

BP 0410 Campbell Union ESD

Board Policy

Nondiscrimination In District Programs And Activities

BP 0410

Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board is committed to equal opportunity for all individuals in education. District programs, activities and practices shall be free from unlawful discrimination including discrimination against an individual or group based on gender, gender identity or expression, sex, race, color, religion, ancestry, nationality, national origin, ethnic group identification, age, marital, pregnancy, or parental status, physical or mental disability, genetic information, or sexual orientation; a 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.

(cf. 1240 - Volunteer Assistance

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4033 - Lactation Accommodation)

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

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

(cf. 5132.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

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

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

(cf. 6178 - Career Technical Education)

(cf. 6200 - Adult Education)

District programs and activities shall also be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

Annually, the Superintendent or designee shall review district programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from

accessing district programs and activities, ~~including the use of facilities~~. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

(cf. 1330 - Use of Facilities)

All allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with the procedures specified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, The Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, handbook, application form, or other ~~recruitment~~ materials distributed to these groups and, as applicable, to the public. As appropriate, such notification shall be posted in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations and shall be posted on the district's web site and, when available, district-supported social media. (34 CFR 104.8, 106.9)

~~The Superintendent or designee shall also provide information about related complaint procedures.~~

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

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

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

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

(cf. 5145.6 Parental Notifications)

~~In compliance with law, t~~The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand and, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

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

Access for Individuals with Disabilities

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act ([ADA](#)) and any implementing standards and/or regulations. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

(cf. 6163.2 - Animals at School)
(cf. 7110 - Facilities Master Plan)
(cf. 7111 - Evaluating Existing Buildings)

The Superintendent or designee shall ensure that the district provides auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to district and school web sites, notetakers, written materials, taped text, and Braille or large print materials.

~~(cf. 6020 – Parent Involvement)~~

Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to athe school-sponsored function, program or meeting.

(cf. 6020 - Parent Involvement)
(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

The individual identified in AR 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws is hereby designated as the district's ADA coordinator. He/she shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to district programs, services, activities, or facilities.

Associate Superintendent, Human Resources
155 North Third Street
Campbell, CA 95008
(408) 364-4200 ext. 6213
sviramontez@campbellusd.org

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

51007 Legislative intent: state policy

GOVERNMENT CODE

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

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

2301-2415 Carl D. Perkins Vocational and Applied Technology Act

6311 State plans

6312 Local education agency plans

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 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:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

~~Interim Updated Legal Guidance: Regarding Protecting Transgender and Gender Nonconforming Students, Privacy, and Facilities Against Sex Discrimination, September 27, 2013 July 2016~~

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

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS
California Law Prohibits Workplace Discrimination and Harassment

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: Title IX Coordinators, April 2015

Dear Colleague Letter: Harassment and Bullying, October 2010

Dear Colleague Letter: Electronic Book Readers, June 29, 2010

Notice of Non-Discrimination, January 1999

Protecting Students from Harassment and Hate Crime, January 1999

Nondiscrimination in Employment Practices in Education, August 1991

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

2010 ADA Standards for Accessible Design, September 2010

Accessibility of State and Local Government Websites to People with Disabilities, June 2003

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

Web Content Accessibility Guidelines, December 2008

WEB SITES

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

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

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

Safe Schools Coalition: <http://www.casafeschools.org>

Pacific ADA Center: <http://www.adapacific.org>

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

U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act:

<http://www.ada.gov>

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

World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>

Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: August 27, 1998 Campbell, California

revised: December 11, 2003

revised: July 15, 2004

revised: December 13, 2012

revised: August 21, 2014

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BP 0420.41 Campbell Union ESD

Board Policy

Charter School Oversight

BP 0420.41

Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board recognizes its ongoing responsibility to ~~ensure~~ oversee that any charter school the Board has authorized ~~by the Board~~ is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school. District dependent conversion charters, approved after July 1, 2005 are operated and regulated by district Board policy and Education Code.

(cf. 0420.4 - Charter School Authorization)

(cf. 0500 - Accountability)

The Superintendent or designee shall identify at least one staff member to serve as a contact person for each charter school authorized by the Board. (Education Code 47604.32)

The Board and Superintendent or designee may inspect or observe any part of the charter school at any time. The Superintendent or designee shall visit each charter school at least annually. (Education Code 47604.32, 47607)

~~Whenever a charter school operates as or is operated by a nonprofit public benefit corporation as authorized by Education Code 47604, the Superintendent shall recommend and the Board shall appoint a district representative, who may be the district's charter school contact, to serve on the corporation's board of directors.~~ [1] The Superintendent or designee shall attend meetings of the charter school board whenever possible and shall periodically meet with a representative of the charter school.

Waivers

If the charter school wishes to request a general waiver of any state law or regulation applicable to it, it shall request that the district submit a general waiver request to the State Board of Education (SBE) on its behalf. Upon approval of the Board, the Superintendent or designee shall ~~apply for the~~ submit such a waiver request to the SBE on behalf of the charter school.

(cf. 1431 - Waivers)

Provision of District Services

The charter school may purchase administrative or other services from the district or any other source. (Education Code 47613)

Whenever the district agrees to provide administrative or support services, the district and charter school shall develop a memorandum of understanding which clarifies the financial and operational agreements between the district and charter school.

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System or Public Employees' Retirement System on behalf of the charter school. The district may charge the charter school ~~may be charged~~ for the actual costs of the reporting services, but shall not ~~be required~~ the charter school to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)

Material Revisions to Charter

Material revisions to a charter may only be made ~~only~~ with Board approval. Material revisions shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

If an approved charter school proposes to ~~expand~~ establish or move operations to one or more additional sites ~~within the district's boundaries~~, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations. The Board shall consider approval of the additional locations at an open meeting. (Education Code 47605)

The Board shall have the authority to determine whether a proposed change in charter school operations constitutes a material revision of the approved charter.

Monitoring Charter School Performance

The Superintendent or designee shall monitor the charter school to determine whether it complies with all legal requirements applicable to charter schools, including making all reports required of charter schools in accordance with Education Code 47604.32. Any violations of law shall be reported to the Board.

The Board shall monitor each charter school to determine whether it is achieving, both schoolwide and for all groups of students served by the school, the measurable student outcomes set forth in the charter. This determination shall be based on the measures specified in the approved charter and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP). ~~and shall include, at a minimum, a consideration of whether the school is meeting its Academic Performance Index growth targets established pursuant to Education Code 52052 and is making "adequate yearly progress" (AYP) pursuant to 20 USC 6311, as applicable.~~

The Board shall monitor the fiscal condition of the charter school based on any financial information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, ~~an annual update, aligned to the template adopted by the SBE, of school goals, actions, and related expenditures of the school's LCAP;~~ first and second interim financial reports; ~~and final unaudited report for the full prior year.~~ (Education Code 47604.32, 47604.33, 47606.5)

The district may charge up to one percent of a charter school's revenue for the actual costs of supervisory oversight of the school. However, if the district is able to provide substantially rent-free facilities to the charter school, the district may charge up to three percent of the charter school's revenue for actual costs of supervisory oversight ~~up to three percent of the charter school's revenue or, if the facility is provided under Education Code 47614, the pro-rata share facilities costs calculated pursuant to 5 CCR 11969.7. If the district charges the pro-rata share, it may also charge one percent of the charter school's revenue in oversight fees.~~ (Education Code 47613)

(cf. 7160 - Charter School Facilities)

Technical Assistance/Intervention

If a charter school receiving federal Title I funding ~~fails to make AYP, as defined pursuant to 20 USC 6311, for two or more consecutive years, the school shall be~~ has been identified for program improvement, it ~~and~~ shall implement improvement strategies in accordance with ~~20 USC 6316~~ its existing school improvement plan.

(cf. 0520.2 - Title I Program Improvement Schools)

If, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more student subgroups identified in Education Code 52052, or for all of the student subgroups if the school has fewer than three, in regard to one or more state or school priorities identified in the charter, the district: (Education Code 47607.3)

1. Shall provide technical assistance to the charter school using an evaluation rubric adopted by the SBE pursuant to Education Code 52064.5

2. May request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code 52074

In accordance with law, the Board may deny a charter's school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regards to the academic achievement of all numerically significant subgroups of students served by the charter school.

(cf. 0420.42 - Charter School Renewal)

(cf. 0420.43 - Charter School Revocation)

Complaints

Each charter school shall establish and -maintain ~~processes policies and procedures~~ to enable any person to file a complaint, in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4687, alleging the school's noncompliance with Education Code 47606.5 or 47607.3. (Education Code 52075)

(cf. 1312.3 - Uniform Complaint Procedures)

A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code 52075)

If the charter school finds merit in the complaint or the SPI finds merit in an appeal, a remedy shall be provided to all affected students and parents/guardians. (Education Code 52075)

School Closure

In the event that the Board revokes or denies renewal of a charter or the school ~~closes~~ ceases operation for any ~~other~~ reason, the Superintendent or designee shall, when applicable in accordance with the charter and/or a memorandum of understanding, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out.

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, if renewal of the charter is denied, the charter is revoked, or the charter school will cease operation for any reason.

Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records.
(Education Code 47604.32; 5 CCR 11962.1)

Legal Reference:

EDUCATION CODE

[215 Suicide prevention policy](#)

220 Nondiscrimination

[221.9 Sex equity in competitive athletics](#)

[222 Lactation accommodations for students](#)

17280-17317 Field Act

17365-17374 Field Act, fitness for occupancy

35330 Field trips and excursions; student fees

38080-38086 School meals

[39831.3 Transportation safety plan](#)

[39843 Disciplinary action against bus driver; report to Department of Motor Vehicles](#)

42100 Annual statement of receipts and expenditures

44237 Criminal record summary

44830.1 Certificated employees, conviction of a violent or serious felony

45122.1 Classified employees, conviction of a violent or serious felony

~~46201 Instructional minutes~~

47600-47616.7 Charter Schools Act of 1992

47634.2 Nonclassroom-based instruction

47640-47647 Special education funding for charter schools

48000 Minimum age of admission for kindergarten; transitional kindergarten

48010-48011 Minimum age of admission (first grade)

[48850-48859 Educational placement of foster youth and homeless students](#)

48907 Students' exercise of free expression; rules and regulations

48950 Student speech and other communication

[49011 Student fees](#)

49061 Student records

49110 Authority of issue work permits

[49414 Epinephrine auto-injectors](#)

49475 Health and safety, concussions and head injuries

[51224.7 Mathematics placement policy](#)

[51225.6 Instruction in cardiopulmonary resuscitation](#)

51745-51749.3 Independent study
52051.5-52052 Academic performance index, applicability to charter schools
52060-52077 Local control and accountability plans
52075 Uniform complaint procedures
56026 Special education
56145-56146 Special education services in charter schools
60600-60649 Assessment of academic achievement
60850-60859 High school exit examination
[69432.9 Cal Grant program; notification of grade point average](#)

CORPORATIONS CODE

5110-6910 Nonprofit public benefit corporations

GOVERNMENT CODE

[1090-1099 Prohibitions applicable to specified officers](#)

3540-3549.3 Educational Employment Relations Act

~~[54950-54963 The Ralph M. Brown Act](#)~~

[81000-91014 Political Reform Act of 1974](#)

[HEALTH AND SAFETY CODE](#)

[104420 Tobacco Use Prevention Education grant program](#)

[104559 Tobacco-free schools](#)

LABOR CODE

1198.5 Personnel records related to performance and grievance

PENAL CODE

667.5 Definition of violent felony

1192.7 Definition of serious felony

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

[Article 16, Section 8.5 Public finance; school accountability report card](#)

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

11700.1-11705 Independent study

11960-11969 Charter schools

[15497.5 Local control and accountability plan template](#)

CODE OF REGULATIONS, TITLE 24

101 et seq. California Building Standards Code

UNITED STATES CODE, TITLE 20

6311 [State plan Adequate yearly progress](#)

~~6319 Qualifications of teachers and paraprofessionals~~

~~7221-7221j7223-7225~~ Charter schools

[UNITED STATES CODE, TITLE 42](#)

[11431-11435 McKinney-Vento Homeless Assistance Act](#)

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-200.78 Accountability

~~300.18 Highly qualified special education teachers~~

COURT DECISIONS

Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986

ATTORNEY GENERAL OPINIONS

89 Ops.Cal.Atty.Gen. 166 (2006)

80 Ops.Cal.Atty.Gen. 52 (1997)

78 Ops.Cal.Atty.Gen. 297 (1995)

CALIFORNIA OFFICE OF ADMINISTRATIVE HEARINGS DECISIONS

Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763

Management Resources:

CSBA PUBLICATIONS

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

Charter Schools: A [Guide Manual](#) for Governance Teams, rev. [2016-2009](#)

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

California School Accounting Manual

Sample Copy of a Memorandum of Understanding

Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory ~~12-02, 11-01~~, [April 24, 2013](#) ~~November 9, 2011~~

Special Education and Charter Schools: Questions and Answers, September 10, 2002

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Charter Schools Program: Title V, Part B of the ESEA, April 2011

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

WEB SITES

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

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

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

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

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

Policy CAMPBELL UNION SCHOOL DISTRICT
adopted: December 13, 2012 Campbell, California
revised: August 21, 2014

AR 1340 Campbell Union ESD

Administrative Regulation

Access To District Records

AR 1340

Community Relations

Records Open to the Public

Public records include any writing containing information relating to the conduct of the district's business prepared, owned, used or retained by the district regardless of physical form or characteristics. (Government Code 6252)

Writing means any handwriting, typewriting, printing, ~~photocopying~~, photographing, photocopying transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code 6252)

A member of the public includes any person, except a member, agent, officer, or employee of the district acting within the scope of his/her office or employment. Governing Board members are entitled to access to public records permitted by law in the administration of their duties, and, as to other public records, on the same basis as any other person. (Government Code 6252, ~~6252.5~~)

Records to which the public shall have access include but are not limited to:

1. The proposed and approved budgets and annual audits of the District (Government Code 6252; Education Code 41020, 42103)

(cf. 3100 - Budget)

(cf. 3460 - Fiscal Reports and Accountability)

2. Statistical compilations (Government Code 6252)

3. Reports and memoranda (Government Code 6252)

4. Notices and bulletins (Government Code 6252)

5. Minutes of public meetings (Government Code 6252)

(cf. 9324 - Minutes and Recordings)

6. Meeting agendas (Government Code ~~6252~~, 54957.5)

(cf. 9322 - Agenda/Meeting Materials)

7. Official communications between the district and other governmental branches agencies (Government Code 6252)

8. School-based program plans (Education Code 52850)

~~(cf. 0420 - School Plans/Site Councils)~~~~(cf. 0420.1 - School Based Program Coordination)~~

9. Information and data relevant to the evaluation and modification of district plans

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

(cf. 0440 - District Technology Plans)

(cf. 0460 - Local Control and Accountability Plan)

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

(cf. 0520.2 - Title I Program Improvement Schools

(cf. 0520.3 - Title I Program Improvement Districts)

10. Initial proposals of exclusive employee representatives and of the district (Government Code 3547)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

11. Records pertaining to claims and litigation against the district which have been adjudicated or settled~~Tort claims filed against the district and records pertaining to pending litigation which predate the filing of the litigation, unless protected by some other provision of law~~ (Government Code 6254, 6254.25; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235, 1988)

(cf. 3320 - Claims and Actions Against the District)

12. Statements of economic interests required by the Conflict of Interest Code (Government Code 81008)

(cf. 9270 - Conflict of Interest)

13. Documents containing names, salaries, and pension benefits of district employees

~~143.~~ Contracts of employment and settlement agreements (Government Code 53262)

(cf. 2121 - Superintendent's Contract)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

(cf. 4141/4241 - Collective Bargaining Agreement)

~~(cf. 2121 - Superintendent's Contract)~~

~~154.~~ Instructional materials including, but not limited to textbooks (Education Code 49091.10).

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials_

When disclosing to a member of the public any record that contains personal information, ~~The Superintendent or designee shall ensure that any record containing personal information is redacted to ensure that such information,~~ including, but not limited to, an employee's home address, home telephone number, or social security number, or personal cell phone number or birth date, the Superintendent or designee shall ensure that such personal information is redacted from the record.is not disclosed to the public (Government Code 6254.29, 6254.3)

Confidential Records

Records to which the general public shall not have access include but are not limited to:

1. Preliminary drafts, notes, interdistrict or intradistrict memoranda which are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 6254)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

2. Records specifically prepared for litigation to which the district is a party or to claims made pursuant to the Tort Claims Act, until the pending litigation or claim has been finally adjudicated or otherwise settled, unless the records are protected by some other provision of law (Government Code 6254, 6254.25; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1998))

3. Personnel records, medical records, ~~student records,~~ personal correspondence, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)

(cf. 4112.5/4212.5/4312.5) - Criminal Record Check)
(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)

The home addresses, home email addresses and personal telephone numbers of employees may be disclosed only as follows: (Government Code 6254.3)

- a. To an agent or a family member of the individual to whom the information pertains
- b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties
- c. To an employee organization pursuant to regulations and decisions of the Public

Employment Relations Board, except that the home address and any telephone number for an unless the employee who performs law enforcement-related functions or the birth date of any employee requests in writing that the information shall not be disclosed

Upon written request of any employee, the district shall not disclose the employee's home address, home phone number, personal cell phone number, or birth date, the district shall remove this information from any mailing list of the district except a list used exclusively to contact the employee.

