grant accounts, and any other funds under the control or jurisdiction of the district, as well as an audit of student attendance procedures. The audit shall also include a determination of whether LCFF funds were expended in accordance with the district's local control and accountability plan or an approved annual update of the plan. (Education Code 41020)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3230 - Federal Grant Funds)

(cf. 3430 - Investing)

(cf. 3451 - Petty Cash Funds)

(cf. 3452 - Student Activity Funds)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

~~When required by federal law, specified records pertaining to the audit of federal funds received and expended by the district shall be transmitted to the federal clearinghouse designated by the federal Office of Management and Budget and shall be made available for public inspection. Such records shall be transmitted within 30 days after receipt of the auditor's report or within nine months after the end of the fiscal year, whichever is sooner, unless a longer period is agreed to in advance by the federal agency or a different period is specified in a program specific audit guide. (31 USC 7502)~~

If an audit finding results in the district being required to repay an apportionment or pay a penalty, the district may appeal the finding to the Education Audit Appeals Panel by making an informal summary appeal within 30 days of receiving the final audit report or initiating a formal appeal within 60 days of receiving the report. (Education Code 41344, 41344.1)

While a public accounting firm is performing the audit of the district, it shall not provide any nonauditing, management, or other consulting services for the district except as provided in Government Auditing Standards, Amendment #3, published by the U.S. Government Accountability Office. (Education Code 41020)

Fund Balance

In accordance with GASB Statement 54, external financial reports shall report fund balances in the general fund within the following classifications based on the relative strength of constraints placed on the purposes for which resources can be used:

1. Nonspendable fund balance, including amounts that are not expected to be converted to cash, such as resources that are not in a spendable form or are legally or contractually required to be maintained intact
2. Restricted fund balance, including amounts constrained to specific purposes by their providers or by law
3. Committed fund balance, including amounts constrained to specific purposes by the Board
4. Assigned fund balance, including amounts which the Board or its designee intends to use for a specific purpose
5. Unassigned fund balance, including amounts that are available for any purpose

#### Negative Balance Report

Whenever the district reports a negative unrestricted fund balance or a negative cash balance in its annual budget or annual audit report, it shall include in the budget a statement that identifies the reasons for the negative unrestricted fund balance or negative cash balance and the steps that have been taken to ensure that the negative balance will not occur at the end of the current fiscal year. (Education Code 42127.5)

#### Non-Voter-Approved Debt Report

Upon approval by the Board to proceed with the issuance of revenue bonds or any agreement for financing school construction pursuant to Education Code 17170-17199.5, the Superintendent or designee shall notify the County Superintendent of Schools and the county auditor. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent, and the public with related repayment schedules and evidence of the district's ability to repay the obligation. (Education Code 17150)

(cf. 7214 - General Obligation Bonds)

When the Board is considering the issuance of certificates of participation and other debt instruments that are secured by real property and do not require the approval of the voters of the

district, the Superintendent or designee shall provide notice to the County Superintendent and county auditor no later than 30 days before the Board's approval to proceed with issuance. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent, and the public with information necessary to assess the anticipated effect of the debt issuance, including related repayment schedules, evidence of the district's ability to repay the obligation, and the issuance costs. (Education Code 17150.1)

#### Other Postemployment Benefits Report (GASB 45)

In accordance with GASB Statement ~~4575~~, the district's financial statements shall report the ~~annual~~ expense of nonpension other postemployment benefits (OPEBs) on an accrual basis over retirees' active working lifetime, as determined by a qualified actuary procured by the Superintendent or designee. To the extent that these OPEBs are not prefunded, the district shall report a liability on its financial statements.

(cf. 4154/4254/4354 - Health and Welfare Benefits)

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

The Superintendent or designee shall annually present the estimated accrued but unfunded cost of OPEBs and the actuarial report upon which those costs are based at a public meeting of the Board. (Education Code 42140)

The ~~amount of the~~ district's financial obligation for OPEBs shall be reevaluated every two ~~or three~~ years in accordance with GASB ~~45-75~~ ~~depending on the number of members in the OPEB plan~~.

#### Workers' Compensation Claims Report

The Superintendent or designee shall annually provide the Board, at a public meeting, information and related actuarial reports showing the estimated accrued but unfunded cost of workers' compensation claims. The estimate of costs shall be based on an actuarial report completed at least every three years by a qualified actuary. (Education Code 42141)

Regulation    CAMPBELL UNION SCHOOL DISTRICT

approved: August 27, 1998    Campbell, California

revised: January 6, 2011

revised: March 1, 2011

revised: October 24, 2013

revised: June 25, 201

revised: October 2016

# Campbell Union ESD

## Administrative Regulation

### Equipment

AR 3512

#### Business and Noninstructional Operations

District equipment shall be used primarily for educational purposes and/or to conduct district business. The Superintendent or designee shall ensure that all employees, students, and other users understand the appropriate use of district equipment and that any misuse may be cause for disciplinary action or loss of user privilege.

- (cf. 0440 - District Technology Plan)
- (cf. 3515.4 - Recovery for Property Loss or Damage)
- (cf. 3540 - Transportation)
- (cf. 3551 - Food Service Operations/Cafeteria Fund)
- (cf. 4040 - Employee Use of Technology)
- (cf. 4118 - Dismissal/Suspension/Disciplinary Action)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 5142 - Safety)
- (cf. 5144 - Discipline)
- (cf. 6000 - Concepts and Roles)
- (cf. 6163.4 - Student Use of Technology)
- (cf. 6171 - Title I Programs)

School-connected organizations may be granted reasonable use of the equipment for school-related matters as long as it does not interfere with the use by students or employees or otherwise disrupt district operations.

- (cf. 1230 - School-Connected Organizations)
- (cf. 1330 - Use of School Facilities)

The Superintendent or designee shall have the authority to approve the transfer of any district equipment from one work site to another and the removal of any district equipment for off-site use. When any equipment is taken off site, the borrower is responsible for its safe return and shall be fully liable for any loss or damage.

Employees transferred to another work site shall take with them only those personal items that have been purchased with their own funds unless otherwise authorized by the Superintendent or designee or applicable Board policy.

The Superintendent or designee shall maintain an inventory of all equipment currently valued in excess of \$500. (Education Code 35168; 5 CCR 3946)

(cf. 3440 - Inventories)

When equipment is unusable or is no longer needed, it may be sold, donated, or disposed of in accordance with Education Code 17540-17555 or [34-2 CFR 80.32200.313](#), as applicable.

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

Equipment Acquired with Federal Funds

The Superintendent or designee shall obtain prior written approval from the California Department of Education or other awarding agency before purchasing equipment with federal funds. ([2 CFR 200.48, 200.313, 200.439](#))

([cf. 3230 - Federal Grant Funds](#))

(cf. 3300 - Expenditures and Purchases)

All equipment purchased for federal programs funded through the consolidated application pursuant to Education Code 64000-64001 shall be labeled with the name of the project, identification number, and name of the district. ([2 CFR 200.313](#); 5 CCR 3946)

For any equipment acquired in whole or in part with federal funds, the Superintendent or designee shall develop adequate maintenance procedures to keep the property in good condition. He/she shall also develop adequate safeguards to prevent loss, damage, or theft of the property and shall investigate any loss, damage, or theft. ([34-2 CFR 80.32200.313](#))

(cf. 3530 - Risk Management/Insurance)

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

Equipment purchased for use in a federal program shall be used in that program as long as needed, whether or not the program continues to be supported by federal funds. The equipment may be used in other activities currently or previously supported by a federal agency when such use does not interfere with the work on the project or program for which it was originally acquired or when use of the equipment is no longer needed for the original program. ([34-2 CFR 80.32200.313](#))

Legal Reference:

EDUCATION CODE

17540-17542 Sale or lease of personal property by one district to another

17545-17555 Sale of personal property

17605 Delegation of authority to purchase supplies and equipment

35160 Authority of governing boards

35168 Inventory of equipment

64000-64001 Consolidated application process

CODE OF REGULATIONS, TITLE 5

3946 Control, safeguards, disposal of equipment purchased with state and federal consolidated application funds

4424 Comparability of services

16023 Class 1 - Permanent records

UNITED STATES CODE, TITLE 20

6321 Fiscal requirements

CODE OF FEDERAL REGULATIONS, TITLE ~~34~~2

200.0-200.521 Federal uniform grant guidance

~~80.1-80.52 Uniform administration requirements for grants to state and local governments~~

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

~~OFFICE OF MANAGEMENT AND BUDGET PUBLICATIONS~~

~~Cost Principles for State, Local, and Indian Tribal Governments, OMB Circular A-87~~

WEB SITES

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

Office of Management and Budget: <https://www.whitehouse.gov/omb>

Regulation CAMPBELL UNION SCHOOL DISTRICT

adopted: March 31, 2016 Campbell, California

revised: October, 2016

# BP 3513.3 Campbell Union ESD

## Board Policy

### Tobacco-Free Schools

BP 3513.3

#### Business and Noninstructional Operations

The Governing Board recognizes the health hazards associated with smoking and the use of tobacco and nicotine products, including the breathing of second-hand smoke. The Use of these products is inconsistent with the District's desires to provide a healthy environment for students and staff.

(cf. 3514 - Environmental Safety)

(cf. 4159/4259/4359 - Employee Assistance Programs)

(cf. 5030 - Student Wellness)

(cf. 5131.62 - Tobacco)

(cf. 5141.23 - Asthma Management)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

The Board prohibits smoking and/or the use of tobacco products at any time in district-owned or leased buildings, on district property and in district vehicles. (Health and Safety Code 104420; ~~Labor Code 6404.5; 20 USC 6083~~)

~~Th~~is These prohibitions apply ies to all employees, students and visitors at any instructional program, activity or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

(cf. 1330 - Use of School Facilities)

(cf.1330.1 - Joint Use Agreements)

Smoking means inhaling, exhaling, burning or carrying of any lighted or heated Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, pipe, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or any oral smoking device for the purpose or circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code smokeless

~~tobacco, snuff, chew, clove cigarettes, betel, electronic cigarettes, electronic hookahs, and other vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products and nicotine delivery devices such as electronic cigarettes. Exceptions may be made for the use or possession of prescription nicotine products.~~

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (Health and Safety Code 104495)

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

HEALTH AND SAFETY CODE

39002 Control of air pollution from nonvehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds

119405 Unlawful to sell or furnish electronic cigarettes to minors

LABOR CODE

3300 Employer, definition

6304 Safe and healthful workplace

6404.5 Occupational safety and health; use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7100-7117 Safe and Drug Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

PERB RULINGS

Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Management Resources:

WEB SITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention:

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

California Department of Education, Tobacco-Free School District Certification:

<http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp>

California Department of Public Health, Tobacco Control:

<http://www.cdph.ca.gov/programs/tobacco>

Occupational Safety and Health Standards Board: <http://www.dir.ca.gov/OSHSB/oshsb.html>

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

Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: August 27, 1998      Campbell, California

revised: December 12, 2002

revised: December 11, 2003

revised: October 13, 2011

revised: June 25, 2015

# AR 3513.3 Campbell Union ESD

## Administrative Regulation

### Tobacco-Free Schools

AR 3513.3

### Business and Noninstructional Operations

#### Notifications

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students and the community. (Health and Safety Code 104420)

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

[\(cf. 5145.6 - Parental Notifications\)](#)

Signs stating "Tobacco use is prohibited" shall be prominently displayed at all entrances to school property. (Health and Safety Code 104420)

#### Enforcement Procedures for Visitors

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5144 - Discipline)

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

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

The Superintendent or designee shall not be required to physically eject a non-employee who is smoking or request that the non-employee refrain from smoking under circumstances involving risk of physical harm to the district or any employee. (Labor Code 6404.5)

Regulation    CAMPBELL UNION SCHOOL DISTRICT

approved: August 27, 1998    Campbell, California

revised: December 12, 2002

revised: October 13, 2011

# AR 3516.3 Campbell Union ESD

## Administrative Regulation

### Earthquake Emergency Procedure System

AR 3516.3

#### Business and Noninstructional Operations

##### Earthquake Preparedness

The Superintendent or designee shall establish an earthquake emergency procedure system in every school building having an occupant capacity of 50 or more students, or more than one classroom. (Education Code 32282)

Earthquake emergency procedures shall be aligned with the Standardized Emergency System and the National Incident Management System. (Government Code 8607; 19 CCR 2400-2450)

(cf. 3516 - Emergency and Disaster Preparedness Plan)

Earthquake emergency procedures shall be incorporated into the comprehensive safety plan. The procedures shall outline the roles and responsibilities of students and staff during and after an earthquake.

Earthquake emergency procedures shall include, but not be limited to, all of the following:  
(Education Code 32282)

1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff
2. A drop procedure in which students and staff members:
  - a. Take cover under a table or desk
  - b. Drop to their knees
  - c. Protect their head with their arms
  - d. Face away from the windows

Drop procedures shall be practiced at least once each school quarter in TK-8 school districts. (Education Code 32282)

3. Protective measures to be taken before, during and after an earthquake

4. A training program to ensure that all students and all certificated and classified staff are aware of, and properly skilled in, the earthquake emergency procedure system

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Drop procedures may be expanded to ensure that students get under stationary desks or tables where available, or otherwise get next to an inside wall or under an inside doorway. Students should stay in the drop position until the emergency is over or until further instructions are given.

(cf. 0450 - Comprehensive Safety Plan)

The Superintendent or designee may work with the California Governor's Office of Emergency Services ~~California Office of Emergency Services (renamed the California Emergency Management Agency)~~ and the Seismic Safety Commission to develop and establish the earthquake emergency procedures. (Education Code 32282)

Earthquake emergency procedures also shall outline roles, responsibilities and procedures for students and staff during and after an earthquake.

Staff and students shall be informed of the dangers to expect in an earthquake and procedures to be followed. Students shall be instructed to remain silent and follow directions given by teachers or other staff in such an emergency.

Staff and students also shall be taught to take the following safety precautions during an earthquake if they are in the open or on the way to and from school and adults are not present to give specific directions:

1. If you are in the open, stay there.
2. Move away from buildings, trees, and exposed wires.
3. After the earthquake, if you are on your way to school, continue to school.
4. After the earthquake, if you are on your way home, continue home.

Earthquake emergency procedures shall designate outside areas and alternative areas, which may include areas off campus if necessary, in which students will assemble following evacuation.

Earthquake emergency procedures shall designate evacuation routes and alternative routes that avoid areas with potential hazards to the extent possible. The needs of students with disabilities shall be considered when planning evacuation routes.

In designating such areas, the Superintendent or designee shall consider potential post-earthquake hazards outside school buildings including but not limited to, power lines, trees, covered walkways, chain link fences that may be an electric shock hazard, and areas near buildings that may have debris.

Earthquake emergency procedures shall identify and address potential earthquake hazards in classrooms and other district facilities. Potential hazards may include, but are not limited to, areas where the main gas supply or electric current enters the building, suspended ceilings, pendant light fixtures, large windows, stairwells, science laboratories, storage areas for hazardous materials, shop areas and unsecured furniture and equipment. To the extent possible, such shall be minimized by securing equipment and furnishings and removing heavy objects from high shelves.

#### Earthquake While Indoors at School

When an earthquake occurs, the following actions shall be taken inside buildings and classrooms:

1. Staff shall have students perform the drop procedure. Students should stay in the drop position until the emergency is over or until further instructions are given.
2. In laboratories, burners should be extinguished if possible before taking cover.
3. As soon as possible, teachers shall move the students away from windows, shelves, heavy objects, such as suspended light fixtures and furniture that may fall.
4. After the earthquake, the principal or designee shall determine whether planned evacuation routes and assembly areas are safe and shall communicate with teachers and other staff.

#### Earthquake While Outdoors on School Grounds

When an earthquake occurs, staff or other persons in authority and students who are on school grounds shall take the following actions:

1. Staff shall direct students to walk away from buildings, trees, poles, exposed wires, or overhead power lines.
2. Staff shall have students perform the drop procedure, covering as much skin surface as possible, closing eyes, and covering ears.
3. Teachers and students shall stay in the open until the earthquake is over, or until further directions are given.

#### Earthquake While on the Bus

If students are on the school bus when an earthquake occurs, the bus driver shall take proper precautions to ensure student safety.

1. The bus driver shall pull to the side of the road away from any buildings, poles, wires, overhead structures or bridges, if possible, and turn off the ignition
2. As soon as possible, the driver shall contact the Superintendent or designee, director of transportation for instructions before proceeding on the route.

(cf. 3543- Transportation Safety and Emergencies)

#### Subsequent Emergency Procedures

After the earthquake has subsided, the following actions shall be taken:

1. Staff shall extinguish small fires if possible.
2. In outside assembly areas, staff shall provide assistance to any injured students, take roll, and report missing students to the principal or designee.
3. The principal shall request assistance as needed from the county or city civil defense office or fire and police departments, city and county building inspectors, and utility companies and shall confer with them regarding the advisability of closing the school. He/she shall also contact the Superintendent or designee for further instructions.
4. The principal shall post staff at a safe distance from all building entrances to see that no one reenters until the buildings are declared safe.
5. All buildings shall be inspected for water and gas leaks, electrical breakages, and large cracks or earth slippage affecting buildings. The principal shall notify utility companies of any

break or suspected break in lines, which may present an additional hazard. If damage has occurred, the custodian shall shut off all utilities.

6. Staff and students shall not light any stoves or burners until the area is declared safe.

7. The principal or designee shall contact the Superintendent or designee and request further instructions after assessing the earthquake damage.

8. The Superintendent or designee shall provide updates to parents/guardians of district students and members of the community about the incident, any safety issues, and follow up directions.

(cf. 1112 - Media Relations)

Legal Reference:

EDUCATION CODE

32280-32289 School safety plans

GOVERNMENT CODE

3100 Public employees as disaster service workers

8607 Standardized Emergency Management System (SEMS)

CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized Emergency Management System

Management Resources:

~~CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES FEDERAL  
EMERGENCY MANAGEMENT AGENCY PUBLICATIONS~~

~~Guidebook for Developing a School Earthquake Safety Program, 1990~~

~~OFFICE OF EMERGENCY SERVICES PUBLICATIONS~~

The ABCs of Post-Earthquake Evacuation: A Checklist for School Administrators and Faculty

Guide and Checklist for Nonstructural Earthquake Hazards in California Schools, January 2003

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

WEB SITES

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

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

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

~~Emergency Management Agency~~: <http://www.calema.ca.gov>

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

Federal Emergency Management Agency (FEMA): <http://www.fema.gov/hazards/earthquakes>

National Incident Management System (NIMS): <http://www.fema.gov/emergency/nims>

Regulation      CAMPBELL UNION SCHOOL DISTRICT  
approved:      August 27, 1998      Campbell, California  
revised:        March 17, 2005  
revised:        December 13, 2007

# BP 3553 Campbell Union ESD

## Board Policy

### Free And Reduced Price Meals

BP 3553

#### Business and Noninstructional Operations

The Governing Board recognizes that adequate nutrition is essential to the development, health, and learning of all students. The Superintendent or designee shall facilitate and encourage the participation of students from low-income families in the district's food service program.

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6177 - Summer ~~School~~Learning Programs)

The district shall provide at least one nutritionally adequate meal each school day, free of charge or at a reduced price, for students whose families meet federal eligibility criteria. (Education Code 49550, 49552)

The Superintendent or designee shall ensure that meals provided through the free and reduced-price meals program meet applicable state and/or federal nutritional standards in accordance with law, Board policy, and administrative regulation.

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

Schools participating in the Special Milk Program pursuant to 42 USC 1772 shall provide milk at no charge to students who meet federal eligibility criteria for free or reduced-price meals.

The Board shall approve, and shall submit to the California Department of Education for approval, a plan that ensures that students eligible to receive free or reduced-price meals and milk are not treated differently from other students. (Education Code 49557)

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

(cf. 3555 - Nutrition Program Compliance)

(cf. 5145.3 - Nondiscrimination/Harassment)

## Confidentiality/Release of Records

All applications and records related to eligibility for the free and reduced-price meals program shall be confidential and may not be released except as provided by law and authorized by the Board or pursuant to a court order. (Education Code 49558)

(cf. 5125 - Student Records)

~~If a student transfers from the district to another district or to a private school, the Superintendent or designee may release the student's eligibility status or a copy of his/her free and reduced-price meal application to the other district or school to assist in the continuation of the student's meal benefits.~~

The Board authorizes designated employees to use individual records pertaining to student eligibility for the free and reduced-price meals program for the following purposes ~~of~~: (Education Code 49558)

1. Disaggregation of academic achievement data

(cf. 6162.51 - State Academic Achievement Tests)

2. Identification of students eligible for alternative supports in any school identified as a Title I program improvement school ~~In any school identified as a Title I program improvement school pursuant to 20 USC 6316, identification of students eligible for school choice and supplemental educational services~~

(cf. 0520.2 - Title I Program Improvement Schools)

~~(cf. 5125 - Student Records)~~

~~(cf. 6162.51 - Standardized Testing and Reporting Program)~~

(cf. 6171 - Title I Programs)

If a student transfers from the district to another district, charter school, county office of education program, or private school, the Superintendent or designee may share the student's meal eligibility information to the other educational agency to assist in the continuation of the student's meal benefits.

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to another school district, charter school, or county office of education that is serving a student living in the same household for purposes related to program eligibility and data used in local control funding formula calculations. (Education Code 49558)

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to the Superintendent of Public Instruction for purposes of determining allocations under the local control funding formula and for assessing accountability of that funding. (Education Code 49558)

The Superintendent or designee may release information on the school lunch program application to the local agency that determines eligibility for participation in the Medi-Cal program if the student has been approved for free meals or, if included in the agreement with the local agency, for reduced-price meals. He/she also may release information on the school lunch application to the local agency that determines eligibility for CalFresh or another nutrition assistance program authorized under 7 CFR 210.1 if the student has been approved for free or reduced-price meals. Information may be released for these purposes only if the student's parent/guardian consents to the sharing of information and the district has entered into a memorandum of understanding with the local agency which, at a minimum, includes the roles and responsibilities of the district and local agency and the process for sharing the information. After sharing information with the local agency for purposes of determining eligibility for that program, no further information shall be shared unless otherwise authorized by law. (Education Code 49557.2, 49557.3, 49558)

(cf. 5141.6 - School Health Services)

~~The Board further authorizes the release of information on the school lunch program application to the local agency that determines Medi-Cal program eligibility, provided that the student is approved for free meals and the parent/guardian consents to the sharing of information in accordance with Education Code 49557.2.~~

~~(cf. 5141.6—School Health Services)~~

~~In addition, information on the school lunch program application may be released to the local agency that determines eligibility for participation in the CalFresh program or other nutrition assistance program, provided the student whose information is to be released is approved for free or reduced-price meals and his/her parent/guardian consents to the sharing of the information. Prior to releasing information to any such local agency, the Superintendent or designee and the local agency shall enter into a memorandum of understanding that, at a minimum, shall include the roles and responsibilities of the district and the local agency, the process for sharing the information, and a statement that the local agency may use the information only for purposes directly related to the enrollment of families in the CalFresh or other nutrition assistance program. (Education Code 49557.3, 49558)~~

Legal Reference:  
EDUCATION CODE

48980 Notice at beginning of term  
49430-~~49436~~ ~~49434~~ Pupil Nutrition, Health, and Achievement Act of 2001  
49490-49494 School breakfast and lunch programs  
49500-49505 School meals  
49510-49520 Nutrition  
49530-49536 Child Nutrition Act of 1974  
49547-49548.3 Comprehensive nutrition service  
49550-49562 Meals for needy students  
CODE OF REGULATIONS, TITLE 5  
15510 Mandatory meals for needy students  
15530-15535 Nutrition education  
15550-15565 School lunch and breakfast programs  
UNITED STATES CODE, TITLE 20  
1232g Federal Educational Rights and Privacy Act  
6301-6514 Title I programs  
UNITED STATES CODE, TITLE 42  
1751-1769j School lunch program  
1771-1791 Child nutrition, especially:  
1773 School breakfast program  
CODE OF FEDERAL REGULATIONS, TITLE 7  
210.1-210.31 National School Lunch Program  
220.10-220.21 National School Breakfast Program  
245.1-245.13 Determination of eligibility for free and reduced-price meals and free milk  
WELFARE AND INSTITUTIONS CODE  
14005.41 Basic health care

Management Resources:

CSBA PUBLICATIONS

Monitoring for Success: [A Guide for Assessing and Strengthening Student Wellness Policies, 2012](#)  
[Student Wellness Policy Implementation Monitoring Report and Guide, 2007](#)

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

[NSD SNP-12-2015 Updated Guidance on Sharing of School Meal Applications and the Passing of Assembly Bill 1599, July 2015](#)

USDA-SNP-07-2010 Change in Free and Reduced-Price Meal Application Approval Process, September 2010

[NSD SNP-12-2010 Clarification Regarding the Ability to Share Student Meal Program Eligibility Information Between School Food Authorities, April 2010](#)

[04-103 Implementation of Final Rule on Verification of Applications for Free and Reduced-Price Meals, August 2004](#)

~~98-101 Confidentiality of Free and Reduced Price Eligibility Information, February 1998~~

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Feed More Kids, Improve Program Participation

Direct Certification Implementation Checklist, May 2008

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Eligibility Manual for School Meals: ~~Federal Policy for~~ Determining and Verifying Eligibility,  
~~January 200~~July 2015

Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002

WEB SITES

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

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

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

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

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

Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: August 27, 1998 Campbell, California

revised: May 8, 2008

revised: October 13, 2011

revised: June 21, 2012

revised: October, 2016

# AR 3553 Campbell Union ESD

## Administrative Regulation

### Free And Reduced Price Meals

AR 3553

### Business and Noninstructional Operations

#### Applications

The Superintendent or designee shall ensure that the district's application form for free and reduced-price meals and related materials include the statements specified in Education Code 49557 and 7 CFR 245.5. ~~In addition, the~~The district's application packet ~~may~~shall include the notifications and information listed in Education Code 49557.2.

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

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3552 - Summer Meal Program)

The application form and related information shall be distributed in paper form to all parents/guardians at the beginning of each school year and shall be available to students at all times during the school day. (Education Code 48980, 49520; 42 USC 1758; 7 CFR 245.5)

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

~~(cf. 3551—Food Service Operations/Cafeteria Fund)~~

~~(cf. 3552—Summer Meal Program)~~

(cf. 5145.6 - Parental Notifications)

In addition, the district application form for free and reduced price meals shall be available online. The online application form shall require completion of only those questions necessary for determining eligibility, contain clear instructions for families that are homeless or migrant, and comply with other requirements specified in Education Code 49557.

~~The form and information~~An application form and related information shall also be provided whenever a new student is enrolled.

At the beginning of each school year, the Superintendent or designee shall send a public release, containing the same information supplied to parents/guardians and including eligibility criteria, to local media, the local unemployment office, and any major employers in the district

attendance area contemplating large layoffs. Copies of the public release shall be made available upon request to any interested person. (7 CFR 245.5)

~~(cf. 1112 – Media Relations)~~

## Eligibility

The Superintendent or designee shall determine students' eligibility for the free and reduced-price meals program based on the criteria specified in 42 USC 1758 and 1773 and 7 CFR 245.1-245.13 and made available by the California Department of Education.

When authorized by law, participants in other federal or state programs may be directly certified, without further application, for enrollment in the free and reduced-price meals program. (Education Code 49561; 42 USC 1758)

(cf. 6173 - Education for Homeless Children)  
(cf. 6173.1 - Education for Foster Youth)  
(cf. 6175 - Migrant Education Program)

## Verification of Eligibility

Not later than November 15 of each year, the Superintendent or designee shall verify the eligibility of a sample of household applications approved for the school year in accordance with the sample sizes and procedures specified in 42 USC 1758 and 7 CFR 245.6a. (42 USC 1758; 7 CFR 245.6a)

If the review indicates that the initial eligibility determination is correct, the Superintendent or designee shall verify the approved household application. If the review indicates that the initial eligibility determination is incorrect, the Superintendent or designee shall: (42 USC 1758; 7 CFR 245.6a)

1. If the eligibility status changes from reduced price to free, make the increased benefits immediately available and notify the household of the change in benefits
2. If the eligibility status changes from free to reduced price, first verify the application, then notify the household of the correct eligibility status, and, when required by law, send a notice of adverse action as described below
3. If the eligibility status changes from free or reduced price to paid, send the household a notice of adverse action as described below

If any household is to receive a reduction or termination of benefits as a result of verification activities, or if the household fails to cooperate with verification efforts, the Superintendent or designee shall reduce or terminate benefits, as applicable, and shall properly document and retain on file in the district the reasons for ineligibility. He/she also shall ~~also~~ send a notice of adverse action to any household that is to receive a reduction or termination of benefits. Such notice shall be provided 10 days prior to the actual reduction or termination of benefits. The notice shall advise the household of: (7 CFR 245.6a)

1. The change and the reasons for the change
2. The right to appeal, when the appeal must be filed to ensure continued benefits while awaiting a hearing and decision, and instructions on how to appeal
3. The right to reapply at any time during the school year

#### Confidentiality/Release of Records

The Superintendent designates the following district employee(s) to use individual records pertaining to student participation in the free and reduced-price meals program for the purpose of disaggregation of academic achievement data or for the identification of students who are eligible for alternative supports in a Title I ~~in any~~ program improvement school ~~eligible for school choice and supplemental educational services pursuant to 20 USC 6316:~~

Assistant Superintendent of Instruction and the Student Information Supervisor  
Associate Superintendent  
Instruction and Student Information Supervisor

In using the records for such purposes, the Superintendent or designee shall ensure that: following conditions shall be satisfied: (Education Code 49558)

1. No individual indicators of participation in the free and reduced-price meals program ~~are shall be~~ maintained in the permanent records of any student if not otherwise allowed by law.

(cf. 5125 - Student Records)

2. Information regarding individual student participation in the free and reduced-price meals program ~~is shall~~ not ~~be~~ publicly released.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

3. All other confidentiality provisions required by law ~~shall be~~ met.

4. Information collected regarding individual students certified to participate in the free and reduced-price meals program ~~shall be~~ destroyed when no longer needed for its intended purpose.

#### Nondiscrimination Plan

The district's plan for students receiving free or reduced-price meals shall ensure the following: (Education Code 49557; 42 USC 1758)

1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.
2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.
3. The students shall not be required to work for their meals or for milk.
4. The students shall not be required to use a separate dining area, go through a separate serving line or entrance, or consume their meals or milk at a different time.

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

(cf. 3555 - Nutrition Program Compliance)

When more than one lunch, breakfast, or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price. (Education Code 49557; 7 CFR 245.8)

#### Prices

The maximum price that shall be charged to eligible students for reduced-price meals shall be 40 cents for lunch and 30 cents for breakfast. (42 USC 1758, 1773)

Regulation CAMPBELL UNION SCHOOL DISTRICT

approved: August 27, 1998 Campbell, California

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# BP 3555 Campbell Union ESD

## Board Policy

### Nutrition Program Compliance

BP 3555

#### Business and Noninstructional Operations

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not ~~intentionally~~ deny any individual the benefits or service of any nutrition program or discriminate against him/her ~~on any basis prohibited by law because of his/her race, religion, creed, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation, or any other basis prohibited by law, in its implementation of such a program.~~

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

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

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5030 - Student Wellness)

#### Coordinator

The Board designates the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as ~~coordinator~~ of the district's civil rights coordinator efforts to ensure compliance with the laws governing its nutrition programs and to investigate any related complaints. ~~Any complaint concerning the district's nutrition programs shall be investigated using the process identified in the section entitled "Procedures" in the district's AR 1312.3 - Uniform Complaint Procedures.~~

~~(cf. 1312.3 - Uniform Complaint Procedures)~~

The responsibilities of the compliance officer/coordinator include, but are not limited to:

1. Providing the name of the civil rights coordinator, Section 504 coordinator, and Title IX coordinator, if different from the civil rights coordinator, to the California Department of Education and other interested parties

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

2. Annually providing mandatory civil rights training to all frontline staff who interact with program applicants or participants and to those who supervise frontline staff

The subject matter of such training shall include, but not be limited to, collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

3. Establishing admission and enrollment procedures that do not restrict enrollment of students on the basis of race, ethnicity, national origin, or disability, including preventing staff from incorrectly denying applications and ensuring that such persons have equal access to all programs

(cf. 6159 - Individualized Education Program)

4. Sending a public release announcing the availability of the child nutrition programs and/or changes in the programs to public media and to community and grassroots organizations that interact directly with eligible or potentially eligible participants

5. Communicating the program's nondiscrimination policy and applicable complaint procedures, as provided in the section "Notifications" below

6. Providing appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency

7. Ensuring that every part of a facility is accessible to and usable by persons with disabilities and that participants with disabilities are not excluded from the benefits or services due to inaccessibility of facilities

8. Ensuring that special meals are made available to participants with disabilities who have a medical statement on file documenting that their disability restricts their diet

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

9. Implementing procedures to process and resolve civil rights (discrimination) complaints and program-related complaints, including maintaining a complaint log and working with the appropriate person to resolve any complaint

10. Developing a method, which preferably uses self-identification or self-reporting, to collect racial and ethnic data for potentially eligible populations, applicants, and participants

(cf. 5022 - Students and Family Privacy Rights)

(cf. 5125 - Student Records)

Notifications

The U.S. Department of Agriculture's (USDA) "And Justice for All" civil rights poster or a substitute poster approved by the USDA's Food and Nutrition Service shall be displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

The coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their program rights and responsibilities and steps necessary for participation. Applicants, participants, and the public also shall be advised of their right to file a complaint, how to file a complaint, the complaint procedures, and that a complaint may be file anonymously or by a third party.

(cf. 5145.6 - Parental Notifications)

In addition, all forms of communication available to the public regarding program availability shall contain, in a prominent location, the following statement:

"In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider."

Forms of communication requiring this nondiscrimination statement include, but are not limited to, web sites, public information releases, publications, and posters, but exclude menus. The nondiscrimination statement need not be included on every page of program information on the district's or school's web site, but the statement or a link to the statement shall be included on the home page of the program information.

A short version of the nondiscrimination statement, stating "This institution is an equal opportunity provider," may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

### Complaints

Any complaint concerning the district's nutrition programs shall be investigated using the process identified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

When a complaint alleging discrimination of the basis of race, color, national origin, sex, age, or disability is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following agencies:

1. Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 4503, Sacramento, CA 95814-2342 or call (916) 323-8531 or (800) 952-5609

2. U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, (866) 632-9992, (800) 877-8339 (Federal Relay Service - English), (800) 845-6136 (Federal Relay Service - Spanish), fax (202) 690-7442, or email [program.intake.usda.gov](mailto:program.intake.usda.gov).

~~The coordinator shall provide training on the laws, regulations, procedures, and directives related to the district's nutrition programs to district employees involved in administering them. The coordinator also shall develop procedures and systems that do not restrict the participation of individuals in the district's nutrition programs, based on their race, religion, creed, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation, or any other basis prohibited by law, in its implementation of such a program, and that prevent district employees from incorrectly denying the applications for participation submitted by such individuals.~~

~~The coordinator shall develop and maintain a system for collecting racial and ethnic data of participants in the district's nutrition programs and shall, at least annually, report to the Board on whether the district's nutrition programs are effectively reaching eligible individuals and whether and where additional outreach may be needed.~~

~~(cf. 5022—Students and Family Privacy Rights)  
(cf. 5125—Student Records)~~

~~When a significant number of participants or potential participants in the district's nutrition programs are only non-English speakers, the coordinator shall make an appropriate language translation available.~~

~~(cf. 5020—Parent Rights and Responsibilities)  
(cf. 6020—Parent Involvement)  
(cf. 6174—English Language Learners)~~

~~The coordinator also shall ensure that the district's nutrition programs accommodate the special dietary needs of individuals with a disability who has on file a medical statement that restricts his/her diet because of his/her disability.~~

~~(cf. 5141.27—Food Allergies/Special Dietary Needs)  
(cf. 6159—Individualized Education Program)  
(cf. 6164.6—Identification and Education Under Section 504)~~

#### Notifications

~~The coordinator shall ensure that the U.S. Department of Agriculture's "And Justice for All" or other approved Nutrition Programs Civil Rights posters are displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.~~

~~Annually, the coordinator shall notify all students, parents/guardians, and employees of program requirements and the procedures for filing a complaint, through the district's usual means of notification.~~

~~(cf. 4112.9/4212.9/4312.9—Employee Notifications)  
(cf. 5145.6—Parental Notifications)~~

~~In addition, the coordinator shall attempt to ensure that every informational release, publication, or poster concerning the district's nutrition programs and/or activities includes, in a prominent location, the following statement:~~

~~"In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability. In addition, California law prohibits discrimination on any basis identified in Government Code 12940.~~

~~To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer."~~

~~However, if the document is no more than one page and there is no room to print the full nondiscrimination statement, the district may instead use the statement "This institution is an equal opportunity provider" in the same print size as the rest of the text.~~

~~When a complaint is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following agencies:~~

~~1. Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 1500, Sacramento, CA 95814-2342 or call 916-445-0850 or 800-952-5609~~

~~2. Office of Civil Rights, USDA, Western Region, 90 Seventh Street, Suite 10-100, San Francisco, CA 94103 or call 415-705-1336 or fax 415-705-1364 or email Joe.Torres@fns.usda.gov~~

~~3. USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call 800-795-3272 or 202-720-6382 (TTY)~~

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

PENAL CODE

~~422.55 Definition of hate crime~~

422.6 - Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 - Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973  
UNITED STATES CODE, TITLE 42  
2000d-2000d-7 Title VI, Civil Rights Act of 1964  
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended  
2000h-2000h-6 Title IX  
12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.23 National School Lunch Program, district responsibilities

215.7 Special Milk Program, requirements for participation

215.14 Special Milk Program, nondiscrimination

220.7 School Breakfast Program, requirements for participation

225.3 Summer Food Service Program, administration

225.7 Summer Food Service Program, program monitoring

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

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

106.9 Dissemination of policy

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION, ~~NUTRITION SERVICES DIVISION~~  
PUBLICATIONS

Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs, rev. November 2015~~March 2010~~

U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE  
PUBLICATIONS

Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005

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

~~Protecting Students from Harassment and Hate Crime, January 1999~~

Notice of Non-Discrimination, August 2010~~January 1999~~

WEB SITES

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

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

U.S. Department of Agriculture, Office for Civil Rights: <http://www.ascr.usda.gov>

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

Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: April 21, 2011      Campbell, California

revised: October, 2016

# BP 4112.2 Campbell Union ESD

## Board Policy

### Certification

BP 4112.2

### Personnel

The Superintendent or designee shall ensure that persons employed in positions requiring certification qualifications possess the appropriate credential or permit from the Commission on Teacher Credentialing (CTC) authorizing their employment in such positions.

(cf. 4111 - Recruitment and Selection)

(cf. 4112.21 - Interns)

(cf. 4112.22 - Staff Teaching Students of English Language Learners~~Limited English Proficiency~~)

(cf. 4112.23 - Special Education Staff)

(cf. 4112.5/4212/4212.5 - Criminal Record Check)

(cf. 4113 - Assignment)

~~(cf. 4116 - Probationary/Permanent Status)~~

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 5148 - Child Care and Development)

The Superintendent or designee shall provide assistance and support to teachers holding preliminary credentials to enable them to meet the qualifications required for the clear credential.

(cf. 4131 - Staff Development)

(cf. 4131.1 - Teacher Support and Guidance)

The Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher for each assignment. When fully credentialed individuals are not available, the district may employ a person possessing an intern credential, ~~with~~ a short-term staff permit or provisional internship permit (PIP) under the conditions and limitations provided in state and federal law.

The Board shall approve, as an action item at a public Board meeting, a notice of its intent to employ a PIP applicant for a specific position. (5 CCR 80021.1)

The Board shall annually approve a Declaration of Need for Fully Qualified Educators. (Education Code 44225, 44225.7, 5 CCR 80023.2, 80026, 80027, 80027.1)

Whenever it is necessary to employ noncredentialed teachers to fill a position requiring certification qualifications, the Superintendent or designee shall provide support and guidance in accordance with law to ensure the quality of the instructional program.