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

d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents

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

4. Student records, except directory information and other records to the extent permitted under the law, when disclosure is authorized by law

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 5125.3 - Challenging Student Records)

54. Test questions, scoring keys and other examination data except as provided by law (Government Code 6254)

(cf. 6162.5 - Student Assessment)

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

65. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the district relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 6254)

76. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information (Government Code 6254)

87. Library circulation records kept for the purpose of identifying the borrower of items available in the library, except when disclosure is to a person acting within the scope of his/her duties in the administration of the library, to a person authorized in writing by the individual to whom the records pertain, or by court order (Government Code 6254, 6267)

(cf. 6163.1 - Library Media Centers)

98. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege [Government Code 6254]

(cf. 9124 - Attorney)

109. Documents prepared by or for the district to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt district operations and that is for distribution or consideration in closed session (Government Code 6254)

(cf. 0450 - Comprehensive Safety Plan)

1140. Recall petitions, petitions for special elections to fill Board vacancies, or petitions for the reorganization of school districts (Government Code 6253.5)

(cf. 9223 - Filling Vacancies)

1244. The minutes of Board meetings held in closed session (Government Code 54957.2)

(cf. 9321 - Closed Session Purposes and Agendas)

1342. Computer software developed by the district (Government Code 6254.9)

1443. Information security records, the disclosure of which would reveal vulnerabilities to, or increase potential for an attack on, the district's information technology system (Government Code 6245.19)

1544. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 6254, 6255)

(cf. 5141.6 - School Health Services)

1645. Records for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record (Government Code 6253)

1746. Any other records for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record listed as exempt from public disclosure in the California Public Records Act or other statutes (Government Code ~~6254, 6255~~)

Inspection of Records and Requests for Copies

Public records are open to inspection at all times during district office hours. Any reasonably

segregable portion of a record shall be made available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (Government Code 6253)

Any person may request a copy of any district record open to the public and not exempt from disclosure. (Government Code 6253)

Within 10 days of receiving any request for a copy of records, the Superintendent or designee shall determine whether the request seeks copies of disclosable public records in the district's possession. The Superintendent or designee shall promptly inform the person making the request of his/her determination and the reasons for the decision. (Government Code 6253)

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances means the following, but only to the extent reasonably necessary to properly process the request: (Government Code 6253)

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request
2. The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request
3. The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the district having substantial subject matter interest therein
4. The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 6253)

Upon request for a copy that reasonably describes an identifiable record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 6253)

The Superintendent or designee shall charge 3025 cents (\$.3025 per page), for any amount greater than 10 pages, for duplication. Written requests to waive the fee shall be submitted to the Superintendent or designee.

If any person requests a public record be provided in an electronic format, the district shall make that record available in any electronic format in which it holds the information. The district shall provide a copy of the electronic record in the format requested so long as the requested format is one that has been used by the district to create copies for its own use or for use by other agencies. (Government Code 6253.9)

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code 6253.9)

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals
2. The request would require data compilation, extraction, or programming to produce the record

Assistance in Identifying Requested Records

If the Superintendent or designee denies a request for disclosable records, he/she shall assist the requester in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following: (Government Code 6253.1)

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified

If after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement will be deemed satisfied.

2. Describe the information technology and physical location in which the records exist
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

Provisions of the Public Records Act shall not be construed so as to delay access for purposes of inspecting records open to the public. Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code 6253)

Regulation CAMPBELL UNION SCHOOL DISTRICT
approved: March 14, 2002 Campbell, California
revised: May 22, 2003
revised: March 12, 2009
revised: June 21, 2012

Campbell Union ESD

Board Policy

Bids

BP 3311

Business and Noninstructional Operations

The Governing Board is committed to promoting public accountability and ensuring prudent use of public funds. When leasing, purchasing, or contracting for equipment, materials, supplies, or services for the district, including when contracting for public projects involving district facilities, the Board shall explore lawful opportunities to obtain the greatest possible value for its expenditure of public funds. When required by law, or if the Board determines that it is in the best interest of the district, such contracts shall be made using competitive bidding.

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

(cf. 3000 - Concepts and Roles)

(cf. 3230 - Federal Grant Funds)

(cf. 3300 - Expenditures and Purchases)

(cf. 3311.1 - Uniform Public Construction Cost Accounting Procedures)

(cf. 3311.2 - Lease-Leaseback Contracts)

(cf. 3311.3 - Design-Build Contracts)

(cf. 3311.4 - Procurement of Technological Equipment)

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading ~~the~~ legal requirements ~~regarding contracting after~~ for competitive bidding. (Public Contract Code 20116, ~~22033~~)

The Superintendent or designee shall establish comprehensive bidding procedures for the district in accordance with law. The procedures shall include a process for advertising bids, instructions and timelines for submitting and opening bids, and other relevant requirements.

For award of ~~State-funded~~ contracts which, by law or Board policy, require prequalification, the procedures shall identify a uniform system for rating bidders ~~and shall address the issues covered by the standardized on the basis of a completed~~ questionnaire and financial statements model guidelines developed by the Department of Industrial Relations pursuant to Public Contract Code 20101.

(cf. 9270 - Conflict of Interest)

When calling for bids, the Superintendent or designee shall ensure that the bid specifications clearly describes in appropriate detail the quality, delivery, and service required and includes all information which the district knows, or has in its possession, that is relevant to the work to be performed or that may impact the cost of performing the work.

Except as authorized by law ~~and specified in the administrative regulation~~, contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

When the Board has determined that it is in the best interest of the district, the district may piggyback onto the contract of another public agency or corporation to lease or purchase any personal property equipment or supplies to the extent authorized by law. (Public Contract Code 20118)

~~For use in contracting for public works projects, the Board has, by resolution, adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act pursuant to Public Contract Code 22030-22045, including the required cost accounting procedures and the informal bidding procedures when allowed by law. The Board delegates to the Superintendent or designee the responsibilities to award any contract eligible for informal bidding procedures and to develop plans, specifications, and working details for all public projects requiring formal bidding procedures.~~

Legal Reference:

EDUCATION CODE

17070.10-17079.30 Leroy F. Greene School Facilities Act

17250.10-17250.55 Design-build contracts

17406 Lease-leaseback contractss

17595 Purchase of supplies through Department of General Services

17602 Purchase of surplus property from federal agencies

38083 Purchase of perishable foodstuffs and seasonable commodities

38110-38120 Apparatus and supplies

39802 Transportation services

BUSINESS AND PROFESSIONS CODE

7056 General engineering contractor

7057 General building contractor

CODE OF CIVIL PROCEDURE

446 Verification of pleadings

GOVERNMENT CODE

4217.10-4217.18 Energy conservation contracts

4330-4334 Preference for California-made materials

6252 Definition of public record

53060 Special services and advice

54201-54205 Purchase of supplies and equipment by local agencies

PUBLIC CONTRACT CODE

1102 Emergencies

1103 Definition, responsible bidder

2000-2002 Responsive bidders

3000-3010 Roofing projects

3400 Bids, specifications by brand or trade name not permitted

3410 United States produce and processed foods

4113 Prime contractor; subcontractor

6610 Bid visits

12200 Definitions, recycled goods, materials and supplies

20101-20103.7 Public construction projects, requirements for bidding

~~PUBLIC CONTRACT CODE (continued)~~

20103.8 Award of contracts

~~20107 Bidder's security~~

20110-20118.4 Contracting by Local Agency Public Construction Act; school districts

20189 Bidder's security, earthquake relief

~~22002 Definition of public project~~

~~22000~~22030-22045 Alternative procedures for public projects (UPCCAA)

~~22050 Alternative emergency procedures~~

22152 Recycled product procurement

COURT DECISIONS

~~McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)~~

~~Davis v. Fresno Unified School District, (2015) 237 Cal.App.4th 261~~

Los Angeles Unified School District v. Great American Insurance Co., (2010) 49 Cal.4th 739

Great West Contractors Inc. v. Irvine Unified School District, (2010) 187 Cal.App.4th 1425

Marshall v. Pasadena Unified School District, (2004) 119 Cal.App.4th 1241

Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449

City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861

ATTORNEY GENERAL OPINIONS

89 Ops.Cal.Atty.Gen. 1 (2006)

Management Resources:

~~CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION
PUBLICATIONS~~

~~Cost Accounting Policies and Procedures Manual~~

~~Frequently Asked Questions~~

WEB SITES

CSBA: [http:// www.csba.org](http://www.csba.org)

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

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

California Department of General Services: <https://www.dgs.ca.gov>

Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: August 27, 1998 Campbell, California

revised: June 21, 2001

revised: March 27, 2014

revised: September 15, 2016

Campbell Union ESD

Administrative Regulation

Bids

AR 3311

Business and Noninstructional Operations

Advertised/Competitive Bids

The district shall advertise for any of the following: (Public Contract Code 20111)

1. A public project contract that involves an expenditure of \$15,000 or more, including a contract for construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, or repair work involving a district owned, leased, or operated facility

(cf. 3311.1 - Uniform Public Construction Cost Accounting Procedures)

(cf. 3311.2 - Lease-Leaseback Contracts)

(cf. 3311.3 - Design-Build Contracts)

2. A contract that exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following:

~~for competitive bids when a contract exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following: (Public Contract Code 20111)~~

a1. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district

(cf. 3230 - Federal Grant Funds)

(cf. 3311.4 - Procurement of Technological Equipment)

b2. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters

c3. Repairs that are not a public project, including maintenance

Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. Maintenance

includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. Maintenance does not include painting, repainting, or decorating other than touchup, or among other types of work, janitorial or custodial services and protection provided by security forces. (Public Contract Code 20115)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the district, or if no such newspaper exists, then in some newspaper of general circulation that is circulated in the county. The Superintendent or designee also may post the notice on the district's web site or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and web site where bids will be opened. ~~The district may accept a bid that has been submitted electronically or on paper.~~ (Public Contract Code 20112)

(cf. 1113 - District and School Web Sites)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting and details regarding when and where project documents, including the final plan and specifications, are available. Any such mandatory visit or meeting shall occur not less than five calendar days after the publication of the initial notice. (Public Contract Code 6610)

Bid instructions and specifications shall include the following requirements and information:

1. All bidders shall certify in writing the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)

(cf. 3510 - Green School Operations)

2. All bids for construction work shall be presented under sealed cover. ~~and shall be accompanied by one of the following forms of bidder's security:~~ The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code ~~20107~~, 20111, 20112)

~~a. Cash~~

~~b. A cashier's check made payable to the district~~

~~c. A certified check made payable to the district~~

~~d. — A bidder's bond executed by an admitted surety insurer and made payable to the district~~

~~— The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111)~~

The bid shall be accompanied by a form of bidder's security, including either cash, a cashier's check payable to the district, a certified check made payable to the district, or a bidder's bond executed by an admitted surety insurer and made payable to the district. The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111, 20112)

3. When a standardized proposal form is provided by the district, bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)

4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)

5. When two or more identical lowest or highest bids are received, the Governing Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)

6. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #6a below shall be used. (Public Contract Code 20103.8)

a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.

b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.

c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.

—The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the district before the ranking of all bidders from lowest to highest has been determined. (Public

Contract Code 20103.8)

7. In determining the lowest bid, the district shall consider only responsive bids that conform to bid specifications and are submitted by responsible bidders who have demonstrated trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the public works contract.

a. When a bid is determined to be nonresponsive, the Superintendent or designee shall notify the bidder and give him/her an opportunity to respond to the determination.

b. When the lowest bidder is determined to be nonresponsive, the Superintendent or designee shall notify the bidder of his/her right to present evidence of his/her responsibility at a hearing before the Board.

~~7. The district shall consider only responsive bids from responsible bidders in determining the lowest bid.~~

~~8. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.~~

89. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

~~10. When a bid is disqualified as nonresponsive based on district investigation or other information not obtained from the submitted bid, the Superintendent or designee shall notify the bidder and give him/her an opportunity to respond to the information.~~

Prequalification Procedure

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized proposal form prequalification questionnaire and financial record which, when completed, shall indicate a bidder's statement of financial ability and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified.

The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

When any public project involves an expenditure of \$1,000,000 or more and is funded or reimbursed wholly or partly by the School Facilities Program funds or other future state school bond, the district shall prequalify prospective bidders either quarterly or annually. The prequalification shall be valid for one year and the following requirements shall apply: (~~Education Code 17406, 17407;~~ Public Contract Code 20111.6)

1. Prospective bidders, including, but not limited to, prime, general engineering, and general building contractors and electrical, mechanical, and plumbing subcontractors, as defined in Public Contract Code 4113 or Business and Professions Code 7056 or 7057, as applicable, shall submit a standardized questionnaire and financial statement 10 or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

24. Prospective bidders shall be prequalified by the district five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

If the project includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, the Superintendent or designee shall make available to all bidders a list of prequalified general contractors and electrical, mechanical, and plumbing subcontractors five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

For all other contracts requiring competitive bidding, the district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. Prospective bidders for such contracts shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids and shall be prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

Award of Contract

The district shall award each contract to the lowest responsible bidder except in the following circumstances:

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders. (Public Contract Code 20118.1)

2. When the contract is for any transportation service which involves an expenditure of more than \$10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of students who are to be transported, in which case the Board may contract with other than the lowest bidder. (Education Code 39802)

3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)

4. When procuring a lease-leaseback contract, in which case the Board shall award the contract based on objective criteria for determining the best combination of price and qualifications in accordance with Education Code 17400 and 17406

(cf. 3311.2 - Lease-Leaseback Contracts)

53. When procuring a design-build contract for a public works project in excess of \$1,000,000 in accordance with Education Code 17250.20~~the section "Design-Build Contracts" below~~, in which case the Board may award the contract to either the low bid or the best value to the district, taking into consideration, at a minimum, price, technical design and construction expertise, and life-cycle costs (Education Code 17250.20, 17250.25)

(cf. 3311.3 - Design-Build Contracts)~~9270—Conflict of Interest~~

Protests by Bidders

A bidder may protest a bid award if he/she believes that the award is not in compliance with law, Board policy, or the bid specification. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protest documents in a timely manner shall constitute a waiver of his/her right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 working days. The Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the problem.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board

consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

~~Alternative Bid Procedures for Technological Supplies and Equipment~~

~~Rather than seek competitive bids, the Board may use competitive negotiation when it makes a finding that a district procurement is for computers, software, telecommunications equipment, microwave equipment, or other related electronic equipment and apparatus. Competitive negotiation shall not be used to contract for construction or for the procurement of any product that is available in substantial quantities to the general public. (Public Contract Code 20118.2)~~

~~The competitive negotiation process shall include, but not be limited to, the following requirements: (Public Contract Code 20118.2)~~

~~1. The Superintendent or designee shall prepare a request for proposals (RFP) that shall be submitted to an adequate number of qualified sources, as determined by the district, to permit reasonable competition consistent with the nature and requirement of the procurement.~~

~~2. Notice of the RFP shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.~~

~~3. The Superintendent or designee shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the RFP is received.~~

~~4. The RFP shall identify all significant evaluation factors, including price, and their relative importance.~~

~~5. The Superintendent or designee shall provide reasonable procedures for the technical evaluation of the RFPs received, the identification of qualified sources, and the selection for the award of the contract.~~

~~6. The Board shall award the contract to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the district with price and all other factors considered.~~

~~7. If the Board does not award the contract to the bidder whose proposal contains the lowest price, then the Board shall make a finding setting forth the basis for the award to another bidder.~~

~~8. The Board, at its discretion, may reject all proposals and request new RFPs.~~

~~9. Provisions in any contract concerning utilization of small business enterprises that are in accordance with the RFP shall not be subject to negotiation with the successful proposer.~~

~~Design-Build Contracts~~

~~When it is in the best interest of the district, the Board may approve a contract with a single entity for both design and construction of any school facility in excess of \$1,000,000, awarding the contract to either the low bid or the best value as determined by evaluation of objective criteria. (Education Code 17250.20)~~

~~The procurement process for design-build projects shall be as follows: (Education Code 17250.25)~~

~~1. The district shall prepare a set of documents setting forth the scope and estimated price of the project. The documents may include, but are not limited to, the size, type, and desired design character of the project; performance specifications covering the quality of materials, equipment, workmanship, preliminary plans, or building layouts; or any other information deemed necessary to describe adequately the district's needs. The documents may include operations during a training or transition period, but shall not include long-term operations for a project. The performance specifications and any plans shall be prepared by a design professional who is duly licensed and registered in California.~~

~~2. The district shall prepare and issue a request for qualifications in order to prequalify or develop a short list of the design-build entities whose proposals shall be evaluated for final selection. The request for qualifications shall include, but is not limited to, all of the following elements:~~

~~a. Identification of the basic scope and needs of the project or contract, the expected cost range, the methodology that will be used by the district to evaluate proposals, the procedure for final selection of the design-build entity, and any other information deemed necessary by the district to inform interested parties of the contracting opportunity~~

~~b. Significant factors that the district reasonably expects to consider in evaluating qualifications, including technical design and construction experience, acceptable safety record, and all other non-price related factors~~

~~c. A standard template request for statements of qualifications prepared by the district, which shall contain all of the information required pursuant to Education Code 17250.25~~

~~—The district also may identify specific types of subcontractors that must be included in the statement of qualification and proposal.~~

~~———A design-build entity shall not be prequalified or short-listed unless the entity provides an enforceable commitment to the district that the entity and its subcontractors at every tier will use a skilled and trained workforce, as defined in Education Code 17250.25, to perform all work on the project or contract that falls within an apprenticeshipable occupation in the building and construction trades. The entity may demonstrate such commitment through a project labor agreement, by becoming a party to the district's project labor agreement, or through an agreement with the district to provide evidence of compliance on a monthly basis during the performance of the project or contract. (Education Code 17250.25)~~

3. ~~———The district shall prepare a request for proposals that invites prequalified or short-listed entities to submit competitive sealed proposals in a manner prescribed by the district. The request for proposals shall include the information identified in items #2a and 2b above and the relative importance or weight assigned to each of the factors. If the district uses a best value selection method, the district may reserve the right to request proposal revisions and hold discussions and negotiations with responsive proposers, in which case the district shall so specify in the request for proposals and shall publish separately or incorporate into the request for proposals applicable procedures to be observed by the district to ensure that any discussions or negotiations are conducted in good faith.~~

4. ~~———For those projects utilizing low bid as the final selection method, the bidding process shall result in lump-sum bids by the prequalified or short-listed design-build entities, and the contract shall be awarded to the lowest responsible bidder.~~

5. ~~———For those projects utilizing best value as a selection method, the following procedures shall be used:~~

a. ~~———Competitive proposals shall be evaluated using only the criteria and selection procedures specifically identified in the request for proposals. Criteria shall be weighted as deemed appropriate by the district and shall, at a minimum, include price, unless a stipulated sum is specified; technical design and construction experience; and life-cycle costs over 15 or more years.~~

b. ~~———Following any discussions or negotiations with responsive proposers and completion of the evaluation process, the responsive proposers shall be ranked on a determination of value provided, provided that no more than three proposers are required to be ranked.~~

c. ~~———The contract shall be awarded to the responsible entity whose proposal is determined by the district to have offered the best value to the public.~~

d. ~~———The district shall publicly announce the contract award, identifying the entity to which~~

~~the award is made and the basis of the award. This statement and the contract file shall provide sufficient information to satisfy an external audit.~~

Sole Sourcing

Limitation on Use of Sole Sourcing

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall ensure that the bid specification: (Public Contract Code 3002, 3400)

1. Does not directly or indirectly limit bidding to any one specific concern
2. Does not call for a designated material, product, thing, or service by a specific brand or trade name, unless the specification is followed by the words "or equal," so that bidders may furnish any equal material, product, thing, or service

In any such case, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract.