~~As necessary, all teachers of core academic subjects shall meet the requirements of the No Child Left Behind Act. (20 USC 6319, 7801; 5 CCR 6100-6125)~~

~~(cf. 4112.24—Teacher Qualifications Under the No Child Left Behind Act)~~

National Board for Professional Teaching Standards Certification

The Governing Board encourages district teachers to voluntarily seek from the National Board for Professional Teaching Standards additional certification which demonstrates advanced knowledge and teaching skills.

The Superintendent or designee shall inform district teachers about the program and how to acquire the necessary application and information materials.

#### Parental Notifications

At the beginning of each school year, the Superintendent or designee shall notify the parents/guardians of each student attending a school receiving Title 1 funds that they may request information regarding the professional qualifications of their child's classroom teacher including, but not limited to whether the teacher has met the state qualifications and licensing criteria for the grade levels and subject area for which the teacher provides instruction.

(cf. 5145.6 Parental Notifications)

In addition, the Superintendent or designee shall notify parents/guardians in a timely manner whenever their child has been assigned, or has been taught for four or more consecutive weeks by , a teacher who does not meet applicable state certification of licensure requirements at the grade level and subject area to which the teacher has been assigned. (20 USC 6312)

Legal Reference:

EDUCATION CODE

8360-8370 Qualifications of child care personnel

32340-32341 Unlawful issuance of a credential

35186 Complaints regarding teacher vacancy or misassignment

~~41520-41522—Teacher Credentialing Block Grant~~

~~42647—Eligibility to issue warrants~~

44066 Limitations on certification requirements  
44200-44399 Teacher credentialing, especially:  
44250-44277 Credential types; minimum requirements  
~~44279.1-44279.7 Beginning Teacher Support and Assessment Program~~  
44300-44302 Emergency permits ~~and visiting faculty permits~~  
~~44320.2 Teachers' performance assessment~~  
44325-44328 District interns  
44330-44355 Certificates and credentials  
~~44380-44387 Alternative certification program~~  
44395-44399 National Board for Professional Teaching Standards  
44420-44440 Revocation and suspension of credentials  
44450-44468 University internship program  
~~44560-44562 Certificated Staff Mentoring Program~~  
~~44735 Teaching as a Priority Block Grant~~  
44830-44929 Employment of certificated persons; requirement of proficiency in basic skills  
56060-56063 Substitute teachers in special education

#### CODE OF REGULATIONS, TITLE 5

~~6100-6125 Teacher qualifications, No Child Left Behind Act~~

80001-80674.6 Commission on Teacher Credentialing

#### UNITED STATES CODE, TITLE 20

6311 Parental notifications

6312 Title I local educational agency plans; notification regarding teacher qualifications

~~6319 Highly qualified teachers~~

~~7801 Definitions, highly qualified teacher~~

#### CODE OF FEDERAL REGULATIONS, TITLE 34

~~200.55-200.57 Highly qualified teachers~~

200.61 Parent notification regarding teacher qualifications

#### COURT DECISIONS

Association of Mexican-American Educators et al. v. State of California and the Commission on Teacher Credentialing, (1993) 836 F.Supp. 1534

#### Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS CODED  
CORRESPONDENCE

CL-667 Basic Skills Requirement

CL-856 Provisional Intern Permit (PIP)

CL-858 Short Term Staff Permit

Hiring Hierarchy in Education Code 44225.7, Coded Correspondence, January 30, 2013

Subject Matter Authorization Guideline Book, 2012

Supplementary Authorization Guideline Book, 2012

California Standards for the Teaching Profession, 2009

~~The Administrator's Assignment Manual, rev. September 2007~~

~~08-11 Approval of Amendments to Title 5 Regulations Pertaining to Multiple Subject, Single Subject or Education Specialist Short-Term Staff Permit, July 18, 2008~~

~~08-09 New Online Credential View and Print Process, July 3, 2008~~

~~07-23 Visiting Faculty Permit, December 14, 2007~~

~~07-19 Designated Subjects Career Technical Education Teaching Credential, December 14, 2007~~

~~COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS~~

~~Teacher Supply in California: A Report to the Legislature, April 2008~~

~~Standards of Quality and Effectiveness for Professional Teacher Induction Programs, June 2008~~

~~The Administrator's Assignment Manual, rev. September 2007~~

~~Standards of Quality and Effectiveness for Professional Teacher Preparation Programs, rev. March 2007~~

~~California Standards for the Teaching Profession, July 1997~~

~~U.S. DEPARTMENT OF EDUCATION GUIDANCE~~

~~Improving Teacher Quality State Grants, rev. October 5, 2006~~

~~WEB SITES~~

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

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

~~California Teacher Credentialing Examinations: <http://www.etcexams.nesine.com>~~

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

~~Commission on Teacher Credentialing, Commission's Information Guide (for employers' use only): <http://www.ctc.ca.gov/credentials/cig>~~

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

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

Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: November 19, 1998 Campbell, California

revised: August 28, 2003

revised: July 15, 2004

revised: May 18, 2006

# E 4112.9/4212.9/4312.9

## Campbell Union ESD

### Exhibit

#### Employee Notifications

E 4112.9

#### Personnel

~~\*\*\*Note: The following exhibit lists notices which the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.\*\*\*~~

#### I. To All Employees

When/Whom to Notify: At the beginning of school year or upon employment

Legal Code: Education Code 231.5, Government Code 12950, 2 CCR 11023

Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11

Subject: The district's policy on sexual harassment, legal remedies, complaints

When/Whom to Notify: Annually to all employees and 72 hours before pesticide application

Legal Code: Education Code 17612

Board Policy/Administrative Regulation #: AR 3514.2

Subject: Use of pesticide product, active ingredients, Internet address to access information

When/Whom to Notify: To all employees, prior to implementing year-round schedule

Legal Code: Education Code 37616

Board Policy/Administrative Regulation #: BP 6117

Subject: Public hearing on year-round implementing year-round program schedule

When/Whom to Notify: To all employees, prior to implementing alternative schedule

Legal Code: Education Code 46162

Board Policy/Administrative Regulation #: AR 6112

Subject: Public hearing on alternative schedule

When/Whom to Notify: To all employees

Legal Code: Education Code 49013; 5 CCR 4622

Board Policy/Administrative Regulation #: AR 1312.3; BP 0460; BP 3260

Subject: Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control accountability plan

When/Whom to Notify: To all employees

Legal Code: Education Code 49414

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

When/Whom to Notify: To all employees

Legal Code: Education Code 49414.7

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to administer emergency antiseizure medication; training to be provided

When/Whom to Notify: To all employees

Legal Code: Government Code 1126

Board Policy/Administrative Regulation #: BP 4136/4236/4336

Subject: Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify: Prior to beginning employment

Legal Code: Government Code 3102

Board Policy/Administrative Regulation #: AR 4112.3/4212.3/4312.3

Subject: Oath or affirmation of allegiance required of disaster service workers

When/Whom to Notify: To all employees

Legal Code: Government Code 8355; 41 USC 8102

Board Policy/Administrative Regulation #: BP 4020, BP 4159/4259/4359

Subject: District's drug- and alcohol-free workplace; actions that will be taken if violated; available employee assistance programs

When/Whom to Notify: Upon placement of automated external defibrillator (AED) in school, annually thereafter

Legal Code: Health and Safety Code 1797.196

Board Policy/Administrative Regulation #: AR 5141

Subject: Proper use of AED; location of all AEDs on campus

When/Whom to Notify: To all employees, if the district receives Tobacco-Use Prevention Education funds

Legal Code: Health and Safety Code 104420  
Board Policy/Administrative Regulation #: AR 3513.3  
Subject: District's tobacco-free schools policy and enforcement procedures

When/Whom to Notify: Annually to all employees, or more frequently if there is new information

Legal Code: Health and Safety Code 120875, 120880  
Board Policy/Administrative Regulation #: AR 4119.43/4219.43/4319.43  
Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To all employees, with each paycheck

Legal Code: Labor Code 246  
Board Policy/Administrative Regulation #: AR 4161.1/4261.1/4361.1  
Subject: Amount of sick leave available

When/Whom to Notify: To covered employees and former employees

Legal Code: Labor Code 2800.2  
Board Policy/Administrative Regulation #: AR 4154/4254/4354  
Subject: Availability of COBRA/Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage

When/Whom to Notify: To every new employee, either at the time employee is hired or by end of first pay period

Legal Code: Labor Code 3551  
Board Policy/Administrative Regulation #: BP 4157.1/4257.1/4357.1  
Subject: Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify: Prior to beginning employment

Legal Code: Penal Code 11165.7, 11166.5  
Board Policy/Administrative Regulation #: AR 5141.4  
Subject: Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law

When/Whom to Notify: Upon employment, and when employee goes on leave for specified reasons

Legal Code: Unemployment Insurance Code 2613  
Board Policy/Administrative Regulation #: AR 4154/4254/4354  
Subject: Disability insurance rights and benefits

When/Whom to Notify: To all employees via employee handbook, or to each new employee

Legal Code: 29 CFR 825.300; 2 CCR 11096

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 day's notice of need for leave when possible

When/Whom to Notify: To all employees and job applicants

Legal Code: 34 CFR 104.8, 106.

Board Policy/Administrative Regulation #: BP 0410, BP 4030

Subject: District's policy on nondiscrimination and related complaint procedures

When/Whom to Notify: Annually to all employees

Legal Code: 40 CFR 763.84, 763.93

Board Policy/Administrative Regulation #: AR 3514

Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

## II. To Certificated Employees

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire

Legal Code: Education Code 22455.5

Board Policy/Administrative Regulation #: AR 4121

Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual

Legal Code: Education Code 22461

Board Policy/Administrative Regulation #: AR 4117.14/4317.14

Subject: Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify: To certificated employees

Legal Code: Education Code 35171

Board Policy/Administrative Regulation #: AR 4115, BP 4315

Subject: District regulations related to performance evaluations

When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated

Legal Code: Education Code 44663

Board Policy/Administrative Regulation #: AR 4115

Subject: Copy of employee's evaluation

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee

Legal Code: Education Code 44664

Board Policy/Administrative Regulation #: AR 4115

Subject: Notice and description of the unsatisfactory performance

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees

Legal Code: Education Code 44842

Board Policy/Administrative Regulation #: AR 4112.1

Subject: Request that the employee notify district of intent to remain in service next year

When/Whom to Notify: To certificated employees upon employment and to nonpermanent employees in July of each school year

Legal Code: Education Code 44916

Board Policy/Administrative Regulation #: AR 4112.1, AR 4121

Subject: Employment status and salary

When/Whom to Notify: To probationary employees in district with ADA of 250 or more, by March 15 of employee's second consecutive year of employment

Legal Code: Education Code 44929.21

Board Policy/Administrative Regulation #: AR 4117.6

Subject: Whether or not employee is reelected for next school year

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year

Legal Code: Education Code 44934, 44934.1, 44936

Board Policy/Administrative Regulation #: BP 4118; AR 4118

Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

When/Whom to Notify: To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice

Legal Code: Education Code 44938

Board Policy/Administrative Regulation #: BP 4118

Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year

Legal Code: Education Code 44938

Board Policy/Administrative Regulation #: BP 4118

Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings

Legal Code: Education Code 44940.5

Board Policy/Administrative Regulation #: AR 4118

Subject: Notice of intent to dismiss 30 days from notice unless employee demands hearing

When/Whom to Notify: To probationary employees 30 days prior to dismissal during school year, but not later than March 15 for second- year probationary employees

Legal Code: Education Code 44948.3

Board Policy/Administrative Regulation #: AR 4118

Subject: Reasons for dismissal and opportunity to appeal

When/Whom to Notify: By March 15 when necessary to reduce certificated personnel, with final notice by May 15

Legal Code: Education Code 44949, 44955

Board Policy/Administrative Regulation #: BP 4117.3

Subject: Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination

When/Whom to Notify: On or before June 30, to temporary employee who served 75 percent of school year but will be released

Legal Code: Education Code 44954

Board Policy/Administrative Regulation #: BP 4121

Subject: District's decision not to reelect employee for following school year

When/Whom to Notify: To teacher, when a student engages in or is reasonably suspected of specified acts

Legal Code: Education Code 49079

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To certificated employee upon change in employment status due to alleged misconduct

Legal Code: 5 CCR 80303

Board Policy/Administrative Regulation #: AR 4117.7/4317.7

Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

~~When/Whom to Notify: To teachers when school is identified for Title I program improvement restructuring~~

~~Legal Code: 20 USC 6316~~

~~Board Policy/Administrative Regulation #: AR 0520.2~~

~~Subject: School identified for restructuring; opportunity to comment and participate~~

### III. To Classified Employees

When/Whom to Notify: To classified employee charged with mandatory leave of absence offense, in merit system district

Legal Code: Education Code 44940.5

Board Policy/Administrative Regulation #: AR 4218

Subject: Notice of intent to dismiss in 30 days

When/Whom to Notify: When classified employee is subject to disciplinary action for cause, in nonmerit district

Legal Code: Education Code 45113

Board Policy/Administrative Regulation #: AR 4218

Subject: Notice of charges, procedures, and employee rights

When/Whom to Notify: To classified employees at least 60 days prior to layoff, or by April 29 if specially funded program that expires at end of school year

Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: Notice of layoff and reemployment rights

When/Whom to Notify: To classified employees upon employment and upon each change in classification

Legal Code: Education Code 45169

Board Policy/Administrative Regulation #: AR 4212

Subject: Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

When/Whom to Notify: To classified permanent employee whose leave is exhausted

Legal Code: Education Code 45192, 45195

Board Policy/Administrative Regulation #: AR 4261.1, AR 4261.11

Subject: Exhaustion of leave, opportunity to request additional leave

When/Whom to Notify: To school bus drivers and school activity bus drivers prior to expiration of specified documents

Legal Code: 13 CCR 1234

Board Policy/Administrative Regulation #: AR 3542

Subject: Expiration date of driver's license, driver's certificate and medical certificate; need to renew

When/Whom to Notify: To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter

Legal Code: 13 CCR 2480

Board Policy/Administrative Regulation #: AR 3542

Subject: Limitations on vehicle idling; consequences of not complying

When/Whom to Notify: To school bus drivers, prior to district drug testing program and thereafter upon employment

Legal Code: 49 CFR 382.601

Board Policy/Administrative Regulation #: BP 4112.42/4212.42/4312.42

Subject: Explanation of federal requirements for drug testing program and district's policy

#### IV. To Administrative/Supervisory Personnel

When/Whom to Notify: To deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract

Legal Code: Education Code 35031

Board Policy/Administrative Regulation #: BP 4312.1

Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position

Legal Code: Education Code 44896

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Statement of the reasons for the release or reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year

Legal Code: Education Code 44951

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Notice that employee may be released or reassigned the following school year

#### V. To Individual Employees Under Special Circumstances

When/Whom to Notify: Prior to placing derogatory information in personnel file

Legal Code: Education Code 44031

Board Policy/Administrative Regulation #: AR 4112.6/4212.6/4312.6

Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: To employees who volunteer to administer epinephrine auto-injector  
Legal Code: Education Code 49414  
Board Policy/Administrative Regulation #: AR 5141.21  
Subject: Defense and indemnification from civil liability by the district

When/Whom to Notify: 24 hours before Board meets in closed session to hear complaints or charges against employee  
Legal Code: Government Code 54957  
Board Policy/Administrative Regulation #: BB 9321  
Subject: Employee's right to have complaints/charges heard in open session

When/Whom to Notify: When taking disciplinary action against employee for disclosure of confidential information  
Legal Code: Government Code 54963  
Board Policy/Administrative Regulation #: BP 4119.23/4219.23/4319.23  
Subject: Law prohibiting disclosure of confidential information obtained in closed session

When/Whom to Notify: Within one working day of work-related injury or victimization of crime  
Legal Code: Labor Code 3553, 5401  
Board Policy/Administrative Regulation #: BP 4157.1/4257.1/4357.1  
Subject: Potential eligibility for workers' compensation benefits, claim form

When/Whom to Notify: When adverse employment action is based on DOJ criminal history information or subsequent arrest notification  
Legal Code: Penal Code 11105, 11105.2  
Board Policy/Administrative Regulation #: AR 4112.5/4212.5/4312.5  
Subject: Copy of DOJ notification

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter  
Legal Code: 8 CCR 3204, 5193  
Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42  
Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee assigned to a work area where hazardous chemical are present, upon initial assignment and upon new exposure situation  
Legal Code: 8 CCR 5191  
Board Policy/Administrative Regulation #: AR 3514.1

Subject: Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area

Legal Code: 8 CCR 5194

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave

Legal Code: 38 USC 4334

Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5

Subject: Notice of rights, benefits, and obligations under military leave

When/Whom to Notify: Within five days of employee's request for family care and medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave

Legal Code: 29 CFR 825.300; 2 CCR 11049

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee

Legal Code: 29 CFR 825.300

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

Exhibit CAMPBELL UNION SCHOOL DISTRICT

version: October 24, 2013     Campbell, California

revised: June 25, 2015

# **E 4212.9 Campbell Union ESD**

## **Exhibit This is a duplication**

### **Employee Notifications**

E 4212.9

#### **Personnel**

\*\*\*Note: The following exhibit lists notices which the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.\*\*\*

#### **I. To All Employees**

When/Whom to Notify: At the beginning of school year or upon employment

Legal Code: Education Code 231.5, Government Code 12950, 2 CCR 11023

Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11

Subject: The district's policy on sexual harassment, legal remedies, complaints

When/Whom to Notify: Annually to all employees and 72 hours before pesticide application

Legal Code: Education Code 17612

Board Policy/Administrative Regulation #: AR 3514.2

Subject: Use of pesticide product, active ingredients, Internet address to access information

When/Whom to Notify: To all employees, prior to implementing year-round schedule

Legal Code: Education Code 37616

Board Policy/Administrative Regulation #: BP 6117

Subject: Public hearing on year-round implementing year-round program schedule

When/Whom to Notify: To all employees, prior to implementing alternative schedule

Legal Code: Education Code 46162

Board Policy/Administrative Regulation #: AR 6112

Subject: Public hearing on alternative schedule

When/Whom to Notify: To all employees

Legal Code: Education Code 49013; 5 CCR 4622

Board Policy/Administrative Regulation #: AR 1312.3; BP 0460; BP 3260

Subject: Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control accountability plan

When/Whom to Notify: To all employees

Legal Code: Education Code 49414

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

When/Whom to Notify: To all employees

Legal Code: Education Code 49414.7

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to administer emergency antiseizure medication; training to be provided

When/Whom to Notify: To all employees

Legal Code: Government Code 1126

Board Policy/Administrative Regulation #: BP 4136/4236/4336

Subject: Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify: Prior to beginning employment

Legal Code: Government Code 3102

Board Policy/Administrative Regulation #: AR 4112.3/4212.3/4312.3

Subject: Oath or affirmation of allegiance required of disaster service workers

When/Whom to Notify: To all employees

Legal Code: Government Code 8355; 41 USC 8102

Board Policy/Administrative Regulation #: BP 4020, BP 4159/4259/4359

Subject: District's drug- and alcohol-free workplace; actions that will be taken if violated; available employee assistance programs

When/Whom to Notify: Upon placement of automated external defibrillator (AED) in school, annually thereafter

Legal Code: Health and Safety Code 1797.196

Board Policy/Administrative Regulation #: AR 5141

Subject: Proper use of AED; location of all AEDs on campus

When/Whom to Notify: To all employees, if the district receives Tobacco-Use Prevention Education funds

Legal Code: Health and Safety Code 104420

Board Policy/Administrative Regulation #: AR 3513.3

Subject: District's tobacco-free schools policy and enforcement procedures

When/Whom to Notify: Annually to all employees, or more frequently if there is new information

Legal Code: Health and Safety Code 120875, 120880

Board Policy/Administrative Regulation #: AR 4119.43/4219.43/4319.43

Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To all employees, with each paycheck

Legal Code: Labor Code 246

Board Policy/Administrative Regulation #: AR 4161.1/4261.1/4361.1

Subject: Amount of sick leave available

When/Whom to Notify: To covered employees and former employees

Legal Code: Labor Code 2800.2

Board Policy/Administrative Regulation #: AR 4154/4254/4354

Subject: Availability of COBRA/Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage

When/Whom to Notify: To every new employee, either at the time employee is hired or by end of first pay period

Legal Code: Labor Code 3551

Board Policy/Administrative Regulation #: BP 4157.1/4257.1/4357.1

Subject: Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify: Prior to beginning employment

Legal Code: Penal Code 11165.7, 11166.5

Board Policy/Administrative Regulation #: AR 5141.4

Subject: Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law

When/Whom to Notify: Upon employment, and when employee goes on leave for specified reasons

Legal Code: Unemployment Insurance Code 2613

Board Policy/Administrative Regulation #: AR 4154/4254/4354

Subject: Disability insurance rights and benefits

When/Whom to Notify: To all employees via employee handbook, or to each new employee

Legal Code: 29 CFR 825.300; 2 CCR 11096

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 day's notice of need for leave when possible

When/Whom to Notify: To all employees and job applicants

Legal Code: 34 CFR 104.8, 106.

Board Policy/Administrative Regulation #: BP 0410, BP 4030

Subject: District's policy on nondiscrimination and related complaint procedures

When/Whom to Notify: Annually to all employees

Legal Code: 40 CFR 763.84, 763.93

Board Policy/Administrative Regulation #: AR 3514

Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

## II. To Certificated Employees

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire

Legal Code: Education Code 22455.5

Board Policy/Administrative Regulation #: AR 4121

Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual

Legal Code: Education Code 22461

Board Policy/Administrative Regulation #: AR 4117.14/4317.14

Subject: Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify: To certificated employees

Legal Code: Education Code 35171

Board Policy/Administrative Regulation #: AR 4115, BP 4315

Subject: District regulations related to performance evaluations

When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated

Legal Code: Education Code 44663

Board Policy/Administrative Regulation #: AR 4115

Subject: Copy of employee's evaluation

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee

Legal Code: Education Code 44664  
Board Policy/Administrative Regulation #: AR 4115  
Subject: Notice and description of the unsatisfactory performance

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees

Legal Code: Education Code 44842  
Board Policy/Administrative Regulation #: AR 4112.1  
Subject: Request that the employee notify district of intent to remain in service next year

When/Whom to Notify: To certificated employees upon employment and to nonpermanent employees in July of each school year

Legal Code: Education Code 44916  
Board Policy/Administrative Regulation #: AR 4112.1, AR 4121  
Subject: Employment status and salary

When/Whom to Notify: To probationary employees in district with ADA of 250 or more, by March 15 of employee's second consecutive year of employment

Legal Code: Education Code 44929.21  
Board Policy/Administrative Regulation #: AR 4117.6  
Subject: Whether or not employee is reelected for next school year

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year

Legal Code: Education Code 44934, 44934.1, 44936  
Board Policy/Administrative Regulation #: BP 4118; AR 4118  
Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

When/Whom to Notify: To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice

Legal Code: Education Code 44938  
Board Policy/Administrative Regulation #: BP 4118  
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year

Legal Code: Education Code 44938  
Board Policy/Administrative Regulation #: BP 4118  
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings

Legal Code: Education Code 44940.5

Board Policy/Administrative Regulation #: AR 4118

Subject: Notice of intent to dismiss 30 days from notice unless employee demands hearing

When/Whom to Notify: To probationary employees 30 days prior to dismissal during school year, but not later than March 15 for second- year probationary employees

Legal Code: Education Code 44948.3

Board Policy/Administrative Regulation #: AR 4118

Subject: Reasons for dismissal and opportunity to appeal

When/Whom to Notify: By March 15 when necessary to reduce certificated personnel, with final notice by May 15

Legal Code: Education Code 44949, 44955

Board Policy/Administrative Regulation #: BP 4117.3

Subject: Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination

When/Whom to Notify: On or before June 30, to temporary employee who served 75 percent of school year but will be released

Legal Code: Education Code 44954

Board Policy/Administrative Regulation #: BP 4121

Subject: District's decision not to reelect employee for following school year

When/Whom to Notify: To teacher, when a student engages in or is reasonably suspected of specified acts

Legal Code: Education Code 49079

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To certificated employee upon change in employment status due to alleged misconduct

Legal Code: 5 CCR 80303

Board Policy/Administrative Regulation #: AR 4117.7/4317.7

Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

When/Whom to Notify: To teachers when school is identified for Title 1 program improvement restructuring

Legal Code: 20 USC 6316

Board Policy/Administrative Regulation #: AR 0520.2

Subject: School identified for restructuring; opportunity to comment and participate

### III. To Classified Employees

When/Whom to Notify: To classified employee charged with mandatory leave of absence offense, in merit system district

Legal Code: Education Code 44940.5

Board Policy/Administrative Regulation #: AR 4218

Subject: Notice of intent to dismiss in 30 days

When/Whom to Notify: When classified employee is subject to disciplinary action for cause, in nonmerit district

Legal Code: Education Code 45113

Board Policy/Administrative Regulation #: AR 4218

Subject: Notice of charges, procedures, and employee rights

When/Whom to Notify: To classified employees at least 60 days prior to layoff, or by April 29 if specially funded program that expires at end of school year

Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: Notice of layoff and reemployment rights

When/Whom to Notify: To classified employees upon employment and upon each change in classification

Legal Code: Education Code 45169

Board Policy/Administrative Regulation #: AR 4212

Subject: Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

When/Whom to Notify: To classified permanent employee whose leave is exhausted

Legal Code: Education Code 45192, 45195

Board Policy/Administrative Regulation #: AR 4261.1, AR 4261.11

Subject: Exhaustion of leave, opportunity to request additional leave

When/Whom to Notify: To school bus drivers and school activity bus drivers prior to expiration of specified documents

Legal Code: 13 CCR 1234

Board Policy/Administrative Regulation #: AR 3542

Subject: Expiration date of driver's license, driver's certificate and medical certificate; need to renew

When/Whom to Notify: To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter

Legal Code: 13 CCR 2480

Board Policy/Administrative Regulation #: AR 3542

Subject: Limitations on vehicle idling; consequences of not complying

When/Whom to Notify: To school bus drivers, prior to district drug testing program and thereafter upon employment

Legal Code: 49 CFR 382.601

Board Policy/Administrative Regulation #: BP 4112.42/4212.42/4312.42

Subject: Explanation of federal requirements for drug testing program and district's policy

#### IV. To Administrative/Supervisory Personnel

When/Whom to Notify: To deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract

Legal Code: Education Code 35031

Board Policy/Administrative Regulation #: BP 4312.1

Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position

Legal Code: Education Code 44896

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Statement of the reasons for the release or reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year

Legal Code: Education Code 44951

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Notice that employee may be released or reassigned the following school year

#### V. To Individual Employees Under Special Circumstances

When/Whom to Notify: Prior to placing derogatory information in personnel file

Legal Code: Education Code 44031

Board Policy/Administrative Regulation #: AR 4112.6/4212.6/4312.6

Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: To employees who volunteer to administer epinephrine auto-injector

Legal Code: Education Code 49414

Board Policy/Administrative Regulation #: AR 5141.21  
Subject: Defense and indemnification from civil liability by the district

When/Whom to Notify: 24 hours before Board meets in closed session to hear complaints or charges against employee

Legal Code: Government Code 54957

Board Policy/Administrative Regulation #: BB 9321

Subject: Employee's right to have complaints/charges heard in open session

When/Whom to Notify: When taking disciplinary action against employee for disclosure of confidential information

Legal Code: Government Code 54963

Board Policy/Administrative Regulation #: BP 4119.23/4219.23/4319.23

Subject: Law prohibiting disclosure of confidential information obtained in closed session

When/Whom to Notify: Within one working day of work-related injury or victimization of crime

Legal Code: Labor Code 3553, 5401

Board Policy/Administrative Regulation #: BP 4157.1/4257.1/4357.1

Subject: Potential eligibility for workers' compensation benefits, claim form

When/Whom to Notify: When adverse employment action is based on DOJ criminal history information or subsequent arrest notification

Legal Code: Penal Code 11105, 11105.2

Board Policy/Administrative Regulation #: AR 4112.5/4212.5/4312.5

Subject: Copy of DOJ notification

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter

Legal Code: 8 CCR 3204, 5193

Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42

Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee assigned to a work area where hazardous chemical are present, upon initial assignment and upon new exposure situation

Legal Code: 8 CCR 5191

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area

Legal Code: 8 CCR 5194

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave

Legal Code: 38 USC 4334

Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5

Subject: Notice of rights, benefits, and obligations under military leave

When/Whom to Notify: Within five days of employee's request for family care and medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave

Legal Code: 29 CFR 825.300; 2 CCR 11049

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee

Legal Code: 29 CFR 825.300

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

Exhibit CAMPBELL UNION SCHOOL DISTRICT

version: October 24, 2013      Campbell, California

revised: June 25, 2015

# **E 4312.9 Campbell Union ESD**

## **Exhibit**

### **Employee Notifications**

E 4312.9

#### **Personnel**

\*\*\*Note: The following exhibit lists notices which the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.\*\*\*

#### **I. To All Employees**

When/Whom to Notify: At the beginning of school year or upon employment

Legal Code: Education Code 231.5, Government Code 12950, 2 CCR 11023

Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11

Subject: The district's policy on sexual harassment, legal remedies, complaints

When/Whom to Notify: Annually to all employees and 72 hours before pesticide application

Legal Code: Education Code 17612

Board Policy/Administrative Regulation #: AR 3514.2

Subject: Use of pesticide product, active ingredients, Internet address to access information

When/Whom to Notify: To all employees, prior to implementing year-round schedule

Legal Code: Education Code 37616

Board Policy/Administrative Regulation #: BP 6117

Subject: Public hearing on year-round implementing year-round program schedule

When/Whom to Notify: To all employees, prior to implementing alternative schedule

Legal Code: Education Code 46162

Board Policy/Administrative Regulation #: AR 6112

Subject: Public hearing on alternative schedule

When/Whom to Notify: To all employees

Legal Code: Education Code 49013; 5 CCR 4622

Board Policy/Administrative Regulation #: AR 1312.3; BP 0460; BP 3260

Subject: Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control accountability plan

When/Whom to Notify: To all employees

Legal Code: Education Code 49414

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

When/Whom to Notify: To all employees

Legal Code: Education Code 49414.7

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to administer emergency antiseizure medication; training to be provided

When/Whom to Notify: To all employees

Legal Code: Government Code 1126

Board Policy/Administrative Regulation #: BP 4136/4236/4336

Subject: Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify: Prior to beginning employment

Legal Code: Government Code 3102

Board Policy/Administrative Regulation #: AR 4112.3/4212.3/4312.3

Subject: Oath or affirmation of allegiance required of disaster service workers

When/Whom to Notify: To all employees

Legal Code: Government Code 8355; 41 USC 8102

Board Policy/Administrative Regulation #: BP 4020, BP 4159/4259/4359

Subject: District's drug- and alcohol-free workplace; actions that will be taken if violated; available employee assistance programs

When/Whom to Notify: Upon placement of automated external defibrillator (AED) in school, annually thereafter

Legal Code: Health and Safety Code 1797.196

Board Policy/Administrative Regulation #: AR 5141

Subject: Proper use of AED; location of all AEDs on campus

When/Whom to Notify: To all employees, if the district receives Tobacco-Use Prevention Education funds

Legal Code: Health and Safety Code 104420

Board Policy/Administrative Regulation #: AR 3513.3

Subject: District's tobacco-free schools policy and enforcement procedures

When/Whom to Notify: Annually to all employees, or more frequently if there is new information

Legal Code: Health and Safety Code 120875, 120880

Board Policy/Administrative Regulation #: AR 4119.43/4219.43/4319.43

Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To all employees, with each paycheck

Legal Code: Labor Code 246

Board Policy/Administrative Regulation #: AR 4161.1/4261.1/4361.1

Subject: Amount of sick leave available

When/Whom to Notify: To covered employees and former employees

Legal Code: Labor Code 2800.2

Board Policy/Administrative Regulation #: AR 4154/4254/4354

Subject: Availability of COBRA/Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage

When/Whom to Notify: To every new employee, either at the time employee is hired or by end of first pay period

Legal Code: Labor Code 3551

Board Policy/Administrative Regulation #: BP 4157.1/4257.1/4357.1

Subject: Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify: Prior to beginning employment

Legal Code: Penal Code 11165.7, 11166.5

Board Policy/Administrative Regulation #: AR 5141.4

Subject: Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law

When/Whom to Notify: Upon employment, and when employee goes on leave for specified reasons

Legal Code: Unemployment Insurance Code 2613

Board Policy/Administrative Regulation #: AR 4154/4254/4354

Subject: Disability insurance rights and benefits

When/Whom to Notify: To all employees via employee handbook, or to each new employee

Legal Code: 29 CFR 825.300; 2 CCR 11096

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 day's notice of need for leave when possible

When/Whom to Notify: To all employees and job applicants

Legal Code: 34 CFR 104.8, 106.

Board Policy/Administrative Regulation #: BP 0410, BP 4030

Subject: District's policy on nondiscrimination and related complaint procedures

When/Whom to Notify: Annually to all employees

Legal Code: 40 CFR 763.84, 763.93

Board Policy/Administrative Regulation #: AR 3514

Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

## II. To Certificated Employees

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire

Legal Code: Education Code 22455.5

Board Policy/Administrative Regulation #: AR 4121

Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual

Legal Code: Education Code 22461

Board Policy/Administrative Regulation #: AR 4117.14/4317.14

Subject: Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify: To certificated employees

Legal Code: Education Code 35171

Board Policy/Administrative Regulation #: AR 4115, BP 4315

Subject: District regulations related to performance evaluations

When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated

Legal Code: Education Code 44663

Board Policy/Administrative Regulation #: AR 4115

Subject: Copy of employee's evaluation

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee

Legal Code: Education Code 44664  
Board Policy/Administrative Regulation #: AR 4115  
Subject: Notice and description of the unsatisfactory performance

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees

Legal Code: Education Code 44842  
Board Policy/Administrative Regulation #: AR 4112.1  
Subject: Request that the employee notify district of intent to remain in service next year

When/Whom to Notify: To certificated employees upon employment and to nonpermanent employees in July of each school year

Legal Code: Education Code 44916  
Board Policy/Administrative Regulation #: AR 4112.1, AR 4121  
Subject: Employment status and salary

When/Whom to Notify: To probationary employees in district with ADA of 250 or more, by March 15 of employee's second consecutive year of employment

Legal Code: Education Code 44929.21  
Board Policy/Administrative Regulation #: AR 4117.6  
Subject: Whether or not employee is reelected for next school year

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year

Legal Code: Education Code 44934, 44934.1, 44936  
Board Policy/Administrative Regulation #: BP 4118; AR 4118  
Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

When/Whom to Notify: To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice

Legal Code: Education Code 44938  
Board Policy/Administrative Regulation #: BP 4118  
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year

Legal Code: Education Code 44938  
Board Policy/Administrative Regulation #: BP 4118  
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings

Legal Code: Education Code 44940.5

Board Policy/Administrative Regulation #: AR 4118

Subject: Notice of intent to dismiss 30 days from notice unless employee demands hearing

When/Whom to Notify: To probationary employees 30 days prior to dismissal during school year, but not later than March 15 for second- year probationary employees

Legal Code: Education Code 44948.3

Board Policy/Administrative Regulation #: AR 4118

Subject: Reasons for dismissal and opportunity to appeal

When/Whom to Notify: By March 15 when necessary to reduce certificated personnel, with final notice by May 15

Legal Code: Education Code 44949, 44955

Board Policy/Administrative Regulation #: BP 4117.3

Subject: Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination

When/Whom to Notify: On or before June 30, to temporary employee who served 75 percent of school year but will be released

Legal Code: Education Code 44954

Board Policy/Administrative Regulation #: BP 4121

Subject: District's decision not to reelect employee for following school year

When/Whom to Notify: To teacher, when a student engages in or is reasonably suspected of specified acts

Legal Code: Education Code 49079

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To certificated employee upon change in employment status due to alleged misconduct

Legal Code: 5 CCR 80303

Board Policy/Administrative Regulation #: AR 4117.7/4317.7

Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

When/Whom to Notify: To teachers when school is identified for Title 1 program improvement restructuring

Legal Code: 20 USC 6316

Board Policy/Administrative Regulation #: AR 0520.2

Subject: School identified for restructuring; opportunity to comment and participate

### III. To Classified Employees

When/Whom to Notify: To classified employee charged with mandatory leave of absence offense, in merit system district

Legal Code: Education Code 44940.5

Board Policy/Administrative Regulation #: AR 4218

Subject: Notice of intent to dismiss in 30 days

When/Whom to Notify: When classified employee is subject to disciplinary action for cause, in nonmerit district

Legal Code: Education Code 45113

Board Policy/Administrative Regulation #: AR 4218

Subject: Notice of charges, procedures, and employee rights

When/Whom to Notify: To classified employees at least 60 days prior to layoff, or by April 29 if specially funded program that expires at end of school year

Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: Notice of layoff and reemployment rights

When/Whom to Notify: To classified employees upon employment and upon each change in classification

Legal Code: Education Code 45169

Board Policy/Administrative Regulation #: AR 4212

Subject: Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

When/Whom to Notify: To classified permanent employee whose leave is exhausted

Legal Code: Education Code 45192, 45195

Board Policy/Administrative Regulation #: AR 4261.1, AR 4261.11

Subject: Exhaustion of leave, opportunity to request additional leave

When/Whom to Notify: To school bus drivers and school activity bus drivers prior to expiration of specified documents

Legal Code: 13 CCR 1234

Board Policy/Administrative Regulation #: AR 3542

Subject: Expiration date of driver's license, driver's certificate and medical certificate; need to renew

When/Whom to Notify: To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter

Legal Code: 13 CCR 2480

Board Policy/Administrative Regulation #: AR 3542

Subject: Limitations on vehicle idling; consequences of not complying

When/Whom to Notify: To school bus drivers, prior to district drug testing program and thereafter upon employment

Legal Code: 49 CFR 382.601

Board Policy/Administrative Regulation #: BP 4112.42/4212.42/4312.42

Subject: Explanation of federal requirements for drug testing program and district's policy

#### IV. To Administrative/Supervisory Personnel

When/Whom to Notify: To deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract

Legal Code: Education Code 35031

Board Policy/Administrative Regulation #: BP 4312.1

Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position

Legal Code: Education Code 44896

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Statement of the reasons for the release or reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year

Legal Code: Education Code 44951

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Notice that employee may be released or reassigned the following school year

#### V. To Individual Employees Under Special Circumstances

When/Whom to Notify: Prior to placing derogatory information in personnel file

Legal Code: Education Code 44031

Board Policy/Administrative Regulation #: AR 4112.6/4212.6/4312.6

Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: To employees who volunteer to administer epinephrine auto-injector

Legal Code: Education Code 49414

Board Policy/Administrative Regulation #: AR 5141.21  
Subject: Defense and indemnification from civil liability by the district

When/Whom to Notify: 24 hours before Board meets in closed session to hear complaints or charges against employee

Legal Code: Government Code 54957

Board Policy/Administrative Regulation #: BB 9321

Subject: Employee's right to have complaints/charges heard in open session

When/Whom to Notify: When taking disciplinary action against employee for disclosure of confidential information

Legal Code: Government Code 54963

Board Policy/Administrative Regulation #: BP 4119.23/4219.23/4319.23

Subject: Law prohibiting disclosure of confidential information obtained in closed session

When/Whom to Notify: Within one working day of work-related injury or victimization of crime

Legal Code: Labor Code 3553, 5401

Board Policy/Administrative Regulation #: BP 4157.1/4257.1/4357.1

Subject: Potential eligibility for workers' compensation benefits, claim form

When/Whom to Notify: When adverse employment action is based on DOJ criminal history information or subsequent arrest notification

Legal Code: Penal Code 11105, 11105.2

Board Policy/Administrative Regulation #: AR 4112.5/4212.5/4312.5

Subject: Copy of DOJ notification

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter

Legal Code: 8 CCR 3204, 5193

Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42

Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee assigned to a work area where hazardous chemical are present, upon initial assignment and upon new exposure situation

Legal Code: 8 CCR 5191

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area

Legal Code: 8 CCR 5194

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave

Legal Code: 38 USC 4334

Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5

Subject: Notice of rights, benefits, and obligations under military leave

When/Whom to Notify: Within five days of employee's request for family care and medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave

Legal Code: 29 CFR 825.300; 2 CCR 11049

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee

Legal Code: 29 CFR 825.300

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

Exhibit CAMPBELL UNION SCHOOL DISTRICT

version: October 24, 2013      Campbell, California

revised: June 25, 2015

# BP 4113 Campbell Union ESD

## Board Policy

### Assignments

BP 4113

### Personnel

In order to serve the best interests of students and the educational program, the Governing Board authorizes the Superintendent or designee to assign certificated personnel to positions for which their preparation, certification, experience and aptitude qualify them.