When the bid is for a roof project, a material, product, thing, or service is considered "equal" to that designated if it is equal in quality, durability, design, and appearance; will perform the intended function equally well; and conforms substantially to the detailed requirements in the bid specification. ~~(Public Contract Code 3002)~~

However, the Superintendent or designee may designate a specific material, product, thing, or service by brand or trade name (sole sourcing) if the Board has made a finding, described in the invitation for bids or request for proposal (RFP), that a particular material, product, thing, or service is designated for any of the following purposes: (Public Contract Code 3400)

1. To conduct a field test or experiment to determine its suitability for future use
2. To match others in use on a particular public improvement that has been completed or is in the course of completion
3. To obtain a necessary item that is only available from one source
4. To respond to the Board's declaration of an emergency, as long as the declaration has been approved by four-fifths of the Board when issuing the invitation for bid or RFP

(cf. 9323.2 - Actions by the Board)

Bids Not Required

Without advertising for bids and upon a determination that it is in the best interest of the district, the Board may authorize another public corporation or agency, by contract, lease, requisition, or purchase order, to lease data-processing equipment or to purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor ("piggyback"). Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the district may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

(cf. 3300 - Expenditures and Purchases)

(cf. 3512 - Equipment)

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the district and meet the cost effectiveness requirements specified in Government Code 4217.12. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on cost and savings comparison findings specified in Government Code 4217.12. (Government Code 4217.12)

(cf. 3511 - Energy and Water Management)

(cf. 9320 - Meetings and Notices)

Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)

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

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

Perishable foodstuffs and seasonal commodities needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

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

Bids shall not be required for day labor under circumstances specified in Public Contract Code

20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

(cf. 3517 - Facilities Inspection)

The district may purchase any surplus property from the federal government or any of its agencies in any quantity needed for the operation of its schools without taking estimates or advertising for bids. (Education Code 17602)

~~Lease Leaseback Contract~~

~~Upon a determination that it is in the best interest of the district and without advertising for bids, the Board may lease currently owned district property to any person, firm, or corporation for a minimum of \$1 per year, as long as the lease requires the person, firm, or corporation to construct a building or buildings on the property for the district's use during the lease and the property and building(s) will vest in the district at the expiration of the lease ("lease-leaseback"). Prior to entering into a lease-leaseback agreement, the Superintendent or designee shall have on file the contractor's enforceable commitment that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. (Education Code 17406, 17407.5)~~

~~(cf. 3280—Sale or Lease of District Owned Real Property)~~

~~Any lease-leaseback agreement shall be reviewed by the district's legal counsel to ensure that all required terms, including a lease term that provides for the district's occupancy of the building or improved property during the lease and an appropriate financing component, are included in the agreement.~~

~~(cf. 9124—Attorney)~~

~~Regardless of the funding source, when any lease-leaseback agreement is for a public project, involves an expenditure of \$1,000,000 or more, and meets other criteria in Public Contract Code 20111.6, the prequalification requirements specified in the "Prequalification Procedure" section~~

~~above shall be followed. (Education Code 17406)~~

~~Uniform Public Construction Cost Accounting Act~~

~~Procedures for awarding contracts for public works projects shall be determined on the basis of the amount of the project, as follows:~~

~~1. Public projects of \$45,000 or less may be performed by district employees by force account, negotiated contract, or purchase order. (Public Contract Code 22032)~~

~~2. Contracts for public projects of \$175,000 or less may be awarded through the following informal procedures: (Public Contract Code 22032, 22034, 22038)~~

~~a. The Superintendent or designee shall maintain a list of qualified contractors, identified according to categories of work.~~

~~b. The Superintendent or designee shall prepare a notice inviting informal bids which describes the project in general terms, explains how to obtain more information about the project, and states the time and place for submission of bids. The notice shall be disseminated by mail, fax, or email to one or both of the following:~~

~~(1) To all contractors on the district's list for the category of work being bid, unless the product or service is proprietary, at least 10 calendar days before bids are due~~

~~(2) To all construction trade journals identified pursuant to Public Contract Code 22036~~

~~c. The district shall review the informal bids and award the contract, except that:~~

~~(1) If all bids received through the informal process are in excess of \$175,000, the contract may be awarded to the lowest responsible bidder, provided that the Board adopts a resolution with a four-fifths vote to award the contract at \$187,500 or less and the Board determines the district's cost estimate was reasonable.~~

~~(2) If no bids are received through the informal bid procedure, the project may be performed by district employees by force account or negotiated contract.~~

~~3. Public projects of more than \$175,000 shall, except as otherwise provided by law, be subject to formal bidding procedures, as follows: (Public Contract Code 22032, 22037, 22038)~~

~~a. Notice inviting formal bids shall state the time and place for receiving and opening sealed bids and distinctly describe the project. The notice shall be disseminated in both of the following~~

ways:

~~(1) — Through publication in a newspaper of general circulation in the district's jurisdiction or, if there is no such newspaper, then by posting the notice in at least three places designated by the district as places for posting its notices. Such notice shall be published at least 14 calendar days before the date that bids will be opened.~~

~~(2) — By mail and electronically, if available, by either fax or email, to all construction trade journals identified pursuant to Public Contract Code 22036. Such notice shall be sent at least 15 calendar days before the date that bids will be opened.~~

~~— In addition to notice required above, the district may give such other notice as it deems proper.~~

~~b. — The district shall award the contract as follows:~~

~~(1) — The contract shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the district may accept the one it chooses.~~

~~(2) — At its discretion, the district may reject all bids presented and declare that the project can be more economically performed by district employees, provided that the district notifies an apparent low bidder, in writing, of the district's intention to reject the bid. Such notice shall be mailed at least two business days prior to the hearing at which the district intends to reject the bid.~~

~~(3) — If no bids are received through the formal bid procedure, the project may be performed by district employees by force account or negotiated contract.~~

~~In cases of emergency when repair or replacements are necessary, the Board may proceed at once to replace or repair a facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts, in accordance with the contracting procedures in Public Contract Code 22050. The work may be done by day labor under the direction of the Board and/or contractor. (Public Contract Code 22035)~~

Regulation CAMPBELL UNION SCHOOL DISTRICT

approved: May 26, 2011 Campbell, California

revised: March 27, 2014

revised: June 17, 2016

revised: September 15, 2016

CSBA Sample NEW POLICY

BP 3311.1 Board Policy

Uniform Public Construction Cost Accounting Procedures

BP 3311.1

Business and Noninstructional Operations

In awarding contracts for public works projects involving district facilities, the Governing Board desires to obtain the best value to the district and ensure the qualifications of contractors to complete the project in a satisfactory manner. The Board has, by resolution, adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act pursuant to Public Contract Code 22030-22045, including the informal bidding procedures when allowed by law.

(cf. 3311 - Bids)

(cf. 7110 - Facilities Master Plan)

The Board delegates to the Superintendent or designee the responsibilities to award any contract eligible for informal bidding procedures and to develop plans, specifications, and working details for all public projects requiring formal bidding procedures.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 22033)

Projects awarded through the UPCCAA shall be subject to the cost accounting procedures established by the California Uniform Construction Cost Accounting Commission. (Public Contract Code 22030)

Emergency Actions

When formal bids are required by law but an emergency necessitates immediate repair or replacements, the Board may, upon a four-fifths vote of the Board, proceed to replace or repair a facility without adopting plans, specifications, strain sheets, or working details or giving notice for bids to let contracts. The work may be done by day labor under the direction of the Board and/or contractor. The emergency action shall subsequently be reviewed by the Board in accordance with Public Contract Code 22050 and shall be terminated at the earliest possible date that conditions warrant, so that the remainder of the emergency action may be completed by giving notice for bids to let contracts. (Public Contract Code 1102, 22035, 22050)

(cf. 9323.2 - Actions by the Board)

Legal Reference:

PUBLIC CONTRACT CODE

1102 Definition of emergency

20110-20118.4 Local Agency Public Construction Act; school districts

22000-22020 California Uniform Construction Cost Accounting Commission

22030-22045 Alternative procedures for public projects (UPCCAA), especially:

22032 Applicability of procedures based on amount of project

22034 Informal bidding procedure

22035 Emergency need for repairs or replacement

22037-22038 Formal bidding procedures for projects exceeding \$175,000

22050 Alternative emergency procedures

Management Resources:

CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION

PUBLICATIONS

Cost Accounting Policies and Procedures Manual

Frequently Asked Questions

WEB SITES

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

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

California Uniform Construction Cost Accounting Commission:

http://www.sco.ca.gov/ard_cuccac.html

CSBA Sample NEW AR

AR 3311.1 Administrative Regulation

Uniform Public Construction Cost Accounting Procedures

AR 3311.1

Business and Noninstructional Operations

Procedures for awarding contracts for public works projects shall be determined on the basis of the amount of the project, as follows:

1. Public projects of \$45,000 or less may be performed by district employees by force account, negotiated contract, or purchase order. (Public Contract Code 22032)
2. Contracts for public projects of \$175,000 or less may be awarded through the following informal procedures: (Public Contract Code 22032, 22034, 22038)
 - a. The Superintendent or designee shall maintain a list of qualified contractors, identified according to categories of work.
 - b. The Superintendent or designee shall prepare a notice inviting informal bids which describes the project in general terms, explains how to obtain more information about the project, and states the time and place for submission of bids. The notice shall be disseminated by mail, fax, or email to all contractors on the district's list for the category of work being bid, unless the product or service is proprietary, at least 10 calendar days before bids are due. In addition, the Superintendent or designee may mail, fax, or email a notice inviting informal bids to all construction trade journals identified pursuant to Public Contract Code 22036.
 - c. The district shall review the informal bids and award the contract, except that:
 - (1) If all bids received through the informal process are in excess of \$175,000, the contract may be awarded to the lowest responsible bidder, provided that the Governing Board adopts a resolution with a four-fifths vote to award the contract at \$187,500 or less and the Board determines the district's cost estimate is reasonable.
 - (2) If no bids are received through the informal bid procedure, the project may be performed by district employees by force account or negotiated contract.
3. Public projects of more than \$175,000 shall, except as otherwise provided by law, be subject to formal bidding procedures, as follows: (Public Contract Code 22032, 22037, 22038)
 - a. Notice inviting formal bids shall state the time and place for receiving and opening sealed

bids and distinctly describe the project. The notice shall be disseminated in both of the following ways:

(1) Through publication in a newspaper of general circulation in the district's jurisdiction or, if there is no such newspaper, then by posting the notice in at least three places designated by the district as places for posting its notices. Such notice shall be published at least 14 calendar days before the date that bids will be opened.

(2) By mail and electronically, if available, by either fax or email, to all construction trade journals identified pursuant to Public Contract Code 22036. Such notice shall be sent at least 15 calendar days before the date that bids will be opened.

In addition to the notice required above, the district may give such other notice as it deems proper.

b. The district shall award the contract as follows:

(1) The contract shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the district may accept the one it chooses.

(2) At its discretion, the district may reject all bids presented and declare that the project can be more economically performed by district employees, provided that the district notifies an apparent low bidder, in writing, of the district's intention to reject the bid. Such notice shall be mailed at least two business days prior to the hearing at which the district intends to reject the bid.

(3) If no bids are received through the formal bid procedure, the project may be performed by district employees by force account or negotiated contract.

(cf. 3311 - Bids)

AR 3311.2 CSBA Sample NEW AR

Administrative Regulation

Lease-Leaseback Contracts

AR 3311.2

Business and Noninstructional Operations

The district may lease currently owned district property to any person, firm, or corporation for a minimum of \$1 per year, as long as the lease requires the person, firm, or corporation to construct a building or buildings on the property for the district's use during the lease and the property and building(s) will vest in the district at the expiration of the lease ("lease-leaseback"). (Education Code 17406)

(cf. 3280 - Sale or Lease of District-Owned Real Property)

(cf. 3312 - Contracts)

Any lease-leaseback contract shall be awarded through a competitive "best value" procurement process whereby a person, firm, or corporation is selected on the basis of objective criteria for evaluating the qualifications of proposers, with the resulting selection representing the best combination of price and qualifications. To make this determination, the district shall use the following procedures: (Education Code 17400, 17406)

1. Request for Sealed Proposals: The Superintendent or designee shall prepare a request for sealed proposals which shall include:
 - a. An estimate of the project's price
 - b. A clear, precise description of any preconstruction services that may be required and the facilities to be constructed
 - c. The key elements of the contract to be awarded
 - d. A description of the format that proposals shall follow and the elements they shall contain
 - e. The standards the district will use in evaluating proposals
 - f. The date on which proposals are due
 - g. The timetable the district will follow in reviewing and evaluating proposals
2. Notice: At least 10 days before the date for receipt of the proposals, the Superintendent or designee shall give notice of the request for sealed proposals using both of the following methods:

- a. Providing notice at least once a week for two weeks in a local newspaper of general circulation pursuant to Public Contract Code 20112
- b. Providing notice in a trade paper of general circulation published in the county where the project is located

The Superintendent or designee also may post the notice on the district's web site or through an electronic portal.

3. Prequalification: A proposer shall be prequalified in accordance with Public Contract Code 20111.6(b)-(m) in order to submit a proposal. Any electrical, mechanical, and plumbing subcontractors shall be subject to the same prequalification requirements.

(cf. 3311 - Bids)

4. Evaluation Criteria: The request for sealed proposals shall identify all criteria that the district will consider in evaluating the proposals and qualifications of the proposers, including relevant experience, safety record, price proposal, and other factors specified by the district. The price proposal shall include, at the district's discretion, either a lump-sum price for the contract to be awarded or the proposer's proposed fee to perform the services requested, including the proposer's proposed fee to perform preconstruction services or any other work related to the facilities to be constructed, as requested by the district.

The request for sealed proposals shall specify whether each criterion will be evaluated on a pass-fail basis or will be scored as part of the "best value" score, and whether proposers must achieve any minimum qualification score for award of the contract. For each scored criterion, the district shall identify the methodology and rating or weighting system that will be used by the district in evaluating the criterion, including the weight assigned to the criterion and any minimum acceptable score.

5. Evaluation of Proposals: All proposals received shall be reviewed to determine whether they meet the format requirements and the standards specified in the request for sealed proposals. The district shall evaluate the qualifications of the proposers based solely upon the criteria and evaluation methodology set forth in the request for sealed proposals, and shall assign a best value score to each proposal. Once the evaluation is complete, all responsive proposals shall be ranked from the highest best value to the lowest best value to the district.

6. Award of Contract: The award of the contract shall be made by the Governing Board to the responsive proposer whose proposal is determined, in writing by the Board, to be the best value to the district.

If the selected proposer refuses or fails to execute the tendered contract, the Board may award the contract to the proposer with the second highest best value score, if deemed in the best interest of the district. If that proposer then refuses or fails to execute the tendered contract, the

Board may award the contract to the proposer with the third highest best value score.

Upon issuance of a contract award, the district shall publicly announce its award, identifying the entity to which the award is made, along with a statement regarding the basis of the award. The statement regarding the contract award and the contract file shall provide sufficient information to satisfy an external audit.