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

(cf. 4112.23 - Special Education Staff)

(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Teachers may be assigned to any school within the district in accordance with the collective bargaining agreement.

(cf. 4141/4241- Collective Bargaining Agreement)

When there is no credential authorization requirement for teaching an elective course, the Superintendent or designee shall select the credentialed teacher whose knowledge and skills best prepare him/her to provide instruction in the subject.

The Board encourages the assignment of experienced and fully credentialed teachers, including those who have attained National Board for Professional Teaching Standards certification, to schools with the greatest need to improve student achievement.

~~Teachers shall be assigned to teach core academic subjects in Title I and non-Title I programs in accordance with the requirements of the No Child Left Behind Act pertaining to teacher qualifications. (20 USC 6319, 7801; 5 CCR 6100-6125)~~

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

(cf. 6171 - Title I Programs)

The Superintendent or designee may assign holders of a credential other than an emergency permit, with their consent, to teach subjects outside their credential authorization in departmentalized classes, in accordance with the local teaching assignment options as described

in the Commission on Teacher Credentialing's Administrator's Assignment Manual. Assignments made pursuant to Education Code 44256, 44258.2, and 44263 shall reference in district records the statute or regulation under which the assignment is authorized. The Superintendent or designee shall, with the assistance of subject matter specialists, develop procedures to verify the subject matter knowledge of the teacher before any such assignment is made. (Education Code 44258.3)

(cf. 3580 - District Records)

The Superintendent or designee shall periodically report to the Board on any teacher misassignments or vacancies. He/she shall report to the Board the results of the County Superintendent's review of district misassignments and vacancies, and shall provide recommendations for remedying any identified issues.

(cf. 1312.4 - Williams Uniform Complaint Procedures)

#### Equitable Distribution of Qualified Teachers

In order to ensure that highly qualified and experienced teachers are equitably distributed among district schools, including those with higher than average levels of low-income, minority, and/or academically underperforming students, the Superintendent or designee shall make effort to:

~~1. — Verify that all teachers of core academic subjects possess the qualifications of highly qualified teachers as required by NCLB or develop immediate and long term solutions for ensuring that all core academic classes will be taught by highly qualified teachers~~

~~12. Not assign teachers with provisional internship permits, short-term staffing permits, or credential waivers to schools that have 40 percent or higher poverty rates. Unless no competent and fully credentialed educator can be found to fill the vacancy. or are ranked in deciles 1-3 on the statewide Academic Performance Index~~

~~23. Not place interns in high-poverty, low performing schools in greater numbers than in schools in low poverty or higher academic achievement~~

~~34. Compare teacher retention rates across district schools and develop strategies to recruit and retain experienced and effective teachers in hard-to-staff schools~~

(cf. 4111 - Recruitment and Selection)

When required by the CDE, the Superintendent or designee shall develop an equitable distribution plan to identify strategies for recruiting, developing, and retaining highly qualified

teachers in low performing schools. As needed, the Board may direct the Superintendent to transfer teachers to high need schools in accordance with law and the collective bargaining agreement, and/or may align district resources to improve the skills and qualifications of teachers at those schools.

(cf. 0460 Local Control and Accountability Plan)

(cf. 4111 Recruitment and Selection)

(cf. 4114 - Transfers)

(cf. 4131 - Staff Development)

(cf. 4131.1 - Teacher Support and Guidance ~~Beginning Teacher Support/Induction~~)

(cf. 6171 - Title I Programs)

~~(cf. 4138 - Mentor Teachers)~~

Legal Reference:

EDUCATION CODE

33126 School accountability report card

35035 Additional powers and duties of superintendent

35186 Complaint process

~~37616 - Assignment of teachers to year-round schools~~

44225.6 Commission report to the legislature re: teachers

44250-44277 Credentials and assignments of teachers

44314 Subject matter programs, approved subjects

~~44395-44398 - Incentives for assigning NBPTS-certified teachers to high-priority schools~~

~~44824 - Assignment of teachers to weekend classes~~

44955 Reduction in number of employees

GOVERNMENT CODE

3543.2 Scope of representation

CODE OF REGULATIONS, TITLE 5

~~6100-6126 - Teacher qualifications, No Child Left Behind Act~~

80003-80005 Credential authorizations

80020-80020.5 Additional assignment authorizations

80335 Performance of unauthorized professional services

80339-80339.6 Unauthorized certificated employee assignment

UNITED STATES CODE, TITLE 20

6311 State plan

6312 Local educational agency plans

~~6319 - Highly qualified teachers~~

6601-6651 Teacher and Principal Training and Recruiting Fund

~~7801 - Definitions, highly qualified teacher~~

CODE OF FEDERAL REGULATIONS, TITLE 34

~~200.55-200.57 Highly qualified teachers~~

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

~~California State Plan to Ensure Equitable Access to Excellent Educators~~

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

~~Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016~~

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

The Administrator's Assignment Manual, Updates and Revisions, May 2014 ~~rev. September 2007~~

U.S. DEPARTMENT OF EDUCATION GUIDANCE

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

WEB SITES

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

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

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

~~Santa Clara County Office of Education, Personnel Management Assistance Team:~~

~~<http://www.sccoe.org/depts/pmat>~~

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

Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: November 19, 1998                      Campbell, California

revised: July 15, 2004

revised: March 17, 2005

revised: June 18, 2009

# AR 4115 Campbell Union ESD

## Administrative Regulation

### Evaluation/Supervision

AR 4115

#### Personnel

The Superintendent or designee shall ~~print and~~ make available to certificated employees written regulations related to the evaluation of their performance in their assigned duties. (Education Code 35171)

(cf. 4100 - Certificated Personnel)

(cf. 4141/4241 - Collective Bargaining Agreement)

Certificated staff shall receive information regarding the district's evaluation criteria and procedures by October of every school year and whenever the criteria in the negotiated contract are revised.

(cf. 4112.21 - Interns)

(cf. 4112.9 Employee Notifications)

(cf. 4131.1 - Beginning Teacher Support/Induction)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4315.1 - Staff Evaluating Teachers)

#### Frequency of Evaluations

Certificated employee performance shall be evaluated and assessed on a continuing basis:  
(Education Code 44664)

1. At least once each school year for temporary and probationary personnel.
2. At least once every other year for permanent employees.
3. At least every 5 years for personnel with permanent status if all of the following conditions are met:
  - a. The employee has been employed by the district at least 10 years.

~~b. — The employee meets the qualifications of a highly qualified teacher as defined in 20 USC 7801 of the federal No Child Left Behind Act, if 20 USC 6319 requires that his/her position be filled by a highly qualified teacher.~~

~~b.e.~~ The employee's previous evaluation rates him/her as "meeting or exceedings standards."

~~c.d.~~ The evaluator and the employee agree to this schedule. Either the evaluator or the employee may withdraw consent at any time.

3. Annually, if the permanent employee has received an unsatisfactory evaluation until s/he receives a satisfactory evaluation or is separated from the district.

(cf. 4112.2 - Certification)

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

(cf. 4116 - Probationary/Permanent Status)

(cf. 4315.1 - Staff Evaluating Teachers)

Permanent employees who receive an unsatisfactory evaluation shall be required to participate in the Peer Assistance and Review Program as long as the program exists, and assessed annually until they receive a satisfactory evaluation or are separated from the district. (Education Code 44662, 44664)

(cf. 4117.4 - Dismissal)

(cf. 4139 - Peer Assistance and Review)

#### Evaluation Criteria

The Superintendent or designee shall assess the performance of certificated instructional staff as it reasonably relates to the following criteria: (Education Code 44662)

1. Student progress toward district standards of expected achievement for their grade level in each area of study (Standard I - Engaging and Supporting All Students in Learning; Standard II - Creating and Maintaining Effective Environments for Student Learning; Standard III - Understanding & Organizing Subject Matter for Student Learning; Standard IV - Planning instruction & Designing Learning Experiences for All Students; Standard V - Assessing Student Learning)

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

2. The instructional techniques and strategies used by the employee (Standard I - Engaging and Supporting All Students in Learning; Standard III - Understanding & Organizing Subject Matter for Student Learning; Standard IV - Planning instruction & Designing Learning Experiences for All Students);

3. The employee's adherence to curricular objectives (Standard I - Engaging and Supporting All Students in Learning; Standard II - Creating and Maintaining Effective Environments for Student Learning; Standard III - Understanding & Organizing Subject Matter for Student Learning; Standard IV - Planning instruction & Designing Learning Experiences for All Students)

(cf. 6010 - Goals and Objectives)

4. The establishment and maintenance of a suitable learning environment within the scope of the employee's responsibilities (Standard II - Creating and Maintaining Effective Environments for Student Learning)

5. The employee's development as a Professional Educator (Standard VI - Developing as a Professional Educator)

The evaluation of certificated employee performance shall not include the use of publishers' norms established by standardized tests. (Education Code 44662)

Non-instructional certificated employees shall be evaluated on their performance in fulfilling their defined job responsibilities. (Education Code 44662)

#### Evaluation Results

Evaluations shall include recommendations, if necessary, as to areas in need of improvement in the employee's performance in order to be deemed "meets standards". If an employee shows "progress evident," "needs improvement" or is not performing satisfactorily according to teacher standards approved by the Board pursuant to Education Code 44662, the Superintendent or designee shall so notify the employee in writing and describe the unsatisfactory performance. The Superintendent or designee shall confer with the employee, make specific recommendations as to areas needing improvement and endeavor to provide assistance to the employee in his/her performance. (Education Code 44664)

The Superintendent or designee may require any instructional employee who receives an unsatisfactory rating in the area of teaching methods or instruction to participate in a program designed to improve appropriate areas of performance and to further student achievement and the district's instructional objectives. (Education Code 44664)

(cf. 4131 - Staff Development)

(cf. 4139 - Peer Assistance and Review)

Instructional and non-instructional certificated employees shall have the right to respond in writing to their evaluation. This response shall become a permanent attachment to the employee's personnel file. (Education Code 44663)

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

Regulation    CAMPBELL UNION SCHOOL DISTRICT

approved: November 19, 1998            Campbell, California

revised: March 25, 2004

revised: February 8, 2007

revised: May 8, 2008

# AR 4222 Campbell Union ESD

## Administrative Regulation

### Educational Associates/Paraprofessionals

AR 4222

#### Classified Personnel

#### Qualifications ~~and Duties of Paraprofessionals~~

Every Student Succeeds Act (ESSA) (P.L. 114-95) repealed 20 USC 6319 which contained additional requirements pertaining to the qualifications of Educational Associates/Paraprofessionals working in programs supported by federal Title I funds and required the principal to attest to the school's compliance. However, 20 USC 6311, as amended by P.L. 114-95, requires that the state plan implementing ESSA include requirements addressing qualifications of such Educational Associates/ Paraprofessionals. According to the CDE, the only requirement applicable to Title I paraprofessionals for the 2016-17 school year is the requirement to demonstrate proficiency on a local proficiency exam. Thus, requirements for Title I Educational Associates/Paraprofessionals are the same as for all other paraprofessionals.

No person shall be initially assigned to assist in instruction as an Educational Associate/Paraprofessional unless he/she has demonstrated proficiency in reading, writing and mathematics skills up to or exceeding that required for local high school seniors pursuant to Education Code 51220(a) and (f) ~~in the high school district that includes all or the largest portion of the district.~~ (Education Code 45330, 45344.5, 45361.5)

An Educational Associate/Paraprofessional who has passed a comparable proficiency test in another district and was employed in the same capacity shall be considered to have met the district's proficiency standards, unless the district determines that the other district's test is not comparable.. (Education Code 45344.5, 45361.5)

#### Duties

Educational Associates/Paraprofessionals shall perform only such duties as, in the judgment of the certificated personnel to whom the ~~instructional aide~~ Educational Associate/Paraprofessional is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code ~~45344~~ 45330)

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

Educational Associates/Paraprofessionals need not perform their duties in the physical presence of the teacher, but the teacher shall retain responsibility for the instruction and supervision of the students in his/her charge. (Education Code 45344)

#### ~~Additional Qualifications and Duties of Paraprofessionals in Title I Programs~~

~~All paraprofessionals working in a program supported by federal Title I funds shall have received a high school diploma or its equivalent. (20 USC 6319; Education Code 45330; 34 CFR 200.58)~~

~~(cf. 6171—Title I Programs)~~

~~In addition, paraprofessionals hired on or after January 8, 2002 shall meet at least one of the following criteria immediately, and those hired before January 8, 2002, shall meet one of the criteria by June 16, 2006: (20 USC 6319; 34 CFR 200.58 Education Code 45330)~~

- ~~1. — Completed at least two years of study (48 semester units or equivalent quarter units) at an institution of higher education~~
- ~~2. — Obtained an associate's degree or higher~~
- ~~3. — Knowledge of an ability to assist in instructing English language arts, mathematics, and ability to assist in instruction as demonstrated through a local or state assessment.~~

~~A paraprofessional who was hired on or before January 1, 2003, shall be deemed to have met the proficiency exam requirements of item #3 above if he/she has previously demonstrated, through a local assessment, knowledge of, and an ability to assist in, instructing reading, writing and mathematics. (Education Code 45330)~~

~~When a paraprofessional has previously worked in another district, the Superintendent or designee may determine whether any assessments conducted by the previous district satisfy the proficiency criteria of item #3 above.~~

~~Items #1-3 above shall not apply to any paraprofessional: (20 USC 6319; 34 CFR 200.58; Education Code 45330)~~

- ~~1. — Who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title I programs by acting as a translator~~

~~2. Whose duties consist solely of conducting parental involvement activities consistent with 20 USC 6318~~

~~Paraprofessionals working in a program supported by Title I funds may be assigned to: (20 USC 6319; 34 CFR 200.59)~~

~~1. Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher~~

~~2. Assist with classroom management, such as organizing instructional and other materials~~

~~3. Provide assistance in a computer laboratory~~

~~4. Conduct parental involvement activities~~

~~5. Provide support in a library or media center~~

~~6. Act as a translator~~

~~7. Provide instructional services to students, provided that the paraprofessional is working under the direct supervision of a teacher~~

~~Title I paraprofessionals may assume limited duties that are assigned to similar personnel in non-Title I programs, including duties beyond classroom instruction or that do not benefit Title I students, in the same proportion of total work time as non-Title I paraprofessionals. (20 USC 6319; 34 CFR 200.59)~~

~~The principal of each school operating a Title I program shall annually attest in writing as to whether the school is in compliance with federal requirements regarding qualifications and duties of paraprofessionals listed above. Copies of attestations shall be maintained at the school and district office and shall be available to the public upon request. (20 USC 6319)~~

#### Parental Notification

~~At the beginning of each school year, parents/guardians shall be notified that ~~he/she~~ they may request information regarding whether ~~his/her~~ their child is provided services by paraprofessionals and, if so, ~~their~~ the Educational Associate/ Paraprofessional's qualifications. (20 USC ~~6311~~ 6312)~~

(cf. 5145.6 - Parental Notifications)

Regulation      CAMPBELL UNION SCHOOL DISTRICT  
Approved:      May 22, 2003 Campbell, California  
Revised:        March 25, 2004  
Revised:        May 18, 2006

# E 4222 Campbell Union ESD

## Exhibit

### Educational Associates/Paraprofessionals

E 4222

### Personnel

Attestation Regarding Title I Paraprofessionals

School: \_\_\_\_\_ Principal: \_\_\_\_\_

1. I certify that every paraprofessional hired after January 8, 2002, and working in a program supported by Title I funds, unless he/she is exempted by law, has received a high school diploma or its equivalent and has met at least one of the following criteria pursuant to 20 USC 6319:

- a. Completed at least two years of study at an institution of higher education
- b. Obtained an associate's or higher degree
- c. Met a rigorous standard of quality and demonstrated, through a locally determined academic assessment, knowledge of and the ability to assist in instructing either reading, writing and mathematics or reading readiness, writing readiness and mathematics readiness

2. All paraprofessionals working in a Title I program are performing duties consistent with 20 USC 6319.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Exhibit CAMPBELL UNION SCHOOL DISTRICT  
version: March 25, 2004 Campbell, California

# BP 5116.1 Campbell Union ESD

## Board Policy

### Intradistrict Open Enrollment

BP 5116.1

#### Students

The Governing Board offers parent ~~preference~~ choice to provide enrollment options for parents and students that meet the diverse needs and interests of district students, while also maximizing the efficient use of district facilities. - The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy and administrative regulation.

Transitional Kindergarten (TK) is for those students whose fifth birthday falls between September 2 and December 2 of the school year in which they will be enrolled in a Transitional Kindergarten program. To the extent that this legislation and related funding remain in place, it is a goal to place these students in a Transitional Kindergarten program in the students' resident boundaries. If there is not a Transitional Kindergarten program at the student's school of residence, or if the Transitional Kindergarten at the school of residence is beyond capacity, the district will attempt to place the student in a Transitional Kindergarten near the student's residence. Placement at a school other than the resident school for Transitional Kindergarten will not guarantee a placement at that school for Kindergarten. However, the student will have an opportunity to participate in Open Enrollment when advancing from Transitional Kindergarten to Kindergarten.

(cf. 5117 - Interdistrict Attendance)

(cf. 5117.1 - Interdistrict Attendance Agreements)

(cf. 5117.2 - Alternative Interdistrict Attendance Program)

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of the resident within the district.

(Education Code 35160.5)

(cf. 5111.1 - District Residency)

(cf. 5111.11 - Residency of Students with Caregiver)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

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

## Enrollment Priorities

Students who reside within district boundaries may apply for enrollment in any district school. The Superintendent or designee shall determine the enrollment capacity of each district school and establish a random, unbiased selection process for the admission of students from outside a school's attendance area. In accordance with law, the Superintendent shall undertake reasonable efforts such that no student currently residing within a school's attendance area shall be displaced by another student.

Enrollment priorities shall be set by the Superintendent or designee and defined through AR 5116.1 and be provided to parents and guardians requesting Open Enrollment information.

1. ~~Any student enrolled in a district school that has been identified on the state's Open Enrollment Act list (Education Code 48354) If a district school receiving Title I funds is identified for program improvement, corrective action or restructuring, all students enrolled in that school shall be provided an option to transfer to another district school or charter school. (20 USC 6316)~~

~~(cf. 5118 Open Enrollment Act Transfers)~~

~~(cf. 0420.4 Charter Schools)~~

~~(cf. 0520.2 Title I Program Improvement Schools)~~

~~(cf. 6171 Title I Programs)~~

2. ~~Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous" (20 USC 7912; 5 CCR 11922)~~

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

3. ~~Any If while on school grounds a student while on school grounds, becomes thea victim of a violent criminal offense, as defined by the State Board of Education, or attends a school designated by the California Department of Education as persistently dangerous, he/she shall be provided an option to transfer to another district school or charter school. (20 USC 7912)~~

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

3. The Superintendent or designee may approve a student's transfer to a district school that is at capacity and otherwise closed to transfers upon finding that special circumstances exist that

might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student.

To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)

a. A written statement from a representative of an appropriate state or local agency, including but not limited to a law enforcement official or social worker, or a properly licensed or registered professional, including, but not limited to, a psychiatrist, psychologist or marriage and family therapist

b. A court order, including a temporary restraining order and injunction

4. Priority may be given to current students enrolled in the school through prior Open Enrollment transfer.

5. Priority may be given to siblings of students currently enrolled and continuing attendance in that school.

6. Priority may be given to students whose parent/guardian works in the district as his/her primary place of employment (20 hours or more weekly).