7. Rejection of Proposals: At its discretion, the Board may reject all proposals and request new proposals.

Prior to entering into a lease-leaseback agreement, the Superintendent or designee shall have on file the contractor's enforceable commitment that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. (Education Code 17407.5)

Any lease-leaseback agreement shall be reviewed by the district's legal counsel to ensure that all required terms, including a lease term that provides for the district's occupancy of the building or improved property during the lease and an appropriate financing component, are included in the agreement.

(cf. 9124 - Attorney)

Legal Reference:

EDUCATION CODE

17400 Definitions

17406 Lease-leaseback contract

17407.5 Use of a skilled and trained workforce

PUBLIC CONTRACT CODE

20111.6 Prequalification procedures

20112 Notices

COURT DECISIONS

McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)

Davis v. Fresno Unified School District, (2015) 237 Cal.App.4th 261

Management Resources:

WEB SITES

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

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

AR 3311.3 CSBA Sample NEW AR

Administrative Regulation

Design-Build Contracts

AR 3311.3

Business and Noninstructional Operations

The Governing Board may approve a contract with a single entity for both design and construction of any school facility in excess of \$1,000,000, awarding the contract to either the low bid or the best value as determined by evaluation of objective criteria. (Education Code 17250.20)

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

(cf. 7110 - Facilities Master Plan)

(cf. 7140 - Architectural and Engineering Services)

Design-build documents shall not include provisions for long-term project operations, but may include operations during a training or transition period. (Education Code 17250.25)

The procurement process for design-build projects shall be as follows: (Education Code 17250.25, 17250.35)

1. The district shall prepare a set of documents setting forth the scope and estimated price of the project. The documents may include, but are not limited to:

- a. The size, type, and desired design character of the project
- b. Performance specifications that cover the quality of materials, equipment, and workmanship
- c. Preliminary plans or building layouts
- d. Any other information deemed necessary to describe adequately the district's needs

The performance specifications and any plans shall be prepared by a design professional who is duly licensed and registered in California.

2. The district shall prepare and issue a request for qualifications in order to prequalify, or develop a short list of, the design-build entities whose proposals shall be evaluated for final selection. The request for qualifications shall include, but is not limited to, all of the following elements:

- a. Identification of the basic scope and needs of the project or contract, the expected cost range, the methodology that will be used by the district to evaluate proposals, the procedure for

final selection of the design-build entity, and any other information deemed necessary by the district to inform interested parties of the contracting opportunity

b. Significant factors that the district reasonably expects to consider in evaluating qualifications, including technical design and construction expertise, acceptable safety record, and all other non-price-related factors

c. A standard template request for statements of qualifications prepared by the district, which shall contain all of the information required pursuant to Education Code 17250.25

The district also may identify specific types of subcontractors that must be included in the statement of qualifications and proposal.

A design-build entity shall not be prequalified or short-listed unless the entity provides an enforceable commitment to the district that the entity and its subcontractors at every tier will use a skilled and trained workforce, as defined in Education Code 17250.25, to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. The entity may demonstrate such commitment through a project labor agreement, by becoming a party to the district's project labor agreement, or through an agreement with the district to provide evidence of compliance on a monthly basis during the performance of the project or contract.

3. The district shall prepare a request for proposals (RFP) that invites prequalified or short-listed entities to submit competitive sealed proposals in a manner prescribed by the district. The RFP shall include the information identified in items #2a and 2b above and the relative importance or weight assigned to each of the factors. If the district uses a best value selection method for a project, the district may reserve the right to request proposal revisions and hold discussions and negotiations with responsive proposers, in which case the district shall so specify in the request for proposals and shall publish separately or incorporate into the request for proposals applicable procedures to be observed by the district to ensure that any discussions or negotiations are conducted in good faith.

4. For those projects utilizing low bid as the final selection method, the bidding process shall result in lump-sum bids by the prequalified or short-listed design-build entities, and the contract shall be awarded to the lowest responsible bidder.

5. For those projects utilizing best value as a selection method, the following procedures shall be used:

a. Competitive proposals shall be evaluated using only the criteria and selection procedures specifically identified in the request for proposals. Criteria shall be weighted as deemed appropriate by the district and shall, at a minimum, include price, unless a stipulated sum is specified; technical design and construction experience; and life-cycle costs over 15 or more years.

b. Following any discussions or negotiations with responsive proposers and completion of the evaluation process, the responsive proposers shall be ranked on a determination of value

provided, provided that no more than three proposers are required to be ranked.

c. The contract shall be awarded to the responsible entity whose proposal is determined by the district to have offered the best value to the public.

d. The district shall publicly announce the contract award, identifying the entity to which the award is made and the basis of the award. This statement and the contract file shall provide sufficient information to satisfy an external audit.

Legal Reference:

EDUCATION CODE

17250.10-17250.55 Design-build contracts

Management Resources:

WEB SITES

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

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

California Department of Education, Facilities: <http://www.cde.ca.gov/ls/fa>

CSBA Sample NEW AR

AR 3311.4 Administrative Regulation

Procurement Of Technological Equipment

AR 3311.4

Business and Noninstructional Operations

Rather than seek competitive bids, the district may use competitive negotiation when it makes a finding that a district procurement is for computers, software, telecommunications equipment, microwave equipment, or other related electronic equipment and apparatus. Competitive negotiation shall not be used to contract for any product that is available in substantial quantities to the general public. (Public Contract Code 20118.2)

(cf. 0440 - District Technology Plan)

(cf. 3230 - Federal Grant Funds)

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

Whenever the competitive negotiation process is determined to be appropriate for such procurements, the district shall use the following procedures: (Public Contract Code 20118.2)

1. The Superintendent or designee shall prepare a request for proposals (RFP) that shall be submitted to an adequate number of qualified sources, as determined by the district, to permit reasonable competition consistent with the nature and requirement of the procurement.
2. Notice of the RFP shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.
3. The Superintendent or designee shall make every effort to generate the maximum feasible number of proposals from qualified sources, and shall make a finding to that effect before proceeding to negotiate if only a single response to the RFP is received.
4. The RFP shall identify all significant evaluation factors, including price, and their relative importance.
5. The Superintendent or designee shall provide reasonable procedures for the technical evaluation of the RFPs received, the identification of qualified sources, and the selection for the award of the contract.
6. The Governing Board shall award the contract to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the district, considering price and all other factors.
7. If the Board does not award the contract to the bidder whose proposal contains the lowest price, then the Board shall make a finding setting forth the basis for the award to another bidder.

8. The Board, at its discretion, may reject all proposals and request new RFPs.

Provisions in any contract concerning utilization of small business enterprises that are in accordance with the RFP shall not be subject to negotiation with the successful proposer. (Public Contract Code 20118.2)

Legal Reference:

PUBLIC CONTRACT CODE

20118.2 Contracting by school districts; technological equipment

BP 3470 CSBA Sample NEW POLICY

Board Policy

Debt Issuance And Management

BP 3470

Business and Noninstructional Operations

The Governing Board is committed to long-term capital and financial planning and recognizes that the issuance of debt is a key source for funding the improvement and maintenance of school facilities and managing cash flow. Any debt issued by the district shall be consistent with law and this policy.

(cf. 3000 - Concepts and Roles)

(cf. 3460 - Financial Reports and Accountability)

(cf. 7110 - Facilities Master Plan)

(cf. 7210 - Facilities Financing)

The district shall not enter into indebtedness or liability that in any year exceeds the income and revenue provided for such year, unless two-thirds of the voters approve the obligation or one of the exceptions specified in law applies. (California Constitution, Article 16, Section 18)

When the Board determines that it is in the best interest of the district, the Board may issue debt or order an election to issue debt. The Superintendent or designee shall make recommendations to the Board regarding appropriate financing methods for capital projects or other projects that are authorized purposes for debt issuance. When approved by the Board and/or the voters as applicable, the Superintendent or designee shall administer and coordinate the district's debt issuance program and activities, including the timing of issuance, sizing of issuance, method of sale, structuring of the issue, and marketing strategies.

The Superintendent or designee shall retain a financial advisor, municipal advisor, investment advisor, and other financial services professionals as needed to assist with the structuring of the debt issuance and to provide general advice on the district's debt management program, financing options, investments, and compliance with legal requirements. Contracts for services provided by such advisors may be for a single transaction or for multiple transactions, consistent with the contracting requirements in Education Code 17596. In the event that the district issues debt through a negotiated sale, underwriters may be selected for multiple transactions if multiple issuances are planned for the same project. In addition, the district shall select a legal team on an as-needed basis to assist with debt issuances or special projects.

(cf. 3312 - Contracts)
(cf. 3600 - Consultants)
(cf. 9270 - Conflict of Interest)

Goals

The district's debt issuance activities and procedures shall be aligned with the district's vision and goals for providing adequate facilities and programs that support student learning and well-being. When issuing debt, the district shall ensure that it:

1. Maintains accountability for the fiscal health of the district, including prudent management and transparency of the district's financing programs
2. Attains the best possible credit rating for each debt issue in order to reduce interest costs, within the context of preserving financial flexibility and meeting capital funding requirements
3. Takes all practical precautions and proactive measures to avoid any financial decision that will negatively impact current credit ratings on existing or future debt issues
4. Maintains effective communication with rating agencies and, as appropriate, credit enhancers such as bond insurers or other providers of credit or liquidity instruments in order to enhance the creditworthiness, liquidity, or marketability of the debt
5. Monitors the district's statutory debt limit in relation to assessed valuation within the district and the tax burden needed to meet long-term debt service requirements
6. When determining the timing of debt issuance, considers market conditions, cash flows associated with repayment, and the district's ability to expend the obtained funds in a timely, efficient, and economical manner consistent with federal tax laws
7. Determines the amortization (maturity) schedule which will fit best within the overall debt structure of the district at the time the new debt is issued
8. Considers the useful lives of assets funded by the debt issue, as well as repair and replacement costs of those assets to be incurred in the future
9. Preserves the availability of the district's general fund for operating purposes and other purposes that cannot be funded by the issuance of voter-approved debt
10. Meets the ongoing obligations and accountability requirements associated with the issuance and management of debt under state and federal tax and securities laws

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 7000 - Concepts and Roles)

Authorized Purposes for the Issuance of Debt

The district may issue debt for any of the following purposes:

1. To pay for the cost of capital improvements, including acquiring, constructing, reconstructing, rehabilitating, replacing, improving, extending, enlarging, and/or equipping district facilities
2. To refund existing debt
3. To provide for cash flow needs

(cf. 3100 - Budget)

(cf. 3110 - Transfer of Funds)

Pursuant to Government Code 53854, general operating costs, including, but not limited to, items normally funded in the district's annual operating budget, shall not be financed from debt payable later than 15 months from the date of issuance. The district may deem it desirable to finance cash flow requirements under certain conditions so that available resources better match expenditures within a given fiscal year. To satisfy both state constitutional and statutory constraints, such cash flow borrowing shall be payable from taxes, income, revenue, cash receipts, and other moneys attributable to the fiscal year in which the debt is issued.

Authorized Types of Debt

The Superintendent or designee shall recommend to the Board potential financing method(s) that result in the highest benefit to the district, with the cost of staff and consultants considered.

Potential financing sources may include:

1. Short-Term Debt
 - a. Short-term debt, such as tax and revenue anticipation notes (TRANs), when necessary to allow the district to meet its cash flow requirements (Government Code 53850-53858)
 - b. Bond anticipation notes (BANs) to provide interim financing for capital bond projects that will ultimately be paid from general obligation bonds (Education Code 15150)
 - c. Grant anticipation notes (GANs) to provide interim financing pending the receipt of

grants and/or loans from the state or federal government that have been appropriated and committed to the district (Government Code 53859-53859.08)

2. Long-Term Debt

a. General obligation bonds for projects approved by voters (California Constitution, Article 13A, Section 1; Education Code 15100-15262, 15264-15276; Government Code 53506-53509.5)

(cf. 7214 - General Obligation Bonds)

b. Special tax bonds issued pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code 53311-53368.3)

(cf. 7212 - Mello Roos Districts)

3. Lease financing, including certificates of participation (COPs)

a. Lease financing to fund the highest priority capital equipment purchases when pay-as-you-go financing is not feasible (Education Code 17450-17453.1)

b. Lease financing to fund facilities projects when there is insufficient time to obtain voter approval or in instances where obtaining voter approval is either not feasible or unavailable (Education Code 17400-17429)

4. Special financing programs or structures offered by the federal or state government, such as Qualified Zone Academy Bonds or other tax credit obligations or obligations that provide subsidized interest payments, when the use of such programs or structures is determined to result in sufficiently lower financing costs compared to traditional tax-exempt bonds and/or COPs

5. Temporary borrowing from other sources such as the County Treasurer

COPs, TRANs, revenue bonds, or any other non-voter approved debt instrument shall not be issued by the district in any fiscal year in which the district has a qualified or negative certification, unless the County Superintendent of Schools determines, pursuant to criteria established by the Superintendent of Public Instruction, that the district's repayment of that indebtedness is probable. (Education Code 42133)

Relationship of Debt to District Facilities Program and Budget

Decisions regarding the issuance of debt for the purpose of financing capital improvement shall be aligned with current needs for acquisition, development, and/or improvement of district property and facilities as identified in the district's facilities master plan or other applicable needs

assessment, the projected costs of those needs, schedules for the projects, and the expected resources.

The cost of debt issued for major capital repairs or replacements shall be evaluated against the potential cost of delaying such repairs and/or replacing such facilities.

When considering a debt issuance, the Board and the Superintendent or designee shall evaluate both the short-term and long-term implications of the debt issuance and additional operating costs associated with the new projects involved. Such evaluation may include, but is not limited to, the projected ratio of annual debt service to the tax burden on the district's taxpayers and the ratio of annual debt service secured by the general fund to general fund expenditures.

The district may enter into credit enhancement agreements such as municipal bond insurance, surety bonds, letters of credit, and lines of credit with commercial banks, municipal bond insurance companies, or other financial entities when their use is judged to lower borrowing costs, eliminate restrictive covenants, or have a net economic benefit to the financing.

Structure of Debt Issues

The district shall consider the overall impact of the current and future debt burden of the financing when determining the duration of the debt issue.

The district shall design the financing schedule and repayment of debt so as to take best advantage of market conditions, ensure cost effectiveness, provide flexibility, and, as practical, recapture or maximize its debt capacity for future use. Principal amortization will be structured to meet debt repayment, tax rate, and flexibility goals.

For new money debt issuances for capital improvements, the district shall size the debt issuance with the aim of funding capital projects as deemed appropriate by the Board, as long as the issuance is consistent with the overall financing plan, does not exceed the amount authorized by voters, and, unless a waiver is sought and received from the state, will not cause the district to exceed the limitation on debt issuances specified in the California Constitution or Education Code 15106.

To the extent practicable, the district shall also consider credit issues, market factors, and tax law when sizing the district's bond issuance. The sizing of refunding bonds shall be determined by the amount of money that will be required to cover the principal of, any accrued interest on, and any redemption premium for the debt to be paid on the call date and to cover appropriate financing costs.

Any general obligation bond issued by the district shall mature within 40 years of the issuance date or as otherwise required by law. (California Constitution, Article 16, Section 18; Government Code 53508.6)

The final maturity of equipment or real property lease obligations will be limited to the useful life of the assets to be financed but, with respect to a lease purchase of equipment, no longer than a period of 10 years. (Education Code 17452)

Method of Sale

For the sale of any district-issued debt, the Superintendent or designee shall recommend the method of sale with the potential to achieve the lowest financing cost and/or to generate other benefits to the district. Potential methods of sale include:

1. A competitive bidding process through which the award is based on, among other factors, the lowest offered true interest cost
2. Negotiated sale, subject to approval by the district to ensure that interest costs are in accordance with comparable market interest rates
3. Private placement sale, when the financing can or must be structured for a single or limited number of purchasers or where the terms of the private placement are more beneficial to the district than either a negotiated or competitive sale

Investment of Proceed

The district shall actively manage the proceeds of debt issued for public purposes in a manner that is consistent with state law governing the investment of public funds and with the permitted securities covenants of related financing documents executed by the district. Where applicable, the district's official investment policy and legal documents for a particular debt issuance shall govern specific methods of investment of bond-related proceeds. Preservation of principal shall be the primary goal of any investment strategy, followed by the availability of funds and then by return on investment.

(cf. 3430 - Investing)

With regard to general obligation bonds, the district shall invest new money bond proceeds in the county treasury pool as required by law. (Education Code 15146)

The management of public funds shall enable the district to respond to changes in markets or changes in payment or construction schedules so as to ensure liquidity and minimize risk.

Refunding/Restructuring

The district may consider refunding or restructuring outstanding debt if it will be financially advantageous or beneficial for debt repayment and/or structuring flexibility. When doing so, the district shall consider the maximization of the district's expected net savings over the life of the debt issuance and, when using a general obligation bond to refund an existing bond, shall ensure that the final maturity of the refunding bond is no longer than the final maturity of the existing bond.

Internal Controls

The Superintendent or designee shall establish internal control procedures to ensure that the proceeds of any debt issuance are directed to the intended use. Such procedures shall assist the district in maintaining the effectiveness and efficiency of operations, properly expending funds, reliably reporting debt incurred by the district and the use of the proceeds, complying with all laws and regulations, preventing fraud, and avoiding conflict of interest.

(cf. 3314 - Payments for Goods and Services)

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

The district shall be vigilant in using bond proceeds in accordance with the stated purposes at the time such debt was incurred as defined in the text of the voter-approved bond measure.
(Government Code 53410)

When feasible, the district shall issue debt with a defined revenue source in order to preserve the use of the general fund for general operating purposes.