For all other applications for enrollment outside a school's attendance area, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever a school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

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

(cf. 6172 - Gifted and Talented Student Program)

No student who currently resides within the attendance area of a school shall be displaced by students transferring from outside of the attendance area. (Education Code 35160.5(b)(2)(C))

Transportation

~~Except as required by 20 USC 6316, for transfers out of Title I program improvement schools,~~  
The district shall not be obligated to provide transportation for students who attend school outside their attendance area. However, upon request, the Superintendent or designee may authorize transportation contingent upon available space and funds. Priority for any such transportation shall be based on demonstrated financial need.

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

## Open Enrollment-Dual Immersion and Parent/Guardian Participation

### 1. Sherman Oaks, Dual Immersion School

Enrollment for Sherman Oaks School will be processed at the Campbell Union School District office. Registration forms and enrollment information can be obtained from either the Sherman Oaks Community Charter School office or the Campbell Union School District Office.

As part of the Dual Immersion focus of the school, as much as is possible, an enrollment percentage of no more than 2/3 English language learners and 1/3 English only students, with a goal of having 1/3 English only students, 1/3 Bilingual (English and Spanish) students and 1/3 Spanish will be maintained to allow for appropriate modeling for Spanish and English.

Students wishing to enroll after the second semester of first grade will be assessed to determine the student's ability to participate successfully in a dual immersion curriculum. Assessment results will determine eligibility for the dual immersion program.

### 2. Village, Parent/Guardian Participation School

Village School students have many opportunities to work in multi-aged environments. The developmentally appropriate practices at Village School take into account those aspects of teaching and learning that change with the age and experience of the learner.

Based on capacity and grade level space considerations, students currently enrolled in Village School will be assured continued enrollment as long as their parents meet their participation guidelines as outlined in the Village School Parent Handbook. Students may participate in Open Enrollment for grades other than Kindergarten. The same lottery process will be followed as defined for Kindergarten.

Village School classes are multi-aged and work very closely with each other. Parent participation and support of the multi-aged structure is required.

### 3. Placement Process

A priority and lottery system will determine the order in which students will be admitted to Sherman Oaks and Village School if there are more applicants than space available.

#### Legal Reference:

##### EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

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

48350-48361 Open Enrollment Act

48980 Notice at beginning of term

##### CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

##### UNITED STATES CODE, TITLE 20

~~6316 Transfers from program improvement schools~~

7912 Transfers from persistently dangerous schools

##### ~~CODE OF FEDERAL REGULATIONS, TITLE 34~~

~~200.36 Dissemination of information~~

~~200.37 Notice of program improvement status, option to transfer~~

~~200.39 Program improvement, transfer option~~

~~200.42 Corrective action, transfer option~~

~~200.43 Restructuring, transfer option~~

~~200.44 Public school choice, program improvement schools~~

~~200.48 Transportation funding for public school choice~~

##### COURT DECISIONS

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

##### ATTORNEY GENERAL OPINIONS

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

#### Management Resources:

[CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS](#)

[Public School Choice FAQ's](#)

[Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016](#)

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS NONREGULATORY GUIDANCE  
Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev. May  
4, 2016

~~Public School Choice, January 2009~~

Unsafe School Choice Option, May 2004

#### WEB SITES

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

California Department of Education, ~~Unsafe School Choice Option:~~

<http://www.cde.ca.gov/As/ss/se/useo.asp>

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

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

Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: December 17, 1998 Campbell, California

revised: December 13, 2007

revised: October 14, 2010

revised: January 12, 2012

revised: January 22, 2015

# AR 5116.1 Campbell Union ESD

## Administrative Regulation

### Intradistrict Open Enrollment

AR 5116.1

#### Students

To implement annual intradistrict open enrollment pursuant to Education Code 35160.5:

The Superintendent or designee shall identify those schools, which may have space available for additional students.

#### Open Enrollment Period

An Open Enrollment period will be held prior to the end of February of each year. Only during this period, students may apply to attend district schools outside their residence attendance area.

#### Open Enrollment Application

Application forms will be available at a central location(s), which will be designated and publicized each year. The applications must be submitted to the announced location(s) during the Open Enrollment period.

Each applicant will be notified of his/her placement by mail.

#### Available Space

Available space is determined by the Superintendent or designee according to:

1. Defined enrollment capacity of the school
2. Projected staffing entitlement
3. Physical space
4. Safety of students

Attendance for Grades Kindergarten - Eight:

A priority and lottery system will determine the order in which students will be admitted to those schools that have more applicants than space available.

Priorities will determine the order in which students are assigned to schools.

1. First Priority: Students who live in the school's attendance area. (Education Code 35160.5(b)(3)(C))
2. Second Priority: Current students enrolled in the school through Open Enrollment transfer. (Not applicable to Kindergarten)
3. Third Priority: Siblings of students who reside in the district and who are currently attending the requested school.
4. Fourth Priority: Students whose parents or legal guardians have their primary place of employment (20 hours or more weekly) at that school. Such employees may reside within or outside of district boundaries.
5. Fifth Priority: All students who are residents of the district, but are not included in any of the first five priorities.
6. Sixth Priority: Children of district employees who work 20 hours or more weekly for the district.
7. Seventh Priority: Students residing outside the Campbell Union School District (CUSD) boundaries.

All 4th grade students must apply for 5th grade placement through the Open Enrollment process to select attendance in elementary (5th) or middle school (5th). An exception to this is for Sherman Oaks Dual Immersion School as this program is intended to be from Transitional Kindergarten or Kindergarten through sixth grade.

Available space for fifth grade students in elementary and middle schools will be determined each year. Students will be enrolled into their desired school through Open Enrollment, if space is available in that school.

#### Lottery

If the number of applications exceeds the available space in the school or in a grade level within a school, a lottery will determine which students are to be admitted from the total applicants within each separate priority. A waiting list will be made indicating the order in which students

will be admitted as openings occur. The first lottery name drawn from a priority will be the first admitted, as openings occur until October 15.

The lottery will be a random selection conducted by the district on or before the last week in April.

Written announcement of the date and time of the lottery will be sent to all involved participants, at least one week prior to the lottery, so they may attend if desired.

A written result of the individual student's rank according to the lottery will be mailed to involved families no later than 20 working days after the close of the lottery. (Education code 35160.5)

To protect the privacy of all involved students, no document will be distributed listing the names of these students.

If space is not available in the school through Open Enrollment, the student will be enrolled in a school within his/her attendance area.

#### Multiple Child Provision

If a family participating in Open Enrollment has twins, triplets, etc., a number will be pulled for the family and assigned for the siblings. For instance, if there are twins and the number 10 is selected for the family in the lottery, they will be assigned 10 and 11, with the next number drawn being designated as 12. The parent must inform the district that they have more- than one student participating in Open Enrollment.

#### Waiting Lists

All waiting lists established by a lottery will be terminated on October 15th of each school year.

#### Return Rights - All Grade Levels

It is the desire of the Governing Board to allow students to remain at their attending school should they wish to remain. Once enrolled through Open Enrollment, students will not have to reapply for admission during their continuous enrollment in that school. However, due to potential capacity limitations, all students entering the 5th grade will need to indicate their desire to remain at the elementary site or attend the middle school. The priority and lottery process will be used should fifth grade enrollment requests exceed the available capacity. Because Sherman Oaks Dual Immersion is through sixth grade, Sherman Oaks' families are encouraged to remain through sixth grade, unless enrollment exceeds capacity limitations.

Open Enrollment students have the rights of all resident area students and will only be displaced if the grade level for which they are attending is impacted with resident students (Priority 1). (Education Code 35160.5(b)(3)(C))

Students placed through Open Enrollment relinquish their right to attend their attendance area school until the next Open Enrollment period. Requests for placement at the student's attendance area school must be made in writing and submitted to the district during the annual Open Enrollment period. Transfer requests to an attendance area school made at times other than during the Open Enrollment period will be given the same consideration as all other transfer requests.

#### Transitional Kindergarten (TK)

Transitional Kindergarten is for students whose fifth birthday falls between September 2 and December 2 of the school year in which they will be enrolled. To the extent that this legislation and related funding remain in place, it is a goal to place these students in a Transitional Kindergarten program in their ~~ir-students'~~ resident boundaries. If there is not a Transitional Kindergarten program at the student's school of residence, or if the Transitional Kindergarten at the school of residence is beyond capacity, the district will attempt to place the student in a Transitional Kindergarten near the student's residence. Placement at a school other than the resident school for Transitional Kindergarten will not guarantee a placement at that school for Kindergarten. However, the student will have an opportunity to participate in Open Enrollment when advancing from Transitional Kindergarten to Kindergarten.

#### Transportation

District transportation will not be provided.

#### Special Education

Special Education students will be assigned to a school according to the Individualized Education Plan (IEP). Special Education Resource students will be placed according to the above mentioned priority system, if space is available in the school's program.

#### Transfers After Open Enrollment

Once a student has been placed in a school through the Open Enrollment process, transferring to another school, including the school of residence, will go through the same process as per any other student transfer within the district.

## Transfers for Victims of a Violent Criminal Offense

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In determining whether a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident on a case-by-case basis and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practicable.

(cf. 5118 - Transfers)

## Enrollment-Sherman Oaks, Dual Immersion School and Village, Parent/Guardian Participation School

Participation in the dual immersion or parent participation program is optional, for those wishing to participate.

## Sherman Oaks, Dual Immersion School-Enrollment

In an effort to provide a variety of educational options, CUSD offers families the choice of a Spanish Dual Immersion education. In order to provide effective language modeling, a goal of the program is to have 1/3 of each grade level to be composed of English language learners and 1/3 of each grade level to be composed of English speaking students and 1/3 of each grade level be Bilingual (English and Spanish). Three priority lists will be followed to enable such enrollment. The priorities will be the same as those listed above. Due to the commitment of the dual immersion education, if there is a Transitional Kindergarten program at Sherman Oaks, parents of Transitional Kindergarten students may select Sherman Oaks as an option for their child. If enrollment requests exceed capacity, the priority and lottery system will be followed. Children enrolled in Sherman Oaks Dual Immersion Transitional Kindergarten will automatically be enrolled in Sherman Oaks for Kindergarten.

## Village, Parent Participation School-Enrollment

Priorities for Kindergarten Enrollment:

1. First Priority: Siblings of Students
2. Second Priority: Students whose parents or legal guardians have their primary place of employment (20 hours or more weekly) at Village School. Such employees may reside within or outside of the district boundaries.
3. Third Priority: Students residing within CUSD
4. Fourth Priority: Children of district employees who work 20 hours or more weekly for the district
5. Fifth Priority: Students who aren't included in any of the first four priorities

Sherman Oaks, Dual Immersion School and Village, Parent Participation School shall adhere to the district lottery policies and procedures.

#### Availability of Space

If space is not available at Sherman Oaks or Village School, the student will be placed on a waiting list for Sherman Oaks or Village School and will be enrolled in a school within his/her attendance area. Waiting list students will be notified when a space becomes available until October 15.

Return rights and transfers after Open Enrollment will be the same for Sherman Oaks and Village as for other schools in the district.

Regulation      CAMPBELL UNION SCHOOL DISTRICT  
approved: December 17, 1998      Campbell, California  
revised:      May 6, 2010  
revised:      October 14, 2010  
revised:      January 12, 2012  
revised:      January 22, 2015

# BP 5121 Campbell Union ESD

## Board Policy

### Grades/Evaluation Of Student Achievement

BP 5121

#### Students

The Governing Board believes that the evaluation of student progress serves a valuable instructional purpose by helping students and parents/guardians understand performance expectations and identify the student's areas of strength and areas needing improvement. Parents/guardians and students have the right to receive reports each marking period that represent an accurate evaluation of the student's academic performance. ~~of district academic standards and behavioral expectations.~~ Parents will be informed at the time of progress reports when a student is in danger of failing a course, or in a timely manner if the student begins to fail.

~~(cf. 6146.4—Differential Graduation and Competency Standards for Individuals with Exceptional Needs)~~

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

The Superintendent or designee shall establish a uniform reporting system that shall be applied to all students in that course and grade level. Teachers shall inform students and parents/guardians how academic performance will be evaluated in the classroom, and principals shall ensure that student evaluation of student progress conforms to this system. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

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

~~The teacher of each course shall determine the student's grade. The A grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy and administrative regulation. (Education Code 49066)~~

(cf. 5125.3 - Challenging Students Records)

Teachers shall evaluate a student's work in relation to standards which apply to all students at his/her grade level, not in relation to the work of other students in one particular class.

The Superintendent or designee shall establish a uniform reporting system that shall be applied to all students in that course and grade level. Teachers shall inform students and parents/guardians

~~how academic performance will be evaluated in the classroom, and principals shall ensure that student evaluation of student progress conform to this system. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.~~

Evaluation of student progress should be based on impartial, consistent observation of the quality of the student's work and his/her mastery of rigorous course content and district standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods ~~such as classroom participation, homework, including, but not limited to~~ tests, projects, portfolios and/or class discussion as appropriate. ~~Other elements that are not a direct measure of knowledge and understanding of course content, such as attendance, effort, student conduct, and work habits, shall not be factored into the academic grade but may be reported separately.~~ ~~\_portfolios. The Board recognizes that portfolios may be especially useful in assessing how skills, knowledge and thought processes have been combined from a number of different subject areas.~~

(cf. 6011 - Academic Standards)

~~(cf. 6030 - Integrated Academic and Vocational Instruction)~~

(cf. 6162.5 - Student Assessment)

A report card for a student with a disability may contain information about his/her disability, including whether that student received special education or related services, provided that the report card informs parents/guardians about their child's progress or level of achievement in specific classes, course content, or curriculum.

(cf. 5125 - Student Records)

(cf. 6159 - Individualized Education Program)

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

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

The Board recognizes that the developmental levels of young children vary a great deal. In order to give parents/guardians more information and also promote students' self-esteem and experiences of success, students in kindergarten through fifth grade may receive narrative evaluations that show how the student is progressing towards mastery of the standards. ~~rather than letter grades.~~

**Whenever a student misses an assignment or assessment due to either an excused or unexcused absence, he/she shall be given full credit for subsequent satisfactory completion of the assignment or assessment.**

| [\(cf. 6154 - Homework/Makeup Work\)](#)

Legal Reference:

EDUCATION CODE

| ~~[41505-41508 Pupil Retention Block Grant](#)~~

48070 Promotion and retention

48205 Excused absences

48800-48802 Enrollment of gifted students in community college

48904-48904.3 Withholding grades, diplomas, or transcripts

49066 Grades; finalization; physical education class

49067 Mandated regulations regarding student's achievement

49069.5 Students in foster care, grades and credits

51242 Exemption from physical education based on participation in interscholastic athletics

76000-76002 Enrollment in community college

CODE OF REGULATIONS, TITLE 5

| ~~[10060 Criteria for reporting physical education achievement, high schools](#)~~

| ~~[30008 Definition of high school grade point average for student aid eligibility](#)~~

UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act (FERPA)

| ~~[6101-6251 School to Work Opportunities Act of 1994](#)~~

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

COURT DECISIONS

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

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

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

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

Management Resources:

[CSBA PUBLICATIONS](#)

[Research-Supported Strategies to Improve the Accuracy and fairness of Grades, Governance  
Brief, July 2016](#)

~~[CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS](#)~~

~~[Aiming High: High Schools for the 21st Century, 2002](#)~~

~~[Taking Center Stage: A Commitment to Standards-Based Education for California's Middle  
Grades Students, 2001](#)~~

~~[Elementary Makes the Grade!, 2000](#)~~

U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS CORRESPONDENCE  
Report Cards and Transcripts for Students with Disabilities, October 17, 2008

WEB SITES

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

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

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

Policy CAMPBELL UNION SCHOOL DISTRICT

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revised: September 12, 2002

revised: March 25, 2004

revised: December 10, 2009

# AR 5121 Campbell Union ESD

## Administrative Regulation

### Grades/Evaluation Of Student Achievement

AR 5121

#### Students

[The Superintendent or designee shall inform teachers of the district's policy regarding grading, including expectations that report cards shall be based on factors that directly measure students' knowledge and skills in the content area and shall not include non-academic factors.](#)

~~Written~~ Report cards displaying students' progress toward district academic achievement and behavioral standards in each subject or course shall be distributed to parents/guardians at the end of each grading period. Parents/guardians shall be offered an opportunity to meet with their child's teacher(s) to discuss the grades and strategies to improve their child's performance.

(cf. 6020 - Parent Involvement)

Whenever it becomes evident to a teacher that a student is in danger of failing a course or not completing promotion requirements, the teacher shall arrange a conference with the student's parent/guardian and send the parent/guardian a written report. (Education Code 49067)

(cf. 5123 - Promotion/Acceleration/Retention)

#### Absences from School

When an unexcused absence occurs, the student and parent/guardian shall again be notified of the district's policy regarding excessive unexcused absences.

The student and parent/guardian shall have a reasonable opportunity to explain the absences. (Education Code 49067)

(cf. 5113 - Absences and Excuses)

[\(cf. 5113.1-Chronic Absence and Truancy\)](#)

If a student receives a failing grade because of excessive unexcused absences, the student's record shall specify that the grade was assigned because of excessive unexcused absences. (Education Code 49067)

Grades for a student in foster care shall not be lowered if the student is absent from school due to either of the following circumstances: (Education Code 49069.5)

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date the student left school
2. A verified court appearance or related court-ordered activity  
(cf. 6173.1 - Education for Foster Youth)

Regulation CAMPBELL UNION SCHOOL DISTRICT  
adopted: December 10, 2009 Campbell, California

# BP 5131.62 Campbell Union ESD

## Board Policy

### Tobacco

BP 5131.62

#### Students

The Governing Board recognizes that tobacco use presents health hazards and desires to provide support and assistance in reducing the number of students who begin or continue to use tobacco. The Superintendent or designee shall establish a comprehensive program that includes consistent enforcement of laws prohibiting tobacco possession and use by students, tobacco-use prevention education, and intervention and cessation activities and/or referrals.

#### Prohibition Against Tobacco Use

Students shall not possess, smoke or use tobacco or any product containing tobacco or nicotine while on school property or during school hours, at school-sponsored events, or while under the supervision of district employees. ~~Prohibited products include, but are limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.~~ (Education Code 48900, 48901) Students who violate this prohibition shall be subject to disciplinary procedures which may result in suspension from school. (Education Code 48900, 48901)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

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

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

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking (Business and Professions Code 22950.5; Education Code 48901)

Tobacco products include:

1. A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by other means.

2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, included but not limited to, an electronic cigarette, cigar, pipe, or hookah

3. Any component, part of, or accessory of a tobacco product whether or not sold separately.

~~Students' prohibitions or use of nicotine delivery devices, such as electronic cigarettes, electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products is also prohibited.~~

~~These prohibitions do not apply to a student's possession or use of his/her own prescription products. (Education Code 48900, 48901)~~

#### Intervention/Cessation Services

The district may provide or refer students to counseling, intensive education, and/or other intervention services to assist in the cessation of tobacco use. Such intervention services shall be provided as an alternative to suspension for tobacco possession.

(cf. 1020 - Youth Services)

#### Prevention Instruction

All students shall receive developmentally appropriate tobacco-use prevention instruction for students TK-8. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

(cf. 5141.6 School Health Services

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

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

(cf. 6164.2 Guidance/Counseling Services

#### Program Planning

The Superintendent or designee shall coordinate with the local health department and county office of education in program planning and implementation.

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

The Superintendent or designee also shall coordinate the district's tobacco-use prevention program with other district efforts to reduce students' use of illegal substances and to promote student wellness.