The district shall annually conduct a due diligence review to ensure its compliance with all ongoing obligations applicable to issuers of debt. Such a review may be conducted by general legal counsel or bond counsel. Any district personnel involved in conducting such reviews shall receive periodic training regarding their responsibilities.

In addition, the Superintendent or designee shall ensure that the district completes, as applicable, all performance and financial audits that may be required for any debt issued by the district, including disclosure requirements applicable to a particular transaction.

Records/Reports

At least 30 days prior to the sale of any debt issue, the Superintendent or designee shall submit a report of the proposed issuance to the California Debt and Investment Advisory Commission

(CDIAC). Such report shall include a self-certification that the district has adopted a policy concerning the use of debt that complies with law and that the contemplated debt issuance is consistent with that policy. (Government Code 8855)

On or before January 31 of each year, the Superintendent or designee shall submit a report to the CDIAC regarding the debt authorized, the debt outstanding, and the use of proceeds of the issued debt for the period from July 1 to June 30. (Government Code 8855)

The Superintendent or designee shall provide initial and any annual or ongoing disclosures required by 17 CFR 240.10b-5 and 240.15c2-12 to the Municipal Securities Rulemaking Board, investors, and other persons or entities entitled to disclosure, and shall ensure that the district's disclosure filings are updated as needed.

The Superintendent or designee shall maintain transaction records of decisions made in connection with each debt issuance, including the selection of members of the financing team, the structuring of the financing, selection of credit enhancement products and providers, and selection of investment products. Each transaction file shall include the official transcript for the financing, interest rates and cost of issuance on the day when the debt was sold ("final number runs"), and a post-pricing summary of the debt issue. In addition, documentation evidencing the expenditure of proceeds, the use of debt-financed property by public and private entities, all sources of payment or security for the debt, and investment of proceeds shall be kept for as long as the debt is outstanding, plus the period ending three years after the financial payment date of the debt or the final payment date of any obligations or series of bonds issued to refund directly or indirectly all of any portion of the debt, whichever is later.

The Superintendent or designee shall annually report to the Board regarding debts issued by the district, including information on actual and projected tax rates, an analysis of bonding capacity, ratings on the district's bonds, market update and refunding opportunities, new development for California bond financings, and the district's compliance with post-issuance requirements.

Legal Reference:

EDUCATION CODE

5300-5441 Conduct of elections

15100-15262 Bonds for school districts and community college districts

15264-15276 Strict accountability in local school construction bonds

15278-15288 Citizen's oversight committees

15300-15425 School Facilities Improvement Districts

17150 Public disclosure of non-voter-approved debt

17400-17429 Leasing of district property

17450-17453.1 Leasing of equipment
17456 Sale or lease of district property
17596 Duration of contracts
42130-42134 Financial reports and certifications
ELECTIONS CODE
1000 Established election dates
GOVERNMENT CODE
8855 California Debt and Investment Advisory Commission
53311-53368.3 Mello-Roos Community Facilities Act
53410-53411 Bond reporting
53506-53509.5 General obligation bonds
53550-53569 Refunding bonds of local agencies
53580-53595.55 Bonds
53850-53858 Tax and revenue anticipation notes
53859-53859.08 Grant anticipation notes
CALIFORNIA CONSTITUTION
Article 13A, Section 1 Tax limitation
Article 16, Section 18 Debt limit
UNITED STATES CODE, TITLE 15
78o-4 Registration of municipal securities dealers
UNITED STATES CODE, TITLE 26
54E Qualified Zone Academy Bonds
CODE OF FEDERAL REGULATIONS, TITLE 17
240.10b-5 Prohibition against fraud or deceit
240.15c2-12 Municipal securities disclosure
CODE OF FEDERAL REGULATIONS, TITLE 26
1.103 Interest on state and local bonds
1.141 Private activity bonds
1.148 Arbitrage and rebate
1.149 Hedge bonds
1.6001-1 Records

Management Resources:

CALIFORNIA DEBT AND INVESTMENT ADVISORY COMMISSION PUBLICATIONS
California Debt Issuance Primer
GOVERNMENT FINANCE OFFICERS ASSOCIATION PUBLICATIONS
An Elected Official's Guide to Debt Issuance, 2nd Ed., 2016
Understanding Your Continuing Disclosure Responsibilities, Best Practice, September 2015
Investment of Bond Proceeds, Best Practice, September 2014
Selecting and Managing Municipal Advisors, Best Practice, February 2014

Debt Management Policy, Best Practice, October 2012

Analyzing and Issuing Refunding Bonds, Best Practice, February 2011

INTERNAL REVENUE SERVICE PUBLICATIONS

Tax Exempt Bond FAQs Regarding Record Retention Requirements

Tax-Exempt Governmental Bonds, Publication 4079, rev. 2016

U.S. GOVERNMENT ACCOUNTABILITY OFFICE PUBLICATIONS

Internal Control System Checklist

WEB SITES

California Debt and Investment Advisory Commission: <http://www.treasurer.ca.gov/cdiac>

Government Finance Officers Association: <http://www.gfoa.org>

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

Municipal Security Rulemaking Board, Electronic Municipal Market Access (EMMA):
<http://www.emma.msrb.org>

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

U.S. Securities and Exchange Commission: <http://www.sec.gov>

AR 3543 Campbell Union ESD

AR 3543 Administrative Regulation

Transportation Safety And Emergencies

AR 3543

Business and Noninstructional Operations

Cautionary Notice: Government Code 17581.5 relieves districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2016 (SB 826, Ch. 23, Statutes of 2016) extends the suspension of these requirements through the 2016-17 fiscal year. As a result, certain provisions of the following administrative regulation related to transportation safety plans and safety instruction for students may be suspended.

Cautionary Notice 2013-14: AB 110 (Ch. 20, Statutes of 2013) amended Government Code 17581.5 to relieve districts from the obligation, until July 1, 2014, to perform any activities that are deemed to be reimbursable state mandates under that section. As a result, certain provisions of the following policy or administrative regulation that reflect those requirements may be suspended.

Each day, prior to driving a school bus, each school bus driver shall inspect the bus to ensure that it is in safe operating condition and equipped as required by law and that all equipment is in good working order. At the completion of each day's work, the driver shall prepare and sign a written report of the condition of the equipment specified listed in 13 CCR 1215, including The report shall indicate any defect or deficiency discovered by or reported to the driver him/her which would affect safe operation or result in mechanical breakdown of the bus, or if indicating that no defect or deficiency was discovered or reported, shall so indicate. Any defect or deficiency that would affect safe operation shall be repaired prior to operating the bus. (13 CCR 1215)

(cf. 3540 - Transportation)

(cf. 3541.1 - Transportation for School-Related Trips)

(cf. 3542 - School Bus Drivers)

In the event of a school bus accident, the driver shall immediately notify the California Highway Patrol, the Superintendent or designee, and, if the bus is operated under contract, the driver's employer. The driver shall not leave the immediate vicinity of the bus to seek aid unless necessary. (13 CCR 1219)

The Superintendent or designee shall review all investigations of bus incidents and accidents to develop preventative measures.

(cf. 4112.42/4212.42/4312.42—Drug and Alcohol Testing for School Bus Drivers)

Passenger Restraint Systems

The Superintendent or designee shall ensure that any school bus or student activity bus which is purchased or leased by the district is equipped with a combination pelvic and upper torso passenger restraint system at all designated seating positions if that bus: (Vehicle Code 27316, 27316.5; 13 CCR 1201)

1. Is a Type 1 school bus manufactured on or after July 1, 2005 which is designed for carrying more than 16 passengers and the driver

2. Is a Type 2 school bus or student activity bus manufactured on or after July 1, 2004 which meets one of the following criteria:

a. ~~Is designed for carrying 16 or fewer passengers and the driver~~

b. ~~Has a manufacturer's vehicle weight rating of 10,000 pounds or less and is designed for carrying not more than 20 passengers and the driver~~

~~The Superintendent or designee shall prioritize the allocation of school buses purchased, leased, or contracted to ensure that elementary students receive first priority for new school buses equipped with passenger restraint systems whenever feasible.~~

When a school bus or student activity bus is equipped with a passenger restraint system, all passengers shall use the passenger restraint system. (5 CCR 14105)

Bus drivers shall be instructed regarding procedures to enforce the proper use of the passenger restraint system. Students who fail to follow instructions of the bus driver may be subject to discipline, including suspension of riding privileges, in accordance with Board policy and administrative regulations.

(cf. 5131.1 - Bus Conduct)

(cf. 5144 - Discipline)

Fire Extinguishers

Each school bus shall be equipped with at least one fire extinguisher located in the driver's compartment which meets the standards specified in law. In addition, a wheelchair school bus shall have another fire extinguisher placed at the wheelchair loading door or emergency exit. All fire extinguishers shall be regularly inspected and serviced in accordance with regulations adopted by the State Fire Marshal. (Education Code 39838; 13 CCR 1242; 19 CCR 574-575.3)

Electronic Communications Devices

A bus driver is prohibited from driving a school bus or student activity bus while using a wireless telephone or other electronic wireless communications device except for work-related or emergency purposes, including, but not limited to, contacting a law enforcement agency, health care provider, fire department, or other emergency service agency or entity. In any such permitted situation, the driver shall only use a wireless telephone or device that is specifically designed and configured to allow voice-operated and hands-free operation or a function that

~~requires only a single swipe or tap of the driver's finger provided the device is mounted on the windshield, dashboard, or center console of the bus. (Vehicle Code 23123.5, 23125) A bus driver shall not drive a school bus or student activity bus while using a wireless telephone, except under the following conditions: (Vehicle Code 23123, 23125)~~

~~1. For emergency purposes, including, but not limited to, a call to a law enforcement agency, health care provider, fire department, or other emergency service agency or entity~~

~~2. For work related purposes~~

~~(cf. 3513.1 – Cellular Phone Reimbursement)~~

~~A bus driver shall not drive while using an electronic wireless communications device to write, send, or read a text based communication, including, but not limited to, text messages, instant messages, and email, unless the device is specifically designed and configured to allow voice-operated and hands-free operation and is used in that manner. (Vehicle Code 23123.5)~~

Safe Bus Operations

School buses and ~~school~~ student activity buses ~~also~~ shall not be operated whenever the number of passengers exceeds bus seating capacity, except when necessary in emergency situations ~~which that~~ require that individuals be transported immediately to ensure their safety. (Education Code 39834)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

School bus operations shall be limited when atmospheric conditions reduce visibility on the roadway to 200 feet or less during regular home-to-school transportation service. Bus drivers for school activity trips ~~may shall have the authority to~~ discontinue bus operation whenever they determine that it is unsafe to continue operation because of reduced visibility. (Vehicle Code 34501.6)

Unauthorized Entry

The Superintendent or designee may place a notice at bus entrances that warns against unauthorized entry. The driver or another school official may order any person to disembark if that person enters a bus without prior authorization ~~and has intent to commit a crime~~. (Education Code 39842; 13 CCR 1256.5)

(cf. 3515.2 - Disruptions)

Transportation Safety Plan for Boarding and Exiting Buses

The Superintendent or designee shall develop a transportation safety plan containing procedures for school personnel to follow to ensure the safe transport of students. The plan shall ~~address~~include all of the following: (Education Code 39831.3)

1. ~~Procedures for d~~Determining if students in grades prekindergarten through 8 require an

escort to cross a private road or highway at a bus stop pursuant to Vehicle Code 22112

2. Procedures for all students in grades prekindergarten through 8 to follow as they board and exit the bus at their bus stops

3. ~~Procedures for b~~B~~oarding~~ and exiting a school bus at a school or other trip destination

4. Procedures to ensure that a student is not left unattended on a school bus, student activity bus, or youth bus

Such procedures shall include, on or before the beginning of the 2018-19 school year, the installation of a child safety alert system at the interior rear of each bus that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting. A student activity bus may be exempt from this requirement under the conditions specified in Vehicle Code 28160.

5. Procedures and standards for designating an adult chaperone, other than the driver, to accompany students on a school activity bus

A copy of the plan shall be kept at each school site and made available upon request to the California Highway Patrol (CHP). (Education Code 39831.3)

Parental Notifications

The Superintendent or designee shall provide written safety information to the parents/guardians of all students in grades prekindergarten through 6 who have not previously been transported in a district school bus or ~~student~~~~school~~ activity bus. This information shall be provided upon registration and shall include: (Education Code 39831.5)

1 A list of school bus stops near each student's home

2. General rules of conduct at school bus loading zones

3. Red light crossing instructions

4. A description of the school bus danger zone

5. Instructions for ~~safely~~~~safety while~~ walking to and from school bus stops

(cf. 5145.6 - Parental Notifications)

Student Instruction

Students who are transported in a school bus or student activity bus shall receive instruction in

school bus emergency procedures and passenger safety as follows: (Education Code 39831.5 CCR 14102)

1. Each year, all students who receive home-to-school transportation in a school bus shall be provided appropriate instruction in safe riding practices and emergency evacuation drills.

24. At least once each school year, all students in grades prekindergarten through 8 who receive home-to-school transportation shall receive safety instruction which includes, but is not limited to: ~~(Education Code 39831.5)~~

- a. Proper loading and unloading procedures, including escorting by the driver
- b. How to safely cross the street, highway, or private road
- c. In school buses with passenger restraint systems, instruction in the use of such systems as specified in 5 CCR 14105, including, but not limited to, the proper fastening and release of the passenger restraint system, acceptable placement of passenger restraint systems on students, times at which the passenger restraint systems should be fastened and released, and acceptable placement of the passenger restraint systems when not in use.
- d. Proper passenger conduct
- e. Bus evacuation procedures
- f. Location of emergency equipment

—As part of this instruction, students shall evacuate the school bus through emergency exit doors. Instruction also may include responsibilities of passengers seated next to an emergency exit.

—Each time the above instruction is given, the following information shall be documented:

- a. District name
- b. School name and location
- c. Date of instruction
- d. Names of supervising adults
- e. Number of students participating
- f. Grade levels of students
- g. ~~Subjects covered in instruction~~
- h. Amount of time taken for instruction

- i. Bus driver's name
- j. Bus number
- k. Additional remarks

—This documentation shall be kept on file at the district office or the school for one year and shall be available for inspection by the CHP, California Highway Patrol. (Education Code 39831.5)

(cf.3580 - District Records)

32. Before departing on a school activity trip, all students riding on a school bus or student activity bus shall receive safety instruction which includes, but is not limited to: the location of emergency exits and the location and use of emergency equipment. This instruction also may include responsibilities of passengers seated next to an emergency exit.

Bus Accidents

In the event of a school bus accident, the driver shall immediately notify the CHP and the Superintendent or designee. The driver shall not leave the immediate vicinity of the bus to seek aid unless necessary. (13 CCR 1219)

The Superintendent or designee shall maintain a report of each accident that occurred on public or private property involving a school bus with students aboard. The report shall contain pertinent details of the accident and shall be retained for 12 months from the date of the accident. If the accident was not investigated by the CHP, the Superintendent or designee shall forward a copy of the report to the local CHP within five work days of the date of the accident. (13 CCR 1234)

The Superintendent or designee shall review all investigations of bus incidents and accidents to develop preventative measures.

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

Legal Reference:

EDUCATION CODE

39830-~~39843~~39842 Transportation, school buses

39860 Contract for transportation; requirement that student not be left unattended

51202 Instruction in personal and public health and safety

PENAL CODE

241.3 Assault against school bus driver

243.3 Battery against school bus driver

VEHICLE CODE

415 Definition of motor vehicle
545-546 Definition of school bus and student activity bus
22112 Loading and unloading passengers
~~23123 Use of wireless telephone prohibited while driving motor vehicle~~
23123.5 Use of wireless telephone or communications device while driving; exceptions~~Text~~
~~communications prohibited while driving motor vehicle~~
23125 Use of wireless telephone prohibited while driving school bus
27316-27316.5 Passenger restraint systems
28160 Child safety alert system
34500 California Highway Patrol responsibility to regulate safe operation of school buses
34501.5 California Highway Patrol responsibility to adopt rules re: safe operation of school buses
34501.6 School buses; reduced visibility
34508 California Highway Patrol responsibility to adopt rules re: equipment and bus operations
~~of school buses~~
CODE OF REGULATIONS, TITLE 5
14100-14105 School buses and student activity buses
CODE OF REGULATIONS, TITLE 13
1200-1293 Motor carrier safety
2480 Airborne toxic control measure; limitation on bus idling
CODE OF REGULATIONS, TITLE 19
574-575.3 Inspection and maintenance of fire extinguishers
CODE OF FEDERAL REGULATIONS, TITLE 49
571.1-571.500 Motor vehicle standards, including school buses

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Passenger Restraints Frequently Asked Questions

WEB SITES

California Association of School Business Officials: <http://www.casbo.org>
American School Bus Council: <http://www.americanschoolbuscouncil.org>
California Association of School Transportation Officials: <http://www.castoways.org>
California Department of Education, Office of School Transportation:
<http://www.cde.ca.gov/ls/tn>
California Highway Patrol: <http://www.chp.ca.gov>
~~National Coalition for School Bus Safety: <http://www.ncsbs.org>~~
National Transportation Safety Board: <http://www.nts.gov>
U.S. Department of Transportation, National Highway Traffic Safety Administration:
<http://www.nhtsa.dot.gov>

Regulation CAMPBELL UNION SCHOOL DISTRICT
approved: August 27, 1998 Campbell, California
revised: November 6, 2008
revised: March 12, 2009
revised: June 20, 2013

Campbell Union ESD

BP 4030 Board Policy

Nondiscrimination In Employment

BP 4030

Personnel

The Governing Board desires to provide a positive work environment where district employees, interns, volunteers and job applicants are assured of equal access and opportunities and are free from harassment or intimidation in accordance with the law.

(cf. 1240 - Volunteer Assistance)

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

No The Board prohibits unlawful discrimination against and or harassment of district employees, interns, volunteers and job applicants shall be discriminated against or harassed by any coworker, supervisor, manager or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, color, national origin, ancestry, religion, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex or sexual orientation, or his/her association with a person or group with one or more of these actual or perceived characteristics at any district site and or activity.

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

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Discrimination in hiring, compensation, terms, conditions, and other privileges of employment
2. Taking of adverse employment action, such as termination, or the denial of employment, promotion, job assignment or training

(cf. 4151/4251/4351 - Employee Compensation)

(cf. 4145/4254/4354 - Health and Welfare Benefits)

3. Unwelcome conduct, whether verbal, physical or visual, that is so severe and pervasive as to adversely affect an employee's employment opportunities, or that has the purpose ~~of~~ or effect of unreasonably interfering with the individual's work performance or create an intimidating, hostile or offensive work environment.

4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:

- a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or an employee's gender, gender expression, or gender identity, including transgender status

(cf. 4033 - Lactation Accommodation)

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

- b. Religious creed discrimination based on an employee's religious belief or observance, including his/her religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement.
- c. Disability discrimination based on a district requirement for a medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity.

(cf. 4119.41/4219.41/4319/41 - Employees with Infectious Disease)

- d. Disability discrimination based on the district's failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with the employee, to determine effective reasonable accommodations for the employee, when he/she has requested reasonable accommodation for a known physical or mental disability or medical condition.

(cf. 4032 - Reasonable Accommodations)

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the district or its employees, agents, or representatives or who complains, testifies, assists, or in any way participates in the district's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

~~The Board also prohibits retaliation against any district employee, intern, volunteer or job applicant who complains, testifies or in any way participates in the district's complaint procedures instituted pursuant to this policy~~

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

~~(cf. 4031—Complaints Concerning Discrimination in Employment)~~

~~(cf. 4032—Reasonable Accommodation)~~

~~(cf. 4033—Lactation Accommodation)~~

~~(cf. 4111/4211/4311—Recruitment and Selection)~~
~~(cf. 4119.11/4219.11/4319.11—Sexual Harassment)~~
~~(cf. 4119.41/4219.41/4319.41—Employees with Infectious Disease)~~
~~(cf. 4154/4254/4354—Health and Welfare Benefits)~~
~~(cf. 5145.7—Sexual Harassment)~~

~~Prohibited discrimination consists of the taking of any adverse employment action against a person, including termination or denial of promotion, job assignment, or training, or in discriminating against the person in compensation, terms, conditions, or other privileges of employment based on any of the prohibited categories of discrimination listed above.~~

~~The prohibition against discrimination based on the religious creed of an employee or job applicant includes any discrimination based on the person's religious dress or grooming practices or any conflict between the person's religious belief, observance, or practice and an employment requirement. The prohibition against discrimination based on the sex of an employee or job applicant shall include any discrimination based on the person's pregnancy, childbirth, breastfeeding, or any related medical conditions. (Government Code 12926, 12940)~~

~~Harassment consists of unwelcome conduct, whether verbal, physical, or visual, based on any of the prohibited categories of discrimination listed above that is so severe and pervasive that it adversely affects an individual's employment opportunities or has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile or offensive work environment.~~

~~Any district employee who engages or participates in unlawful discrimination or harassment, or who aids, abets, incites, compels or coerces another to engage in such behavior, shall be in violation of this policy and shall be subject to disciplinary action, up to and including dismissal.~~

~~(cf. 4117.4—Dismissal)~~
~~(cf. 4118—Suspension/Disciplinary Action)~~
~~(cf. 4218—Dismissal/Suspension/Disciplinary Action)~~

Any district employee who observes or has knowledge of an incident of unlawful discrimination or harassment shall report the incident to the principal, district administrator or Superintendent as soon as practical after the incident. Failure of a district employee to report discrimination or harassment may result in disciplinary action.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The district shall protect any employee who reports such incidents from retaliation.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy. He/she shall provide training and information to employees about how to recognize harassment, discrimination, or other related conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The

Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

Training and Notification

The Superintendent or designee shall provide training to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district's policies and regulations regarding discrimination.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall regularly publicize, within the district and in the community, the district's nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin or application form that is used in employee recruitment. (34 CFR 100.6, 106.9)

The district's policy and administrative regulation shall be posted in all schools and offices including staff lounges and student government meeting rooms. (5 CCR 4960)

The Board designates the following position as Coordinator for Nondiscrimination in Employment:

Assistant Superintendent, Human Resources

155 N. Third Street

Campbell, CA 95008

(408) 341-7213

Any employee or job applicant who believes he/she has been or is being discriminated against or harassed in violation of district policy should immediately contact his/her supervisor, who shall advise the employee or applicant about the districts procedures for filing, investigating, and resolving any such complaints.

Complaints regarding employment discrimination or harassment shall immediately be investigated in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

[11138 Rules and regulations](#)

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

[11006-11086 Discrimination in employment](#)

[11013 Recordkeeping](#)

7287.6 Terms, conditions and privileges of employment

[11023 Harassment and discrimination prevention and correction](#)

[11024 Sexual harassment training and education](#)

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age discrimination in federally assisted programs

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.7 Designation of responsible employee for Section 504

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

110.1-110.39 Nondiscrimination on the basis of age

COURT DECISIONS

Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863

Shephard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

Management Resources:

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment, December 2014

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

Notice of Non-Discrimination, August 2010

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Questions and Answers: Religious Discrimination in the Workplace, 2008

New Compliance Manual Section 15: Race and Color Discrimination, April 2006

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

WEB SITES

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

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

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

Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: November 19, 1998Campbell, California

revised: July 15, 2004

revised: September 2, 2010

revised: June 20, 2013

revised: October 1, 2015

Campbell Union ESD

AR 4030 Administrative Regulation

Nondiscrimination In Employment

AR 4030
Personnel

Discriminatory Harassment

All allegations of discrimination in employment, including those involving an intern, volunteer, or job applicant, shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

Unlawful harassment based on a person's race, sex, or other attribute listed in the district's nondiscrimination policy includes, but is not limited to, the following:

1. Slurs, epithets, threats, or verbal abuse.
2. Derogatory or degrading comments, descriptions, drawings, pictures or gestures.
3. Unwelcome jokes, stories or teasing.
4. Any other verbal, visual or physical conduct which adversely affects the individual's employment opportunities or has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile or offensive working environment.

Harassment may arise not only as a result of the offender's intention, but also as a result of the offended person's perception of the offensive conduct and the way in which it affects him/her.

Any employee or applicant for employment who feels that he/she is being unlawfully harassed should immediately contact his/her supervisor or the Superintendent or designee in order to obtain procedures for reporting a complaint. Such complaints can be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

Any supervisor who receives a harassment complaint shall notify the Superintendent or designee, who shall ensure that the complaint is appropriately investigated. Discrimination complaint procedures prohibit retaliatory behavior against any complainant or any participant in the complaint process.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to coordinate the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

Associate Superintendent
155 North Third Street
Campbell, CA 95008
(408)364-4200 ext. 6213

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

1.Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.9)

- a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
- b. Posting them in all district schools and offices, including staff lounges and other prominent locations
- c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

2. Disseminate the district's nondiscrimination policy to all employees by one or more of the following methods: (2 CCR 11023)

- a. Printing and providing a copy of the policy to all employees with an acknowledgment form for each employee to sign and return
- b. Sending the policy via email with an acknowledgment return form
- c. Posting the policy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
- d. Discussing district policy with employees upon hire and/or during a new hire orientation session
- e. Any other way that ensures employees receive and understand the policy

3.Provide to employees notification that contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to anyone who feels that he/she has been the victim of any discriminatory or harassing behavior

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

4. Provide training to employees, volunteers, and interns regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

Training for supervisors shall include the requirement to report any complaint or misconduct to a designated representative, such as the coordinator, human resources manager, or Superintendent or designee as a topic in the sexual harassment prevention training required pursuant to 2 CCR 11024 (2 CCR 11023)

(cf. 1240 - Volunteer Assistance)

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

5. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law

6. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce

Any complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: A complainant may inform his/her direct supervisor, another supervisor, the coordinator, or the Superintendent;

The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

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

(cf. 4032 - Reasonable Accommodation)

2. Investigation Process: The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. He/she shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

(cf. 3580 - District Records)

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

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

If the coordinator determines that a detailed fact-finding investigation is necessary, he/she shall begin the investigation immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out his/her investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The coordinator also shall determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed to ensure that further incidents are prevented. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. Written Report on Findings and Remedial/Corrective Action: No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented.

The report shall be presented to the complainant, the person accused, and the Superintendent or designee.

4.Appeal to the Governing Board: The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 9321 - Closed Session Purposes and Agendas)

Other Remedies

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1.To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960

2.To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)

3.To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

Regulation CAMPBELL UNION SCHOOL DISTRICT
approved: November 19, 1998 Campbell, California

Campbell Union ESD

BP 4119.11, 4219.11 4319.11 Board Policy

Sexual Harassment

BP 4119.11 4219.11 4319.11

Personnel

The Governing Board prohibits sexual harassment of district employees ~~and job applicants~~. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and the accompanying administrative regulation. This policy shall apply to all district employees and when applicable, to interns, volunteers, and job applicants.

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

(cf. 4030 - Nondiscrimination in Employment)

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

1. Providing training to employees in accordance with law and administrative regulation.
2. Publicizing and disseminating the district's sexual harassment policy to staff.

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

3. Ensuring prompt, thorough and fair investigation of complaints.
4. Taking timely and appropriate corrective/remedial action(s) which may require interim separation of the complainant and the alleged harasser, and subsequent monitoring of developments.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or take other subsequent necessary actions. (2 CCR 11023 5-CCR 4964)

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

A supervisor, principal, or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or Assistant/Associate Superintendent of Human Resources.

Complaints of sexual harassment can be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor in

filing a complaint where the supervisor is the subject of the complaint.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

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

~~(cf. 4117.4 - Dismissal)~~

(cf. 4118 - Suspension/Disciplinary Action)

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

~~7287.8 Retaliation~~

~~7288.0 Sexual harassment training and education~~

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

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

UNITED STATES CODE, TITLE 42

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

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998
Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS
GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights:

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

Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: November 19, 1998 Campbell, California

revised: March 14, 2002

revised: July 15, 2004

revised: January 19, 2006

Campbell Union ESD

AR 4119.11, 4219.11, 4319.11 Administrative Regulation

Sexual Harassment

AR 4119.11 4219.11 4319.11

Personnel

This administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

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 work or educational setting when: (Education Code 212.5; Government Code 12940; 2 CCR 11034 -5 CCR 4916)

1. Submission to the conduct is made either expressly or implicitly a term or condition of any individual's employment.

2. Submission to or rejection of ~~such the~~ conduct ~~by an individual~~ is used as the basis for an employment decision affecting ~~him/her~~ the individual.

~~3. The conduct has the purpose or effect of unreasonably interfering with the other individual's work performance; creating an intimidating, hostile or offensive working environment; or adversely affecting the other individual's evaluation, advancement, assigned duties, or any other condition of employment or career development. The conduct is sufficiently severe, persistent, pervasive, or objectively offensive so as to create a hostile or abusive working environment or to limit the individual's ability to participate in or benefit from an education program or activity.~~

34. Submission to, or rejection of, the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits and services, honors, programs or activities available at or through the district. Prohibited sexual harassment also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment

~~Other e~~ Examples of actions that might constitute sexual harassment, in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee in the work or educational setting, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions or the spreading of sexual rumors

2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit e-mails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over or impeding normal movements

~~Prohibited sexual harassment may also include any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.~~

Training

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. ~~Such~~ The training shall include the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 5145.7 - Sexual Harassment)

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position. (Government Code 12950.1 ~~and 2 CCR 11023~~)

The district's training and education program for supervisory employees shall include information and practical guidance regarding the federal and state statutory law on the prohibition against and the prevention and correction of sexual harassment and the remedies available to the victims of sexual harassment in employment. The training shall also include all of the content specified in 2 CCR 72288.0 and practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1; 2CCR ~~11024-7288.0~~)

In addition, the Superintendent or designee shall ensure that all employees receive periodic training regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 5145.7 - Sexual Harassment)

A supervisory employee is any employee with the authority to hire, transfer, suspend, lay off,

promote, discharge, assign, reward, or discipline other employees, or to effectively recommend such action.

The district's sexual harassment training and education program for supervisory employees shall include the provision of: (Government Code 12950.1; 2 CCR 11023)

1. Information and practical guidance regarding federal and state laws on the prohibition ~~against and the~~ prevention, and correction of sexual harassment, ~~and the~~ remedies available to the victims of sexual harassment in employment civil actions, and potential district and/or individual and/or exposure or liability

2. ~~Practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation~~ The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources

3. ~~A component on the prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance~~

3.A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment

4.Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint

5.The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed

64. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received

7.The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance

5. ~~All other contents of mandated training specified in 2 CCR 11023~~

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR ~~11023~~ 11024)

Notifications

A copy of the Governing Board's policy and this administrative regulation shall:
(Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures and standards of conduct are posted.
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired.

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

3. Appear in any school or district publication that sets forth the school or district's comprehensive rules, regulations, procedures and standards of conduct.

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee

(cf. 4031 - Complaints Concerning Discrimination in Employment)

5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC
7. The protection against retaliation provided by 2 CCR 7287.8 for opposing harassment prohibited by law or for filing a complaint with, or otherwise participating in an investigation, proceeding or hearing conducted by DFEH and the EEOC

In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

Regulation CAMPBELL UNION SCHOOL DISTRICT
approved: November 19, 1998 Campbell, California
revised: July 15, 2004
revised: January 19, 2006
revised: November 6, 2008
revised: March 31, 2016

BP 4151 4251 4351 Campbell Union ESD

Board Policy

Employee Compensation

BP 4151 4251,4351

Personnel

In order to recruit and retain employees ~~secure and hold staff~~ committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive and attractive compensation package which includes salaries, health benefits and other amenities.

(cf. 3100 - Budget)

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

(cf. 4000 - Concepts and Roles)

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

The Board shall adopt separate salary schedules for certificated, classified, and management/supervisory/ confidential personnel. These schedules shall comply with law and ~~negotiated~~ collective bargaining agreements and shall be ~~printed and~~ made available for ~~inspection~~ review in at the district's Human Resources office. (Education Code 45022, 45023, 45160, 45162)

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4143/4243 - Negotiations/Consultation)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for years of training and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

(cf. 4030 - Nondiscrimination in Employment)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

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

(cf. 4312.1 - Contacts/Contracts)

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

A district employee shall be paid an overtime rate of not less than one and one-half times his/her regular rate of pay for any hours worked in excess of eight hours in one day or 40 hours in one work week. However, employees shall be exempt from overtime rules if they are employed as teachers or school administrators or if they qualify as being employed in an executive, administrative, or professional capacity and are paid a fixed salary at or above the salary level established by federal regulations. (Labor Code 510; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may take compensatory time off in lieu of overtime compensation, provided he/she has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt district operations. (29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

(cf. 3580 - District Records)

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

Legal Reference:

EDUCATION CODE

~~44492-44494 Mentor teacher stipends~~

~~44977 Salary deductions during absence~~

45022-45061 Salaries, especially:

45023 Availability of salary schedule

45028 Salary schedule for certificated employees

~~45030 Salary schedule for substitutes~~

~~45032 Power of governing board to increase salaries~~

45160-45169 Salaries for classified employees

45268 Salary schedule for classified service in merit system districts

GOVERNMENT CODE

3540-3549 Meeting and negotiating, especially:

3543.2 Scope of representation

3543.7 Duty to meet and negotiate in good faith

LABOR CODE

226 Employee access to payroll records

232 Disclosure of wages

510 Overtime compensation; length of work day and week; alternative schedules

UNITED STATES CODE, TITLE 26

409A Deferred compensation plans

UNITED STATES CODE, TITLE 29

201-219 Fair Labor Standards Act, especially:

203 Definitions

207 Overtime

213 Exemptions from minimum wage and overtime requirements

CODE OF FEDERAL REGULATIONS, TITLE 26

1.409A-1 Definitions and covered plans

CODE OF FEDERAL REGULATIONS, TITLE 29

516.4 Notice of minimum wage and overtime provisions

516.5-516.6 Records

541.0-541.710 Exemptions for executive, administrative, and professional employees

553.1-553.51 Fair Labor Standards Act; applicability to public agencies

COURT DECISIONS

Flores v. City of San Gabriel, 9th Cir., June 2, 2016, No. 14-56421

Management Resources:

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

NEA and NSBA Joint Guidance on the Tax Consequences of Deferred Compensation—Section 409A of the Internal Revenue Code, January 2008

WEB SITES

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

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

National School Boards Association: <http://www.nsba.org>

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

U.S. Department of Labor, Wage and Hour Division: <https://www.dol.gov/whd>

Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: November 19, 1998

Campbell, California

AR 4157.1 4257.1 4357.1 Administrative Regulation

Work-Related Injuries

AR 4157.1 4257.1,4357.1

Personnel

Notifications

The Superintendent or designee shall post a notice of employee rights related to workers' compensation and shall provide this information in writing to new employees. (Labor Code 3550-3551)

This notice shall also include a statement of the district's policy requiring employees to report work-related injuries as soon as practicable.