(cf. 1325 - Advertising and Promotion)

(cf. 5030 - Student Wellness)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 0500 - Accountability)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6162.8 - Research)

Legal Reference:

EDUCATION CODE

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

[BUSINESS AND PROFESSIONS CODE](#)

[22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions](#)

HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education

[104559 Tobacco use prohibition](#)

119405 Unlawful to sell or furnish electronic cigarettes to minors

PENAL CODE

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment

6844-6847 Child Health and Disability Prevention program; health assessments

UNITED STATES CODE, TITLE 20

[7111-7112 Student Support and Academic Enrichment Grants](#)

[7111-7117 Safe and Drug-Free Schools and Communities Act](#)

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

## ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 8 (2005)

### Management Resources:

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

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

Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000

#### WEST ED PUBLICATIONS

Guidebook for the California Healthy Kids Survey

#### WEB SITES

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

California Department of Education, Tobacco-Use Prevention Education:

<http://www.cde.ca.gov/ls/he/at/tupe.asp>

California Department of Public Health, Tobacco Control:

<http://www.cdph.ca.gov/programs/tobacco>

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

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

Centers for Disease Control and Prevention, Smoking and Tobacco Use:

<http://www.cdc.gov/tobacco>

Safe and Healthy Kids Annual Report: <http://hk.duerrevaluation.com>

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

U.S. Surgeon General: <http://www.surgeongeneral.gov>

### Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: December 17, 1998 Campbell, California

revised: December 10, 2009

revised: October 13, 2011

revised: June 25, 2015

# BP 5145.3 Campbell Union ESD

## Board Policy

### Nondiscrimination/Harassment

BP 5145.3

Students

District programs and activities shall be free from discrimination, including harassment, intimidation, and bullying of any student based on the student's actual or perceived sex, gender, ethnicity, ethnic group identification, religion, color, race, ancestry, national origin, nationality, and physical or mental disability, age, sexual orientation, ancestry, marital or parental or pregnancy status, gender identity, or gender expression, the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have a significant impact or create a hostile environment at school (Education Code 234.1)

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

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

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

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate ~~consequence or~~ discipline, ~~which may up to and including~~ counseling, suspension, and/or expulsion. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)

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

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

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

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

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

(cf. 5145.2 - Freedom of Speech/Expression)

The Governing Board shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities.

School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision. ~~The district will provide male and female students with separate shower rooms and may provide male and female students with separate sexual health and HIV/AIDS prevention classes in order to protect student modesty.~~

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)

(cf. 5145.7 - Sexual Harassment)

(cf. 6145 - Extracurricular and Cocurricular Activities)  
(cf. 6145.2 - Athletic Competition)  
(cf. 6164.2 - Guidance/Counseling Services)

Students who harass other students shall be subject to appropriate discipline, up to and including counseling, suspension and/or expulsion. An employee who permits or engages in harassment may be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)  
(cf. 5131 - Conduct)  
(cf. 5144 - Discipline)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)  
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threaten~~ing~~<sup>ing</sup> or potentially harassing or discriminatory behavior.

#### Grievance Procedures

The Board hereby designates the following position as Coordinator for Nondiscrimination to handle complaints regarding discrimination and inquiries regarding the district's nondiscrimination policies:

~~Associate Assistant~~ Superintendent, Human Resources  
Campbell Union School District - Administration Building  
155 North Third Street  
Campbell, CA 95008  
(408) 341-4200 Ext 6213

(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 1312.3 - Uniform Complaint Procedures)

Any student who feels that he/she is being harassed should immediately contact the principal or designee, or any other staff member. Any student who observes an incident of harassment should report the harassment to a school employee, whether or not the victim files a complaint.

Employees who become aware of an act of harassment shall immediately report the incident to the principal or designee. Upon receiving a complaint of discrimination or harassment, the principal or designee shall immediately investigate the complaint in accordance with site-level

grievance procedures specified in AR 5145.7 - Sexual Harassment. Where the principal or designee finds that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim.

The principal or designee shall also advise the victim of any other remedies that may be available. The principal or designee shall file a report with the Superintendent or designee and refer the matter to law enforcement where required.

Within 30 days of receiving the principal's report, the complainant may appeal to the Board if he/she disagrees with the resolution of the complaint. The Board shall make a decision at its next regular meeting and its decision shall be final. The Superintendent or designee shall ensure that the student handbook clearly describes the district's nondiscrimination policy, procedures for filing a complaint regarding discrimination or harassment, intimidation or bullying and the resources that are available to students who feel they have been the victim of discrimination or harassment. The district's policy shall also be posted on the district web site or any other location that is easily accessible to students.

The superintendent or designee shall ensure that the student handbook clearly describes the nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying, and the resources that are available to students who feel they have been the victims of any such behavior. The district's policy shall also be on the district web site.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

(cf. 6163.4 - Student Use of Technology)

#### Legal Reference:

##### EDUCATION CODE

200-262.4 Prohibition of discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

48904 Liability of parent/guardian for willful student misconduct

48907 Student exercise of free expression

48950 Freedom of speech

48985 Translation of notices

49020-49023 Athletic programs

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

#### CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

#### PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

#### CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

#### UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

[12101-12213 Title II equal opportunity for individuals with disabilities](#)

#### [UNITED STATES CODE, TITLE 29](#)

[794 Section 504 of Rehabilitation Act of 1973](#)

#### UNITED STATES CODE, TITLE 42

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

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

[6101-6107 Age Discrimination Act of 1975](#)

#### [CODE OF FEDERAL REGULATIONS, TITLE 28](#)

[35.107 Nondiscrimination on basis of disability; complaints](#)

#### CODE OF FEDERAL REGULATIONS, TITLE 34

[99.31 Disclosure of personally identifiable information](#)

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

#### COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

#### Management Resources:

##### CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

##### FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

##### NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

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

[Dear Colleague Letter: Transgender Students, May 2016](#)

[Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016](#)

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

#### WEB SITES

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

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

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendmentcenter.org>

National School Boards Association: <http://www.nsba.org>

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

#### Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: December 17, 1998 Campbell, California

revised: October 14, 2010

revised: December 13, 2012

revised: October 24, 2013

# AR 5145.3 Campbell Union ESD

## **Administrative Regulation**

Nondiscrimination/Harassment

AR 5145.3

Students

The following position is designated Coordinator for Nondiscrimination to handle complaints regarding discrimination, harassment, intimidation, or bullying and to answer inquiries regarding the district's nondiscrimination policies: (Education Code 234.1; 5 CCR 4621)

Associate Superintendent - Human Resources

155 North Third Street

Campbell, CA 95008

(408) 364-4200

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

To prevent discrimination, harassment, intimidation, and bullying of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Provide to employees, volunteers, and parents/guardians training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, harassment, intimidation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include guidelines for addressing issues related to transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

2. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)

3. Annually notify all students and parents/guardians of the district's nondiscrimination policy including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. and of the opportunity to The notice will also provide information to parents and students of their ability to notify the Coordinator whenever a student's participation in a sex-segregated school program or activity together with another student of the opposite biological sex would be against the student's religious beliefs and/or practices or a violation of his/her right to privacy. In such a case, the Coordinator shall meet with the student and/or parent/guardian to determine how best to accommodate the student. The notice shall inform students and parents/guardians that the district will not typically notify them of individual instances of transgender students participating in a program or activity.

(cf. 5145.6 - Parental Notifications)

4. Publicize the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, employees, volunteers, and the general public and post them on the district's web site and other locations that are easily accessible to students. (Education Code 234.1)

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

5. When 15 percent or more of a school's students speak a single primary language other than English, translate the nondiscrimination policy, related complaint procedures, and all forms for use in the complaint process into that other language. (Education Code 234.1, 48985)

6. At the beginning of each school year, inform school employees that any employee who witnesses any act of discrimination, harassment, intimidation, or bullying against a student is required to intervene if it is safe to do so. (Education Code 234.1)

7. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate accommodation(s) to protect students' privacy rights and ensure their safety from threatened or potentially harassing, intimidating, or discriminatory behavior.

#### Process for Initiating and Responding to Complaints

Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Coordinator, the principal, or any other staff member.

In addition, any student who observes any such incident should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying or to whom such an incident is reported shall immediately report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.

### Transgender and Gender-Nonconforming Students

Gender identity means a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth. (Education Code 210.7)

Transgender student means a student whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right to privacy: A student's transgender or gender-nonconforming status is his/her private information and the district will only disclose the information to others with the student's prior consent, except when the disclosure is otherwise required by law or is necessary to preserve the student's physical or mental well-being. Any district employee to whom a student discloses his/her transgender or gender-nonconforming status shall seek the student's permission to notify the Coordinator for Nondiscrimination. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to law or district policy, and shall inform the student that it may be impossible to accommodate the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the Coordinator, the employee shall do so within three school days.

As appropriate, the Coordinator shall discuss with the student any need to disclose the student's transgender or gender-nonconformity status to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. Any decision to disclose the student's status to others shall be based on the student's best interest.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

2. **Determining a Student's Gender Identity:** The Coordinator shall accept the student's assertion unless district personnel present a credible basis for believing that the student's assertion is for an improper purpose. In such a case, the Coordinator shall document the improper purpose and, within seven school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to his/her parents/guardians.

3. **Addressing a Student's Transition Needs:** The Coordinator shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify potential issues, including transition-related issues, and to develop strategies for addressing them. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the Coordinator shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it.

4. **Accessibility to Sex-segregated Facilities, Programs, and Activities:** The district may maintain sex-segregated facilities, such as restrooms and locker rooms, and sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs. A student shall be entitled to access facilities and participate in programs and activities consistent with his/her gender identity. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. However, a student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

(cf. 7110 - Facilities Master Plan)

5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying district policy.

7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress Code)

Regulation CAMPBELL UNION SCHOOL DISTRICT  
approved: August 21, 2014 Campbell, California

# BP 5145.7 Campbell Union ESD

## Board Policy

### Sexual Harassment

BP 5145.7

Students

The Governing Board is committed to maintaining an educational environment that is free from harassment and discrimination. The Board prohibits the unlawful sexual harassment targeted at ~~of~~ students by ~~any other anyone~~ student, employee, student, or other person at school or at any school-sponsored or school-related activity. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist or otherwise participate in the district complaint process.

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

(cf. 1312.3 - Uniform Complaint Procedures)

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

The district strongly encourages any student who feels that s/he is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or any student who has experienced off-campus sexual harassment that has a continuing effect on campus to immediately contact his/her teacher, principal, or other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or compliance officer, who will investigate and address the allegation.

#### Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same gender and could involve violence

2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the person(s) to whom a report of sexual harassment should be made
5. Information about the rights of students and parents/guardians to file a criminal complaint, as applicable

### Complaint Process

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact his/her teacher or any other employee. A school employee to whom a complaint is made shall, within 24 hours of receiving the complaint, report it to the principal or designee.

Regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and steps to prevent recurrence and address any continuing effect on students will be taken.

Any school employee who observes any incident of sexual harassment involving a student shall report this observation to the principal or designee, whether or not the victim files a complaint.

In any case of sexual harassment involving the principal or any other district employee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall report to the nondiscrimination coordinator or the Superintendent or designee.

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

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint in accordance with administrative regulation. Where the superintendent or designee finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The principal or designee shall also advise the victim of any other remedies that may be available. The principal or designee shall file a report with the Superintendent or designee and refer the matter to law enforcement authorities, where required.

(cf. 1312.1 - Complaints Concerning District Employees)

### Disciplinary Measures

Any student who engages in the sexual harassment or sexual violence of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 12, disciplinary action may include suspension and/or expulsion provided that in imposing such discipline the entire circumstances of the incident(s) shall be taken into account.

(cf. 5131 - Conduct)

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

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

### Confidentiality and Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address and prevent repetitive harassing behavior in its schools.

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

#### CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

#### GOVERNMENT CODE

12950.1 Sexual harassment training

#### CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs  
UNITED STATES CODE, TITLE 20  
1681-1688 Title IX, discrimination  
UNITED STATES CODE, TITLE 42  
1983 Civil action for deprivation of rights  
2000d-2000d-7 Title VI, Civil Rights Act of 1964  
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended  
CODE OF FEDERAL REGULATIONS, TITLE 34  
106.1-106.71 Nondiscrimination on the basis of sex in education programs  
COURT DECISIONS  
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567  
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130  
Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736  
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629  
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274  
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473  
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011  
Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

OFFICE FOR CIVIL RIGHTS PUBLICATIONS

[Dear Colleague Letter: Transgender Students, May 2016](#)

[Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016](#)

Dear Colleague Letter: Sexual Violence, April 4, 2011  
Sexual Harassment: It's Not Academic, September 2008  
Revised Sexual Harassment Guidance, January 2001

WEB SITES

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

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

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

Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: December 17, 1998 Campbell, California

revised: March 14, 2002

revised: June 18, 2009

revised: December 13, 2012

## AR 5145.7 Campbell Union ESD

### **Administrative Regulation**

#### **Sexual Harassment**

AR 5145.7

#### **Students**

The district designates the following individual as the responsible employee to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under the Uniform Complaint Procedures.

Associate Superintendent - Human Resources

155 North Third Street, Campbell CA 95008

408-364-4200

[sviramontez@campbellusd.org](mailto:sviramontez@campbellusd.org)

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite gender, in the educational setting, when: (Education Code 212.5)

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance, or of creating an intimidating, hostile or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions
2. Sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversation
4. Sexual jokes, notes, stories, drawings, pictures or gestures
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion

12. Electronic communications containing comments, words, or images described above

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment ~~off~~ for the complainant or victim of the conduct.

Notifications

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year or upon enrollment. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures and standards of conduct are posted.(Education Code 231.5)

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct (Education Code 231.5)

4. Be provided to employees and employee organizations

#### Investigation of Complaints at School (Site-Level Grievance Procedure)

Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the principal. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the principal, whether or not the victim files a complaint.

Regardless of whether a formal complaint is filed, the principal or compliance officer shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects.

When a report or complaint of sexual harassment involves off-campus conduct, the principal shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If s/he determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

In any case of sexual harassment involving the principal to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to the Superintendent or designee.

In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall only be considered to the extent it may relate to the victim's prior relationship with the respondent.

1. The principal or designee shall promptly initiate an impartial investigation within five days of receiving notice of the harassing behavior. In so doing, he/she shall talk individually with:

- a. The student who is complaining
- b. The person accused of harassment
- c. Anyone who witnessed the conduct complained of
- d. Anyone mentioned as having related information

2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.

3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:

- a. The Superintendent or designee
- b. The parent/guardian of the student who complained
- c. If the alleged harasser is a student, his/her parent/guardian
- d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
- e. Child protective agencies responsible for investigating child abuse reports

(cf. 5141.41 - Child Abuse Prevention)

- f. Legal counsel for the district

4. When the student who complained and the alleged harasser so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree.

5. In reaching a decision about the complaint, the principal or designee may take into account:

- a. Statements made by the persons identified above
- b. The details and consistency of each person's account
- c. Evidence of how the complaining student reacted to the incident
- d. Evidence of past instances of harassment by the alleged harasser
- e. Evidence of past harassment complaints that were found to be untrue

6. To judge the severity of the harassment, the principal or designee may take into consideration:

- a. How the misconduct affected one or more students' education
- b. The type, frequency and duration of the misconduct
- c. The number of persons involved
- d. The age and gender of the person accused of harassment
- e. The subject(s) of harassment
- f. The place and situation where the incident occurred
- g. Other incidents at the school, including incidents of harassment that were not related to sex

7. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision within 30 days after receiving the complaint. The timeline may be extended for good cause.

8. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If he/she verifies that sexual harassment occurred, this report shall describe the actions taken to end the harassment, address the effects of the harassment on the student harassed, and prevent retaliation or further harassment.

9. Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue this follow-up.

#### Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism, Theft, Graffiti)

2. Providing training to staff and students about how to recognize harassment and how to respond

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

3. Disseminating and/or summarizing the district's policy and regulation regarding sexual harassment

4. Consistent with the laws regarding confidentiality of student and personnel records, communicating the school's response to parents/guardians

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

5. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5144.1 - Suspension and Expulsion Due Process)

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

revised: March 14, 2002  
revised: June 18, 2009  
revised: December 13, 2012

# AR 6158 Campbell Union ESD

## **Administrative Regulation**

### **Independent Study**

AR 6158

#### **Instruction**

##### Educational Opportunities

Parent/Guardian may request an Independent Study due to an emergency, vacation, or illness. Independent Study may be used in a short-term basis to ensure that the student is able to maintain academic progress in his/her regular classes.

(cf. 5113 - Absences and Excuses)

##### Full Time Independent Study

The district shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians.

(Education Code 46300.6, 51747.3)

##### Equivalency

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction, thus enabling students participating in independent study to complete the district's adopted course of study within the customary time frame. Students in independent study shall have access to the same services and resources that are available to other students in the school. (5 CCR 11701.5)

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

Students must be in attendance for no less than a minimum school day on the school day prior to and the school day immediately following an independent study contract. A minimum school day for Transitional kindergarten and kindergarten is 180 minutes, grades 1, 2 & 3 is 230 minutes and for all other grades is 240 minutes.

##### Eligibility

A student's participation in independent study shall be voluntary. (Education Code 51747)

Students participating in independent study must be residents of the local county or an adjacent county. (Education Code 51747.3)

Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 51747.3)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

A student with disabilities, as defined in Education Code 56026, shall not participate in independent study unless his/her Individualized Education Program specifically provides for such participation. (Education Code 51745)

(cf. 6159 - Individualized Education Program)

No temporarily disabled student may receive individual instruction pursuant to Education Code 48206.3 by means of independent study. (Education Code 51745)

(cf. 6183 - Home and Hospital Instruction)

#### Criteria for Participation

Students who are interested in independent study should contact their school principal. Approval for participation shall be based on the following criteria:

1. Evidence that the student will work independently to complete the program
2. Availability of experienced certificated staff with adequate time to supervise the student effectively.
3. A student whose academic performance is not at grade level may participate in independent study only if the school is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful.
4. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

For independent study requests, which exceed the maximum duration as specified in Board Policy 6158, the student may be referred to the District's Home Schooling program. For a student

currently enrolled in a district school or program, such referral shall be made by the school principal or designee.

#### Written Agreements and Assignments

A written agreement shall be developed for each student participating in independent study for two or more school days for charter schools and five or more school days for non-charter schools.

(Education Code 46300, 51747)

The written independent study agreement for each participating student shall include, but not be limited to, all of the following: (Education Code 51747)

1. The manner, frequency, time and place for submitting the student's assignments and for reporting his/her progress.
2. The objectives and methods of study for the student's work, and the methods used to evaluate that work.
3. The specific resources, including materials and personnel, that will be made available to the student.
4. The district's independent study policy describing the maximum length of time allowed between an assignment and its completion and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study.
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement. No independent study agreement may be valid for any period longer than one semester or trimester.
6. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion.
7. A statement that independent study is an optional educational alternative in which no student may be required to participate.
8. In the case of a student who is referred or assigned to any school, class or program pursuant to Education Code 48915 or 48917, the agreement shall also include the statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction.

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

The curriculum and methods of study specified in the written agreement shall be consistent with the Governing Board's policies, administrative regulations and procedures for curriculum and instruction. (5 CCR 11702)

(cf. 6143 - Courses of Study)

The agreement also may include a schedule for achieving objectives and completing the agreement and a schedule of conferences between the student and supervising teacher. Conferences may be conducted by electronic means.

Before beginning the independent study, each written agreement shall be signed and dated by the student, the parent/guardian or caregiver of the student, the certificated employee designated as responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student. (Education Code 51747)

The agreement shall state that the parent/guardian's signature confers his/her permission for the student's independent study as specified in the agreement.

#### Student Rights and Responsibilities

Students participating in independent study shall have the right, continuously, to enter or return to the regular classroom mode of instruction.

Independent study students who are late, miss scheduled conferences, or do not submit assigned work on time shall not be reported as tardy or truant. However, the independent study administrator shall promptly and directly address any failure by the student to meet the terms of his/her written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian, as appropriate
2. A special meeting between the student and the teacher and/or counselor
3. A meeting between the student and the administrator, including the parent/guardian if appropriate
4. An increase in the amount of time the student works under direct supervision

When the student has missed the number of assignments specified in Board policy and the written independent study agreement as precipitating an evaluation, the Superintendent or

designee shall conduct an evaluation which may result in termination of the independent study agreement, with the student's return to a regular classroom or alternative instructional program.