Employees shall also be informed that pursuant to Labor Code 4906, it is a felony for an employee to make a false workers' compensation claim.

District Responsibilities

Supervisors receiving reports of a work-related employee injury shall gather appropriate information, including but not limited to:

1. The date, time and place of the injury
2. The name, occupation and signature of the injured employee
3. Details of how the injury occurred
4. The names of any witnesses

Supervisors shall promptly remit information about work-related injuries to the Superintendent or designee.

Whenever a work-related injury results in lost work time beyond the date of the injury or requires medical treatment beyond first aid, the employee shall be given a workers' compensation claim form and a notice of potential eligibility for benefits within one working day of the injury. (Labor Code 5401) In the case of stress claims, the claim form shall be provided only if the employee indicates that he/she is going to a physician or is unable to work.

Within five working days of obtaining knowledge of any injury which results in lost time beyond the date of the injury or which requires medical treatment beyond first aid, the Superintendent or designee shall file a complete report of the injury with the district's insurer. (Labor Code 6409.1)

Employee Responsibilities

Upon receiving treatment for a work-related injury, the employee shall obtain a medical verification of his/her condition, indicating any limitations on the employee's ability to work, the anticipated time needed for recovery from these limitations, and the type of work modification needed.

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

The district has designated a medical carrier where employees will be taken in case of a work-related injury. Employees who wish to be taken to their personal physician for treatment of work-related injuries must have a written request on file with the Superintendent or designee. It is the employee's responsibility to inform his/her supervisor that he/she has such a request on file. (Labor Code 4600)

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

(cf. 4261.11 - Industrial Accident/Illness Leave)

To qualify for workers' compensation, employees must notify their supervisor of a work-related injury within 30 days. (Labor Code 5400)

Regulation CAMPBELL UNION SCHOOL DISTRICT
approved: November 19, 1998 Campbell, California

Campbell Union ESD

BP 5030 Board Policy

Student Wellness

BP 5030

Students

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall build a coordinated school health system that supports and reinforces health literacy through health education, physical education, health services, nutrition services, psychological and counseling services, health promotion for staff, a safe and healthy school environment, and parent/guardian and community involvement.

(cf. 1020 - Youth Services)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 3514 - Environmental Safety)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.61 - Drug Testing)

(cf. 5131.62 - Tobacco)

(cf. 5131.63 - Steroids)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5141.6 - School Health Services)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)

(cf. 6164.2 - Guidance/Counseling Services)

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

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

(cf. 6020 - Parent Involvement)

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

The Board recognizes that a safe, positive, school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health conditions.

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

School WellnessHealth Council/Committee

The Superintendent or designee shall encourage may permit parents/guardians, students, food service employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public to participate in the development, implementation, and periodic review and update of the district's student wellness policy. (42 USC 1758b; 7 CRF 210.30)

To fulfill this requirement, the Superintendent or designee may appoint a school wellness health council or other district committee and a wellness council coordinator. whose membership shall include representatives of these groups. He/she also may invite participation of other groups or individuals, The council may include representatives of the groups listed above, as well as such as health educators, curriculum directors, counselors, before and after-school program staff, health practitioners, and/or others interested in school health issues.

(cf. 1220 - Citizen Advisory Committees)

(cf. 9140 - Board Representatives)

The school wellness health council or committee shall advise the district on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the duties of the council/committee may also include the planning, implementation, and evaluation of activities to promote health within the school or community.

Goals for Nutrition ,Education and Physical Activity and Other Wellness ActivitiesGoals

The Board shall adopt specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. In developing such goals, the Board shall review and consider evidence-based strategies and techniques. (42 USC 1758b; 7 CRF 210.30)

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

The district's nutrition education and physical education programs shall be based on research, consistent with the expectations established in the state's curriculum frameworks and content standards, and designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

(cf. 6011 - Academic Standards)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

The nutrition education program shall include, but is not limited to, information about the benefits of healthy eating for learning, disease prevention, weight management, and oral health. Nutrition education shall be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program. Nutrition education also may be offered through before and after school programs.

(cf. 5148.2 - Before/After School Programs)

(cf. 6142.8 - Comprehensive Health Education)

All students in grades K-8 shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through athletic programs, extracurricular programs, before and after-school programs, programs encouraging students to walk or bicycle to and from school, and/or other structured and unstructured activities.

The Superintendent or designee shall recommend the collection of student travel data, assess, and to the extent possible, make needed improvements to assure the environment is safer and easier for students to walk and bike to school. When appropriate, the district will work together with local public works, public safety, healthcare, and other Safe Routes to School partners in those efforts.

(cf. 5142.2 - Safe Routes to School Program)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

The Board may enter into a joint use agreement or memorandum of understanding to make district facilities or grounds available for recreational or sports activities outside the school day and/or to use community facilities to expand students' access to opportunity for physical activity.

(cf. 1330.1 - Joint Use Agreements)

Professional development may be regularly offered to the nutrition program director, managers, and staff, as well as health education teachers, physical education teachers, coaches, activity supervisors, and other staff as appropriate to enhance their knowledge and skills related to student health and wellness.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

The Board recognizes that a safe, positive school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health condition.

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness and may provide opportunities for regular physical activity among employees. Professional development may include instructional strategies that assess health knowledge and skills and promote healthy behaviors.

(cf. 4131- Staff Development)

(cf. 4231- Staff Development)

(cf. 4331- Staff Development)

Nutritional Guidelines for All Foods Available at School

For all foods and beverages available on each campus during the school day, the district shall adopt nutritional guidelines which are consistent with 42 USC 1773 and 1779 and support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

The Board believes that foods and beverages available to students at district schools should support the health curriculum and promote optimal health, taking into consideration the needs of students with special dietary needs. Nutrition standards adopted by the district for all foods and beverages sold to students, including foods and beverages provided through the district's food service program, student stores, vending machines, shall meet or exceed state and federal nutrition standards.

(cf. 3312 - Contracts)

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

(cf. 3554 - Other Food Sales)

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

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

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

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

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 5148 - Child Care and Development)
(cf. 5148.3 - Preschool/Early Childhood Education)

The Superintendent or designee shall provide access to free, potable water during meal times in the food service area during meal times in accordance with Education Code 38086 and 42 USC 1758, and shall encourage students' consumption of water by educating them about the health benefits of water and serving water in an appealing manner.

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

(cf. 3312 – Contracts)
(cf. -3553 – Other Food Sales)

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes.

He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

(cf. 1230 - School-Connected Organizations)

School staff shall encourage parents/guardians or other volunteers to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Class parties or celebrations shall be held after the lunch period when possible.

To reinforce the district's nutrition education program, the Board prohibits the marketing and advertising of foods and beverages that do not meet nutrition standards for the sale of foods and beverages on campus during the school day. (7CFR 210.30)

(cf. 1325 - Advertising and Promotion)

Program Implementation and Evaluation

The Superintendent shall designate the individual(s) identified below as the individual(s) responsible for ensuring one or more district school employees, as appropriate, to ensure that each school site complies with the district's wellness this policy. (42 USC 1758b; 7 CFR 210.30)

Title or Position

Phone Number

Email Address

(cf. 0500 - Accountability)

(cf. 3555 - Nutrition Program Compliance)

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

The Superintendent or designee shall inform and update the public, including parents/guardians, students, and others in the community, about the contents and implementation of this policy. He/she shall periodically measure and make available to the public an assessment of the extent to which district schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

Posting Requirements

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

The Superintendent or designee shall inform the public about the content and implementation of the district's wellness policy and shall make the policy, and any updates to the policy, available to the public on an annual basis. He/she shall also inform the public of the district's progress towards meeting the goals of the wellness policy, including the availability of the triennial district assessment. (Education Code 49432; 42 USC 1758b; 7 CFR 210.30)
(cf. 5145.6 – Parental Notifications)

Each school may post a summary of nutrition and physical activity laws and regulations prepared by the CDE.

Records

The Superintendent or designee shall retain records that document compliance with 7 CFR 210.30, including, but not limited to, the written student wellness policy, documentation of the triennial assessment of the wellness policy for each school site, and documentation demonstrating compliance with the community involvement requirements, including requirements to make the policy and assessment results available to public. (7CFR 210.30)

Legal Reference:

EDUCATION CODE

33350-33354 CDE responsibilities re: physical education

38086 Free fresh drinking water

[49430-49434 Pupil Nutrition, Health, and Achievement Act of 2001](#)

[49490-49494 School breakfast and lunch programs](#)

[49500-49505 School meals](#)

[49510-49520 Nutrition](#)

[49530-49536 Child Nutrition Act](#)

[49540-49546 Child care food program](#)

[49547-49548.3 Comprehensive nutrition services](#)

[49550-495612 Meals for needy students](#)

[49565-49565.8 California Fresh Start pilot program](#)

[49570 National School Lunch Act](#)

[51210 Course of study, grades 1-6](#)

[51210.1 51210.2 Physical education, grades 1-6](#)

[51210.4 Nutrition education](#)

[51220 Course of study, grades 7-12](#)

[51222 Physical education](#)

[51223 Physical education, elementary schools](#)

[51795-51796.85 School instructional gardens](#)

[51880-51921 Comprehensive health education](#)

[CODE OF REGULATIONS, TITLE 5](#)

[15500-15501 Food sales by student organizations](#)

[15510 Mandatory meals for needy students](#)

[15530-15535 Nutrition education](#)

[15550-15565 School lunch and breakfast programs](#)

[UNITED STATES CODE, TITLE 42](#)

[1751-1769 National School Lunch Program, especially:](#)

[1758b Local wellness policy](#)

[1771-1791 Child Nutrition Act, especially:](#)

[1773 School Breakfast Program](#)

[1779 Rules and regulations, Child Nutrition Act](#)

[CODE OF FEDERAL REGULATIONS, TITLE 7](#)

[210.1-210.331 National School Lunch Program](#)

[210.30 Wellness policy](#)

[220.1-220.23 National School Breakfast Program](#)

[COURT DECISIONS](#)

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

[Management Resources:](#)

[CSBA PUBLICATIONS](#)

[Integrating Physical Activity into the School Day, Governance Brief, April 2016](#)

[Increasing Access to Drinking Water in Schools, Policy Brief, AprilMarch 2013](#)

[Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012](#)

[Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. April 2012](#)

[Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012](#)

[Physical Activity and Physical Education in California Schools, Research Brief April 2010](#)

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009

Physical Education and California Schools, Policy Brief, rev. October 2007

School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

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

CALIFORNIA PROJECT LEAN PUBLICATIONS

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

CENTER FOR COLLABORATIVE SOLUTIONS

Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and Food Security in Afterschool Programs, January 2015
March 2010

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide, rev 2012
2005

FEDERAL REGISTER

Rules and Regulations, July 29, 2016, Vol. 81, Number 146, pages 50151-50170
January 26, 2012, Vol. 77, Number 17, pages 4088-4167

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, rev 2012
2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Dietary Guidelines for Americans, 2016
2005

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

WEB SITES

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

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

Alliance for a Healthier Generation: <http://www.healthiergeneration.org>

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy CAMPBELL UNION SCHOOL DISTRICT
adopted: August 24, 2006 Campbell, California
revised: March 1, 2012
revised: October 24, 2013
revised: September 15, 2016

Campbell Union ESD

AR 5111.1 Administrative Regulation

District Residency

AR 5111.1 Students

Criteria for Residency

Prior to admission in district schools, students shall provide proof of residency.

(cf. 5111 - Admission)

A student shall be deemed to have complied with residency requirements if he/she meets any of the following criteria:

1. The student's parents/guardians reside within district boundaries. (Education Code 48200)
2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)
3. The student ~~has been~~is admitted through the district's interdistrict attendance program. (Education Code 48204)

(cf. 5117 - Interdistrict Attendance)
([cf. 5118 - Open Enrollment Act Transfers](#))

4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)
5. The student lives with a caregiving adult within district boundaries. (Education Code 48204)

(cf. 5111.11 - Residency of Students with Caregiver)

6. The student resides in a state hospital located within district boundaries. (Education Code 48204)
7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code [48204](#), 48207)

(cf. 6183 - Home and Hospital Instruction)

~~8. According to BP/AR 5117, Interdistrict Attendance Agreements, the student is an elementary school student whose parent/guardian is employed within district boundaries.~~

8.The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student at the place of employment for a minimum of three days during the school week. (Education Code 48204)

9.The student's parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within district boundaries. (Education Code 48204.3)

(cf. 6173.2 - Education of Children of Military Families)

109. A student may attend school through grade 8 in the district so long as the parent or legal guardian remains physically employed in the school district. (Education Code 48204, subdivision (b)(1), (7).

However, the district is not required to admit students for this reason. (Education Code 48204)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)
(cf. 6183 - Home and Hospital Instruction)

Proof of Residency

The Superintendent or designee shall retain a copy of the document or written verification offered as proof of residency. In addition, the Superintendent or designee shall annually verify the student's residency and retain a copy of the document or written statement offered as verification. (5 CCR 432)

(cf. 5111 - Admissions)

When presented with a substitute address designated by the Secretary of State for victims of domestic violence or stalking residing within district boundaries, the Superintendent or designee shall accept and use the substitute address for all future communication and correspondence and in all public records. (Government Code 6207)

(cf. 3580 - District Records)
(cf. 5125 - Student Records)

If any district employee reasonably believes that the parent/guardian of a student has provided false or unreliable evidence of residency, the Superintendent or designee shall make reasonable efforts to determine whether the student meets legal residency requirements. If it is determined that the student resides outside district boundaries, the parent/guardian of that student will be required to file an approved interdistrict attendance agreement within 10 school days.

Reasonable evidence of residency may be established by documentation including, but not limited to, any of the following: (Education Code 48204.1)

1. Current property tax payment receipts
2. Current rental agreements on company printed forms
3. Current utility service statements or payment receipts
4. Current residential telephone statement or payment receipts

The Superintendent or designee shall make a reasonable effort to secure evidence that a homeless or foster youth resides within the district, including, but not limited to, a utility bill, letter from a homeless shelter, hotel/motel receipt, or affidavit from the student's parent/guardian or other qualified adult relative.

However, any homeless or foster youth shall not be required to provide proof of residency as a condition of enrollment in district schools. (Education Code 48853.5; 42 USC 11432)

Any homeless student or foster youth or student who has had contact with the juvenile justice system shall be immediately enrolled in school even if he/she is unable to provide proof of residency. (Education Code 48645.5, 48852.7, 48853.5; 42 USC 11432)

(cf. 6173 - Education for Homeless Youth)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.3 - Education for Juvenile Court School Students)

When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries but shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. (Government Code 6206, 6207)

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance permits

48050-48054 Nonresidents

48200-48208 Compulsory education law

48356 Open Enrollment Act transfer, fulfillment of residency requirement

48853.5 Education of foster youth; immediate enrollment

48980 Notifications at beginning of term

52317 Regional occupational program, admission of persons including nonresidents

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

6205-6210 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5

432 Varieties of student records

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

COURT DECISIONS

Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal.App.4th 47

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

0303.95 Verification of residency, LO: 1-95

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

Dear Colleague Letter, May 6, 2011

WEB SITES

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

California Secretary of State, Safe at Home Program: <http://www.sos.ca.gov/safeathome>

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

Regulation	CAMPBELL UNION SCHOOL DISTRICT
approved:	December, 17, 1998 Campbell, California
revised:	June 7, 2001
revised:	December 13, 2007
revised:	June 21, 2012

CSBA Sample NEW BP

BP 5116.2 Board Policy

Involuntary Student Transfers

BP 5116.2

Students

The Governing Board desires to enroll students in the school of their choice, but recognizes that circumstances sometimes necessitate the involuntary transfer of some students to another school or program in the district. The Superintendent or designee shall develop procedures to facilitate the transition of such students into their new school of enrollment.

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5116.1 - Intradistrict Open Enrollment)

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

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

(cf. 6173.3 - Education for Juvenile Court School Students)

As applicable, when determining the best placement for a student who is subject to involuntary transfer, the Superintendent or designee shall review all educational options for which the student is eligible, the student's academic progress and needs, the enrollment capacity at district schools, and the availability of support services and other resources.

Whenever a student is involuntarily transferred, the Superintendent or designee shall provide timely written notification to the student and his/her parent/guardian and an opportunity for the student and parent/guardian to meet with the Superintendent or designee to discuss the transfer.

Students Convicted of Violent Felony or Misdemeanor

A student may be transferred to another district school if he/she is convicted of a violent felony, as defined in Penal Code 667.5(c), or a misdemeanor listed in Penal Code 29805 and is enrolled at the same school as the victim of the crime for which he/she was convicted. (Education Code 48929)

Before transferring such a student, the Superintendent or designee shall attempt to resolve the conflict using restorative justice, counseling, or other such services. He/she shall also notify the student and his/her parents/guardians of the right to request a meeting with the principal or designee. (Education Code 48929)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 6164.2 - Guidance and Counseling Services)

Participation of the victim in any conflict resolution program shall be voluntary, and he/she shall not be subjected to any disciplinary action for his/her refusal to participate in conflict resolution.

The principal or designee shall submit to the Superintendent or designee a recommendation as to whether or not the student should be transferred. If the Superintendent or designee determines that a transfer would be in the best interest of the students involved, he/she shall submit such recommendation to the Board for approval.