(cf. 1312 - Complaints Concerning the Schools)

(cf. 1312.1 - Complaints Concerning District Employees)

#### Administration of Independent Study

Each student's independent study shall be coordinated, evaluated and carried out under the general supervision of a certificated employee who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

The responsibilities of the independent study administrator shall be to:

1. Ensure that the district's independent study option is operated in accordance with law, Board policy and administrative regulation
2. Approve or deny the participation of students requesting independent study.
3. Facilitate the completion of independent study written agreements
4. Approve all credits earned through independent study supervised at a location apart from the student's regular school and forward the information to the appropriate staff so that the information becomes part of the student's record
5. Authorize the selection of staff who are assigned to supervise independent study
6. Supervise any staff assigned to independent study functions who are not regularly supervised by another administrator
7. Complete or coordinate the preparation of all necessary records and reports
8. Establish and maintain in a systematic manner all records required by law, Board policy and administrative regulation
9. Monitor enrollment in independent study to stay within prescribed limits and to maximize income to the district without compromising the educational quality of independent study
10. Obtain and maintain current information and skills required for the operation of an independent study strategy that meets established standards for the district's educational programs

11. Prepare and submit reports as required by the Board or Superintendent
12. Assure a smooth transition into and out of the independent study mode of instruction

#### Supervising Teachers - Home Schooling Program

The independent study administrator shall approve the assignment of any teachers who directly supervise independent study on a regular basis.

Independent study teachers shall:

1. Complete designated portions of the written agreement and add additional information to the written agreement when appropriate
2. Supervise and approve coursework, lesson plan development, and student assignment. Quantity and quality of assignments should be equivalent to each school days work missed.
3. Assess all student work
4. Personally judge the time value of assigned work or work products completed and submitted by the student
5. Select and save with each agreement representative samples of the student's completed and evaluated assignments on not less than a monthly basis, preferably biweekly
6. Sign and complete the agreement when the student has reached his/her objectives or the agreement is terminated
7. Maintain any required records and files on a current basis

When appropriate, independent study teachers shall determine and assign grades or other approved measures of achievement.

#### Records

District records shall identify all students participating in independent study and shall specify the grade level, program placement and school in which each of these students is enrolled.  
(Education Code 51748)

Each school shall maintain records for the students at that school.

Records shall be maintained for audit purposes and shall include the following: (5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and procedures related to independent study
2. A separate listing of the students, by grade level, program and school, who have participated in independent study, identifying units of the curriculum attempted and units of the curriculum completed by students in grades K-8
3. A file of all agreements, with representative samples of each student's work products bearing signed or initialed and dated notations by the supervising teacher indicating that he/she has personally evaluated the work or that he/she has personally reviewed the evaluations made by another certificated teacher
4. A daily or hourly attendance register, as appropriate to the program in which the students are enrolled, separate from classroom attendance records, and maintained on a current basis as time values of student work products are personally judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons

A written record of the findings of any evaluation conducted after the student has missed the number of assignments specified in Board policy shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation. (Education Code 51747)

(cf. 3580 - District Records)

The Superintendent or designee also shall maintain a record of grades and other evaluations issued to each student for independent study assignments.

Regulation    CAMPBELL UNION SCHOOL DISTRICT  
approved: April 5, 2001      Campbell, California  
revised: January 19, 2006  
revised: March 1, 2011  
revised: October 1, 2015

# AR 6164.41 Campbell Union ESD

## Administrative Regulation

### Children With Disabilities Enrolled By Their Parents In Private School

AR 6164.41

#### Instruction

#### Definitions

Parentally placed private school children with disabilities means children with disabilities who are voluntarily enrolled by their parents/guardians in a private school or facility within district boundaries, including children who are attending a private school or facility within district boundaries but who reside in another district or state. (34 CFR [300.130](#), 300.131)

Private school or facility means a private full-time day school, including a religious school, located within district boundaries, that has filed an affidavit with the California Department of Education pursuant to Education Code 33190 and is registered in the California Private School Directory.

The Child find process shall be consistent with Santa Clara County SELPAs and shall be designed to ensure the participation of parentally placed private school children with disabilities and an accurate count of such children. It is the policy for Districts of Residence (DOR), to stand ready to offer a free appropriate education (FAPE), to identified students ages 3 - 21 if and when they enroll in a public school or express interest in enrolling in a public school. Compliance with this policy and its procedures is intended to ensure evidence of compliance with all federal and state laws and regulations concerning children so identified.

(For the purposes of this policy, "DOL" means district where the private school is located and "DOR" means district of residence).

#### Consultation

LEA shall consult with private school representatives and representatives of parents during the design and development of special education and related services for parentally placed children in private schools, including regarding:

1. The child find process and how children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process.

2. The determination of the proportionate amount of Federal funds available to serve parentally placed private school children with disabilities including how the amount was calculated.

3. The consultation process

\_\_\_ Will define how the process will operate throughout the year.

\_\_\_ Will ensure that parentally placed private school children with disabilities can meaningfully participate in special education.

4. The LEA will consult regarding:

\_\_\_ How, where, and by whom special education and related services will be provided including a discussion of:

\_\_\_ Direct services and alternate service delivery mechanisms;

\_\_\_ How services will be apportioned if funds are insufficient to serve all children;

\_\_\_ How and when these decisions will be made;

\_\_\_ How the LEA will provide the private school officials a written explanation of the reasons why the LEA chose not to provide services directly or through a contractor if the LEA disagrees with the views of the private school officials regarding the provision or types of services.

#### Child Find Requirements

The LEA will conduct child find activities that will be:

1. Conducted in a time period comparable to child find for public school children;

2. Designed to ensure "equitable participation" of parentally placed children in private school and an accurate count;

3. Designed to include activities similar to those activities undertaken for public school children.

Costs for child find activities are not part of the proportionate share of federal funding.

#### Calculation of Proportionate Share of Federal Funding

In calculating the proportionate share of federal funding, the LEA will:

1. Consult in a timely and meaningful manner with representatives of private schools;
2. Conduct a thorough and complete child find process to determine the number of parentally placed children with disabilities attending private schools located in the LEA;
3. Maintain, (and provide to CDE), records of the number of children evaluated, found eligible, and served.

#### Written Affirmation Form Signed by Private School Representatives

1. The LEA will obtain written affirmation signed by the representatives of the participating private schools.
2. If the private school officials do not provide such affirmation
3. Within a reasonable period of time, the LEA will forward the documentation to the CDE.

#### Private School Officials Right to Complain

A private school official will have the right to complain to the CDE that:

1. The LEA did not engage in consultation that was meaningful and timely, or
2. The LEA did not give due consideration to the view of the private school official.
3. If a complaint is filed:
4. The private school official will provide the CDE with a basis for the complaint;
5. The LEA must then forward the appropriate documentation to the CDE.
6. If dissatisfied with the decision of the CDE, the private school official may appeal to the USDOE.

#### Initial Individualized Education Program (IEP) Team Meeting

1. Upon identifying and locating a child suspected of being a child with a disability, the LEA shall contact the DOR. The LEA and the DOR shall collaborate in regard to a timely initial assessment of the child as well as any SST meetings preceding assessment. Consistent with 34 CFR 300.622(b)(3), the LEA shall request of the parent written consent to an exchange of

information between the LEA and the DOR. The LEA and the DOR will further collaborate in regard to the initial meeting to address eligibility of the child for special education, and the development of an IEP and a services plan, as appropriate. This collaboration is intended to ensure that assessments and meetings take place in a timely fashion, the LEA has the opportunity to offer a services plan, as appropriate, and that the DOR has the opportunity to develop a timely IEP. Thus, the two agencies may decide to hold one meeting where representatives of both agencies are present to ensure compliance by each agency.

2. In cases where the DOR is located outside Santa Clara County, the LEA is encouraged to collaborate with the DOR in the same manner as addressed above. If this is not feasible, the LEA continues to be responsible for initial assessment. The LEA shall contact the DOR and invite the DOR to the eligibility IEP meeting. If the parent states that he/she intends to enroll in public school, the LEA will contact the DOR to convene an IEP meeting in order to develop the full offer of FAPE.

3. If the parents of a private school child with a disability are clearly not interested in enrolling their child in public school, the LEA shall develop a services plan in accordance with this policy and federal and state laws and regulations. The DOR may elect not to develop an IEP and offer FAPE. However, in order to ensure that the parents' intentions are clear, the DOR shall request that the parents sign a statement of the Parent's Decision Not to Enroll in Public School.

4. The DOR will develop an IEP and offer FAPE if the parent demonstrates the intent in writing to enroll the child in public school or if the parent is or appears uncertain of his/her course of action.

5. Pursuant to this policy, assistive technology or augmentative communication devices will not be transferred to private schools or purchased for students enrolled in private schools.

6. The LEA shall not provide transportation from the child's home to the private school. The LEA may provide transportation from the child's school or home to the service site other than the private school and/or from the service site to the private school or the child's home. The cost of transportation shall be included in calculating whether the LEA has spent a proportionate amount of funding on private school children with disabilities.

#### IEP Meetings after the Initial IEP Team Meeting

1. All children with disabilities eligible for special education who reside in the DOR are entitled to receive a FAPE from the DOR if they are enrolled in public school. One year after an eligible private school child's initial IEP team meeting and annually thereafter, the DOR shall notify the child's parents in writing that the DOR:

- a. Continues to offer a FAPE in accordance with federal and state laws and regulations;
  - b. Is ready, willing, and able to schedule an IEP team meeting for the child in order to offer that child a FAPE, subject to assessment, if appropriate, if the parents express an interest in enrolling their child in public school.
2. The LEA will review the Services Plan annually and conduct a triennial assessment to students on Services Plans. The LEA will consult with the DOR prior to the triennial evaluation.
  3. Unless Paragraph G (4), below, applies, the parents shall be requested to send the document referred to in G(1) back to the DOR and indicate their agreement with one of the following statements:
    - a. I understand that the DOR continues to offer my child a free appropriate public education (including appropriate special education and related services) if he/she is enrolled in public school. I continue to unilaterally place my child in a private school; and: I would like my child to continue to receive services pursuant to his/her services plan. I am not interested in enrolling my child in public school. (In this case, the DOR will forward within 3 business days a copy of this document to the LEA)
    - b. I am interested in enrolling my child in public school. I would like to schedule an IEP team meeting for my child. Please call me at: [parent inserts phone number] in order to schedule the IEP meeting.
  4. Notwithstanding Paragraphs G (1) and (2), above, the DOR shall convene an IEP team meeting at least every three years in order to determine continuing eligibility for special education.

#### Dispute Resolution

1. Pursuant to federal regulations, parents are not entitled to a due process hearing involving disputes over the contents of the services plans, their quality, or their implementation. A parent's right to seek a due process hearing is limited to the issue of the LEA's failure to identify, locate, and assess a privately placed student.
2. Disputes regarding this policy and procedures may be resolved pursuant to local uniform complaint policies and procedures, and/or by filing a complaint with the California Department of Education pursuant to 5 CCR 4600 et seq.

3. No parentally placed private school child with a disability has an individual right to receive some or all of the special education and related services that he/she would receive if enrolled in a public school.

Note: No changes to this AR- CSBA wanted No Child Left Behind Act for “highly qualified special education teachers” taken out. We did not have it in.

Regulation      CAMPBELL UNION SCHOOL DISTRICT  
approved: December 13, 2007      Campbell, California

# BP 6179 Campbell Union ESD

## Board Policy

### Supplemental Instruction

BP 6179

#### Instruction

The Governing Board recognizes that highly qualified supplemental instructional programs can motivate and support students to attain grade-level academic standards, overcome academic deficiencies and/ or acquire critical skills. The district shall offer programs of direct, systematic, and intensive supplemental instruction to meet student needs.

| [\(cf. 0460-Local Control and Accountability Plan\)](#)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5147 - Dropout Prevention)

(cf. 5148.2 - Before/After School Programs)

| ~~(cf. 5149—At Risk Students)~~

(cf. 6011 - Academic Standards)

| ~~(cf. 6146.1—High School Graduation Requirements)~~

| ~~(cf. 6146.5—Promotion/Standards of Proficiency)~~

(cf. 6164.5 - Student Success Teams)

| Supplemental instructional programs ~~may shall~~ be offered outside the regular school day, including during the summer, before school, after school, on Saturday, and/or during intersessions. It may also be provided during the regular school day provided it does not supplant the student's instruction in the core curriculum areas or physical education.

| [As appropriate, supplemental instruction may be provided through a classroom setting, individual or small group instruction, technology-based instruction, and/or an arrangement with a community or other external service provider.](#)

(cf. 5148.2 - Before/After School Programs)

(cf. 6111 - School Calendar)

| (cf. 6112 - School Day)

| [\(cf. 6142.7- Physical Education and Activity\)](#)

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer Learning Programs)

The district shall offer alternative supports designed to increase the academic achievement of socioeconomically disadvantaged students attending schools identified by the California Department of Education for program improvement for two or more consecutive years.

Supplemental instruction shall be offered to:

~~1. Eligible students from low income families whenever the district or a district school receiving federal Title I funds has been identified by the California Department of Education for program improvement for two or more consecutive years (20 USC 6316)~~

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

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

Supplemental instruction shall be offered to:

~~1.12. Students who have been recommended for retention at their current grade level or are at risk of retention (Education Code 48070.5)~~

~~1. Students who are identified as being at risk for retention based on state assessment results, grades, or other indicators~~

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

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

~~2. Students who demonstrate academic deficiencies that may jeopardize their attainment of academic standards~~

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

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

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

~~(cf. 6142.92 - Mathematics Instruction)~~

~~(cf. 6142.93 - Science Instruction)~~

~~(cf. 6142.94 - History-Social Science Instruction)~~

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

~~3. Students in grades 7-12 who do not demonstrate "sufficient progress" toward passing the state exit examination required for high school graduation (Education Code 60851)~~

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

The curriculum of the supplemental instructional program shall reflect state academic content standards to the extent that the district curriculum is aligned with those state standards, and shall be designed to assist students to succeed on the exit exam. (Education Code 60851)

In addition, contingent on the district budget and local control and accountability plan (LCAP), supplemental instruction may be offered to students who:

1. Based on state assessment results, grades, or other indicators, demonstrate academic deficiencies in core curriculum areas that may jeopardize their attainment of academic standards
2. Are in targeted student groups identified in the district's LCAP as needing increased or improved services to succeed in the educational program

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

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

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Language Learners)

3. Desire enrichment in core academic areas, visual and performing arts, physical education, or other subjects as approved by the Board

(cf. 6142.6 - Visual and Performing Arts Education)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6142.93 - Science Instruction)

(cf. 6142.94 - History-Social Science Instruction)

(cf. 6143 - Courses of Study)

(cf. 6172 - Gifted and Talented Student Program)

As appropriate, supplemental instruction may be provided through a classroom setting, individual or small group instruction, technology-based instruction, and/or an arrangement with a community or other external service provider.

(cf. 1020 - Youth Services)

When determined to be necessary by the principal or designee, a student may be required to participate in a supplemental instruction. In such cases, written parent/guardian consent shall be obtained for the student's participation.

Legal Reference:

EDUCATION CODE

37200-37202 School calendar

37223 Weekend classes

37252-37254.1 Supplemental instruction, summer school  
41505-41508 Pupil Retention Block Grant  
42238.01-42238.07 Local control funding formula  
46100 Length of school day  
48070-48070.5 Promotion and retention  
48200 Compulsory education  
48985 Translation of notices  
51210-51212 Courses of study, elementary schools  
51220-51228 Courses of study, secondary schools  
52060-52077 Local control and accountability plan  
60603 Definitions, core curriculum areas  
60640-60649 California Assessment of Student Performance and Progress  
60850-60859 High school exit examination  
CODE OF REGULATIONS, TITLE 5  
11470-11472 Summer school

~~[UNITED STATES CODE, TITLE 20](#)~~

~~[6316 Program improvement schools and districts](#)~~

Management Resources:

~~[CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS](#)~~

~~[Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016](#)~~

~~[U.S. DEPARTMENT OF EDUCATION GUIDANCE](#)~~

~~[Supplemental Educational Services, January 14, 2009](#)~~

~~[Creating Strong Supplemental Educational Services Programs, May 2004](#)~~

WEB SITES

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

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

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

Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: August 21, 2014 Campbell, California

# Campbell Union ESD

## Board Policy

### Pregnant/Parenting Students

BP 5146

#### Students

The Governing Board recognizes that early marriage, pregnancy or parenting and related responsibilities may disrupt a student's education and increase the chance of a student dropping out of school. The Board therefore desires to provide instruction and services designed to assist in pregnancy prevention. The Board also desires to support male and female expectant and married, pregnant, and parenting students to continue their education, attain strong academic and parenting skills and ~~to~~ promote the healthy development of their children.

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

*(cf. 5147- Dropout Prevention)*

*(cf. 5149 - At Risk Students)*

*(cf. 6011 - Academic Standards)*

*(cf. 6164.5 - Student Success Teams)*

The district shall not discriminate against any student on the basis of the student's marital status, pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. (Education Code 230; 34 CFR 106.40)

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

Expectant and parenting students shall have the same educational and extracurricular opportunities as all students. Any education program or activity offered separately to pregnant students will be equal to that offered to other district students. Participation in special programs or schools shall be voluntary.

Any complaint of discrimination on the basis of pregnancy or marital or parental status shall be addressed through the district's uniform complaint procedures in accordance with 5 CCR California Women's Law Center: <http://www.cwlc.org> (cf. 0410 - Nondiscrimination in District Programs and Activities)

*(cf. 1312.3 - Uniform Complaint Procedures)*

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

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

**Pregnant/Parenting Students** (continued)

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

## Expectant and Parenting Students

The Board is committed to providing to expectant and parenting students and their children a comprehensive, continuous, community-linked program that reflects the cultural and linguistic diversity of the community.

The Superintendent or designee shall collaborate with the County Superintendent of Schools and other community agencies and organizations to ensure that appropriate educational and related support services are available to meet the needs of expectant and parenting students and their children.

*(cf. 1020 - Youth Services)*

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

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

*(cf. 0500 - Accountability)*

*(cf. 6162.5 - Student Assessment)*

Expectant and parenting students retain the right to participate in any comprehensive school or educational alternative programs. School placement and instructional strategies for participating students shall be based on the needs and learning styles of individual students. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the individual student and/or child. (Education Code 54745)

*(cf. 6158 - Independent Study)*

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

*(cf. 6184 - Continuation Education)*

*(cf. 6200 - Adult Education)*

**Pregnant/Parenting Students** (continued)

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

~~(cf. 6183—Home and Hospital Instruction)~~

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

(cf. 4131 - Staff Development)

(cf. 4331 - Staff Development)

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

(cf. 5113 - Absences and Excuses)

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

(cf. 5112.3 - Student Leave of Absence)

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

(cf. 5112.1 - Exemptions from Attendance)

Reasonable Accommodations

When necessary, the district shall provide reasonable accommodations to pregnant and parenting students to enable them to access the educational program.

A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions. (34 CFR 106.40)

**Pregnant/Parenting Students** (continued)

(cf. 6183 - Home and Hospital Instruction)

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222)

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

*Legal Reference:*EDUCATION CODE

222 Reasonable accommodations; lactating students

230 Sex discrimination

8200-8498 Child Care and Development Services Act

48205 Excused absences

48220 Compulsory education requirement

48410 Persons exempted from continuation classes

49553 Nutrition supplements for pregnant/lactating students

51220.5 Parenting skills and education

51745 Independent study

52610.5 Enrollment of pregnant and parenting students in adult education

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

CIVIL CODE

51 Unruh Civil Rights Act

FAMILY CODE

7002 Description of emancipated minor

HEALTH AND SAFETY CODE

104460 Tobacco prevention services for pregnant and parenting students

**Pregnant/Parenting Students (continued)**

4600-4687 *Uniform complaint procedures*

4950 *Nondiscrimination, marital and parental status*

CODE OF REGULATIONS, TITLE 22

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

101351-101439.1 *Infant care centers*

UNITED STATES CODE, TITLE 20

1681-1688 *Title IX, Education Act Amendments*

UNITED STATES CODE, TITLE 42

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

CODE OF FEDERAL REGULATIONS, TITLE 7

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.40 *Marital or parental status*

ATTORNEY GENERAL OPINIONS

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

COURT DECISIONS

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

*Management Resources:*

CALIFORNIA WOMEN'S LAW CENTER PUBLICATIONS

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

*Pregnant Students and Confidential Medical Services*

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

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

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

WEB SITES

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

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

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

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

Policy

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CAMPBELL UNION SCHOOL DISTRICT

Campbell, California