The Board shall deliberate in closed session to maintain the confidentiality of student information, unless the parent/guardian or adult student submits a written request that the matter be addressed in open session and doing so would not violate the privacy rights of any other student. The Board's decision shall be final.

(cf. 9321 - Closed Session Purposes and Agendas)

The decision to transfer a student shall be subject to periodic review by the Superintendent or designee.

The Superintendent or designee shall annually notify parents/guardians of the district's policy authorizing the transfer of a student pursuant to Education Code 48929. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

Other Involuntary Transfers

Students may be involuntarily transferred under either of the following circumstances:

~~1. If a high school student commits an act enumerated in Education Code 48900 or is habitually truant or irregular in school attendance, he/she may be transferred to a continuation school. (Education Code 48432.5)~~

~~(cf. 6184 - Continuation Education)~~

~~2. If a student is expelled from school for any reason, is probation-referred pursuant to Welfare and Institutions Code 300 or 602, or is referred by a school attendance review board or another formal district process, he/she may be transferred to a community day school. (Education Code 48662)~~

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6185 - Community Day School)

Legal Reference:

EDUCATION CODE

35146 Closed sessions; student matters

48430-48438 Continuation classes, especially:
48432.5 Involuntary transfer to continuation school
48660-48666 Community day schools, especially:
48662 Involuntary transfer to community day school
48900 Grounds for suspension and expulsion
48929 Transfer of student convicted of violent felony or misdemeanor
48980 Notice at beginning of term
PENAL CODE
667.5 Violent felony, definition
29805 Misdemeanors involving firearms
WELFARE AND INSTITUTIONS CODE
300 Minors subject to jurisdiction
602 Minors violating laws defining crime; ward of court

Management Resources:

WEB SITES

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

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

AR 5125.3 Campbell Union ESD

Administrative Regulation

Challenging Student Records

AR 5125.3

Students

At the beginning of each school year or, for a student enrolled after the beginning of the school year, at the time of enrollment, parents/guardians shall be notified of the availability of the above following procedures for challenging the contents of student records. Any student who is 18 years of age or attends a postsecondary institution shall have the sole right to challenge the contents of his/her records. (Education Code 49061, 49063)

(cf. 5125 - Student Records)

(cf. 5145.6 - Parental Notifications)

Procedures for Challenging Records

The custodial parent/guardian of any student may submit to the Superintendent or designee a written request to correct or remove from his/her child's records any information concerning the child which he/she alleges to be any of the following: (Education Code 49070; 34 CFR 99.20)

1. Inaccurate
2. An unsubstantiated personal conclusion or inference
3. A conclusion or inference outside of the observer's area of competence
4. Not based on the personal observation of a named person with the time and place of the observation noted
5. Misleading
6. In violation of the privacy or other rights of the student

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

(cf. 5125 - Student Records)

Within 30 days of receiving a request to correct or remove any information from a record, the Superintendent or designee shall meet with the parent/guardian and ~~with~~ the district employee (if

~~still employed) who recorded the that information in question, if he/she is presently employed by the district. The Superintendent shall then sustain or deny the allegations. (Education Code 49070)~~

~~When a student grade is challenged, If the challenge involves a student's grade,~~ the teacher who gave the grade shall be given an opportunity to state orally, and/or in writing, ~~or both,~~ the reasons for which the grade was given. Insofar as practicable, ~~he/she~~ the teacher shall be included in all discussions related to any grade change. In the absence of clerical or mechanical error, fraud, bad faith, or incompetency, ~~the~~ a student's grade as determined by the teacher shall be final. (Education Code 49066)

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

Resolution of Challenge/Appeals

~~Within 30 days of receiving a request to correct or remove information from a record, the Superintendent or designee shall meet with the parent/guardian and with the employee (if still employed) who recorded the information in question. The Superintendent shall then sustain or deny the allegations. (Education Code 49070)~~

After considering all relevant information, The Superintendent or designee shall then sustain or deny the parent/guardian's allegations. (Education Code 49070)

If the parent/guardian's allegations are sustained, the Superintendent or designee shall order the correction or removal and destruction of the information. (Education Code 49070)

If the Superintendent or designee denies the allegations, the parent/guardian may, ~~write~~ within 30 days, ~~to~~ appeal the decision in writing to the Governing Board. Within 30 days of receiving the written appeal, the Board shall meet in closed session with the parent/guardian and the district employee ~~(if still employed)~~ who recorded the information ~~in question~~ if he/she is presently employed by the district. The Board shall then decide whether ~~or not~~ to sustain or deny the allegations. The decision of the Board shall be final. (Education Code 49070)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

If ~~it~~ the Board sustains any or all of the allegations, the Superintendent or designee shall immediately order the correction or removal ~~and destruction of~~ destroy the pertinent information from the student's records and shall inform the parent/guardian in writing that the information has been corrected or destroyed. (Education Code 49070)

~~The decision of the Board shall be final. If the parent/guardian does not file an appeal, or if the appeal is denied by the Board, decision of the Superintendent or Board is unfavorable to the parent/guardian, the parent/guardian shall be informed of his/her have the right to submit a written statement of objections to the information. This statement shall become a part of the student's record. Any statement submitted by the parent/guardian shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the related part of the record is disclosed. (Education Code 49070; 34 CFR 9921)~~

Hearing Panel

~~Both T~~he Superintendent or designee and/or the Board ~~have the option of appointing~~ may appoint a hearing panel to assist in making determinations regarding a challenge to student records or an appeal, as applicable, the decision. ~~The hearing panel may be used at the discretion of the Superintendent or the Board~~ provided that the parent/guardian gives written consents to releasing relevant student record information to the panel members. Such a hearing panel shall consist of the following persons: (Education Code ~~49070~~, 49071)

1. A chairperson who is a principal of a public school other than the school at which the record is on file
2. A certificated employee appointed by the district's certificated employee council or, if no such council exists, by a parent/guardian
3. A parent/guardian appointed by the Superintendent or designee or the Board, whoever convenes the panel

If possible, the members of the hearing panel shall not be acquainted with the student, his/her parent/guardian, or the employee who recorded the information, except when the parent/guardian appoints the certificated employee pursuant to item #2 above. (Education Code 49071)

The panel shall be provided with verbatim copies of the information that is the subject of the controversy. The panel shall, in closed session, hear the parent/guardian's objections to the student record and, if the employee is presently employed by the district, the employee's testimony. The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities. The panel shall submit to the Superintendent or designee or the Board as applicable its written findings setting forth the facts and decisions of the panel. (Education Code 49071)

~~The right to challenge a record becomes the sole right of the student when the student becomes 18 or attends a postsecondary institution. (Education Code 49061)~~

~~At the beginning of each school year, parents/guardians shall be notified of the availability of the above procedures for challenging student records. (Education Code 49063)~~

(cf. 1312 - Complaints Concerning the Schools)

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

49061 Definitions

49063 Notification of parents of their rights

49066 Grades; change of grade; physical education grade

49070 Challenging content of records

49071 Hearing panel

UNITED STATES CODE, TITLE 20

1232 Family Educational and Privacy Rights Act of 1974

1681-1688 Title IX of the Education Amendments of 1972

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy, especially:

99.20-99.22 Procedures for amending educational records

Regulation CAMPBELL UNION SCHOOL DISTRICT

approved: December 17, 1998 Campbell, California

Campbell Union ESD

BP 5141.21 Board Policy

Administering Medication And Monitoring Health Conditions

BP 5141.21

Students

The Governing Board recognizes that students may need to take prescribed medication during the school day in order to be able to attend school. The Superintendent or designee shall develop processes for the administration of medication to such students by school personnel. For any student with a disability, as defined under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, necessary medication shall be administered in accordance with the student's individual educational program or Section 504 services plan.

(cf. 5141.24 - Specialized Health Care Services)

(cf. 6159 - Individualized Education Plan

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

When the Superintendent or designee has received written statements from the student's authorized health care provider and parent/guardian, prescribed medication may be administered by the school nurse or other designated school personnel only when the Superintendent or designee has received written statements from both the student's parent/guardian and authorized health care provider. (Education Code 49414.7, 49423; 5 CCR 600)

Administration of Medication by School Personnel

~~School staff who administer medication to students, including anaphylactic injections, shall receive training from qualified medical personnel on how such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by and provided with emergency communication access to a school nurse, physician, or other appropriate individual.~~

When allowed by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, administrative regulation, and, as the written statement provided by the student's parent/guardian and authorized health care provider. Such personnel shall be afforded appropriate liability protection.

Staff authorized to administer the medication shall do so in accordance with administrative regulations and shall be afforded appropriate liability protection.

(cf. 3530 - Risk Management/Insurance)

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

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

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

In an emergency situation such as a public disaster or epidemic, a trained, unlicensed district employee may administer medication to a student.

If the parent/guardian so chooses, he/she may administer the medication to his/her child. In addition, the parent/guardian may designate another individual who is not a school employee to administer the medication to the student.

(cf. 1250 - Visitors/Outsiders)

(cf. 6116 - Classroom Interruptions)

Upon written request by the parent/guardian and with the approval of the student's licensed health care provider, a student with an existing medical condition that requires frequent monitoring, testing or treatment may be allowed to self administer this service. The student shall observe universal precautions in the handling of blood and bodily fluids.

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

(cf. 5141 - Health Care Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Asthma Management)

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

The Superintendent or designee shall make available epinephrine auto-injectors at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Education Code 49414)

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

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such

trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual. (Education Code 49414, 49414.3, 49414.5, 49423, 49423.1)

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Legal Reference:

EDUCATION CODE

48980 Notification at beginning of term

49407 Liability for treatment

49408 Emergency information

49414 Emergency epinephrine auto-injectors

49414.5 Providing school personnel with voluntary emergency training

~~49414.7 Emergency medical assistance: administration of epilepsy medication~~

49422-49427 Employment of medical personnel, especially:

49423 Administration of prescribed medication for student

49423.1 Inhaled asthma medication

49480 Continuing medication regimen; notice

BUSINESS AND PROFESSIONS CODE

2700-2837 Nursing, especially:

2726 Authority not conferred

2727 Exceptions in general

3501 Definitions

4119.2 Acquisition of epinephrine auto-injectors

CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

620-627 Administration of emergency antiseizure medication by trained volunteer nonmedical school personnel

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

COURT DECISIONS

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

Management Resources:

CSBA PUBLICATIONS

Pandemic Influenza, Fact Sheet, September 2007

AMERICAN DIABETES ASSOCIATION PUBLICATIONS

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Training Standards for the Administration of Epinephrine Auto-Injectors, December 2004 rev. 2015

Program Advisory on Medication Administration, 2005

NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS

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

WEB SITES

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

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

California Department of Education, Health Services and School Nursing:
<http://www.cde.ca.gov/ls/he/hn>

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

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

Policy CAMPBELL UNION SCHOOL DISTRICT

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Campbell Union ESD

AR 5141.21 Administrative Regulation

Administering Medication And Monitoring Health Conditions

AR 5141.21

Students

Definitions

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

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

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

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

Epinephrine auto-injector means a disposable ~~drug delivery~~ device designed for the automatic injection of a premeasured dose of epinephrine into the human body to prevent or treat a life-threatening allergic reaction ~~system with a spring-activated needle that is designed for emergency administration of epinephrine to provide rapid, convenient first aid for persons suffering a potentially fatal reaction to anaphylaxis~~. (Education Code 49414)

Anaphylaxis means a potentially life-threatening hypersensitivity to a substance, which may result from an insect sting, food allergy, drug reaction, exercise, or other cause. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

(cf. 5141.23 - Asthma Management)

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

Regular school day may include not only the time the student receives instruction, but also the time during which the student otherwise participates in activities under the auspices of the school district, such as field trips, and extracurricular activities, before-school or after-school programs and camps, or other activities that typically involve at least one overnight stay away from home.

Parent/Guardian Responsibilities

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

1. Providing written statements by parent/guardian and authorized health care provider each school year as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. The parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, ~~49414.7~~, 49423, 49423.1; 5 CCR 600, 626)

2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician and updating the information when needed. (Education Code 49480)

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

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

Parent/Guardian Statement

Before a designated employee administers or assists in the administration of any prescribed medication to any student during the regular school day, the district shall have a written statement from the student's authorized health care provider and a written statement from the student's parent/guardian initiating such a request. (Education Code 49432; 5 CCR 600)

The parent/guardian shall provide an amended or new written statement annually and whenever there is a change in the pupil's medication, stating the medication, the dosage, the time and method of administration.

The parent/guardian's written statement shall:

1. Clearly identify the student
2. Grant permission for the authorized district representative to communicate directly with the student's authorized health care provider, as may be necessary, regarding the health care provider's written statement or any other question about the medication
3. Contain an acknowledgment that the parent/guardian understands how district employees will administer the medication or otherwise assist the student in its administration

4. Contain an acknowledgment that the parent/guardian understands his/her responsibilities to enable _____district employees to administer or otherwise assist the student in the administration of medication including, but not limited to, the parent/guardian's responsibility to provide a written statement _____from the authorized health care provider and to ensure that the medication is delivered to the _____school in a proper container by an individual legally authorized to be in possession of the medication
5. Contain an acknowledgment that the parent/guardian may terminate consent for such administration at any time

Parents/guardians may request in writing that their child be allowed to carry medication, self-administer the medication, and/or monitor or treat his/her existing medical condition. The parent request must include: (Education Code 49423, 49423.1)

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

Health Care Provider Statement

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

1. Clear identification of the student (Education Code ~~49414.7~~, 49423, 49423.1; 5 CCR 602, ~~626~~)
2. Name of medication (Education Code ~~49414.7~~, 49423, 49423.1; 5 CCR 602, ~~626~~)
3. The method, amount, and time schedules by which the medication is to be taken (Education Code 49414.7, 49423, 49423.1, 5 CCR 602, 626)
4. If a parent/guardian has requested that his/her child be allowed to self-administer medication, confirmation that the student is able to self-administer the medication (Education Code 49414.5, 49423, 49423.1, 5 CCR 602)
 5. For medication that is to be administered by unlicensed personnel, confirmation by the student's health care provider that the medication may safely and appropriately be administered by unlicensed personnel (Education Code 49423, 49423.1; 5 CCR 602)
- ~~65.~~ For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation
- ~~76.~~ Possible side effects of the medication

87. Name, address, telephone number, and signature of the student's authorized health care provider

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

~~1. Detailed seizure symptoms, including frequency, type, or length of seizures that identify when the administration of the medication becomes necessary~~

~~2. Any potential adverse responses by the student and recommended mitigation actions, including when to call emergency services~~

~~3. A protocol for observing the student after a seizure, including, but not limited to, whether he/she should rest in the school office or return to his/her class and the length of time he/she should be under direct observation~~

~~4. A statement that, following a seizure, a school administrator or other staff member shall contact the school nurse and the student's parent/guardian to continue the observation plan~~

A parent/guardian may designate an individual who is not an employee of the district to administer medication to his/her child as long as the individual is clearly identified, willing to accept the designation, permitted to be on the school site, and any limitations on the individual's authority are clearly established. The parent/guardian shall provide a written statement designating the individual and containing the following information:

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

Health Care Provider Statement

The authorized health care provider's written statement shall clearly:

1. Identify the student
2. Identify the medication
3. Specify the dosage
4. Identify the method by which the student is required to take the medication
5. Specify the period of time during which the medication is to be taken
6. Contain the name, telephone number and signature or clinic stamp of the authorized health care provider

7. Contain any other information relevant to the administration of the medication or otherwise assisting the student in the administration of the medication.

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

1. Detailed seizure symptoms, including frequency, type, or length of seizures that identify when the administration of medication becomes necessary
2. A protocol for observing the student after the seizure, including, but not limited to, whether he/she should rest in the school office or return to his/her class, the length of time for direct observation and a requirement to contact the school nurse and the student's parent/guardian to continue the observation plan.

Designated Employee/District Responsibilities

The Superintendent or designee shall ensure that any unlicensed school personnel authorized to administer medication to a student receives appropriate training from the school nurse or other qualified medical personnel.

The district nurse or other designated employee shall:

1. Administer or assist in administering the medication in accordance with the authorized health care provider's written statement
2. Accept delivery of medication from the student's parent/guardian, including counting and recording the medication upon receipt
3. Maintain a list of students needing medication during the school day, including the type of medication, times and dosage, as well as a list of students who are authorized to self-administer medication.
4. Maintain a medication log documenting the administration of medication including the student's name; name of medication the student is required to take; dose of medication; method by which the student is required to take the medication; time the medication is to be taken during the regular school day; date(s) on which the student is required to take the medication; authorized health care provider's name and contact information; and a space for daily recording of medication administration. The daily record shall contain the date, time, amount of medication administered and signature of the individual administering the medication.
5. Maintain for each student a medication record including the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student
6. Ensure that student confidentiality is appropriately maintained

(cf. 5125 - Student Records)

7. Coordinate the administration of medication during field trips and after-school activities

(cf. 5148.2 - Before/After School Programs)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School Sponsored Trips)

8. Immediately report any refusal of a student to take his/her medication to the parent/guardian and the site administrator

9. Keep all medication to be administered by district personnel in a locked drawer or cabinet

10. As needed, communicate with the authorized health care provider regarding the medication and its effects

11. Counsel designated school personnel regarding the possible effects of the medication on the student's physical, intellectual and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission or overdose.

12. Ensure that unused, discontinued and outdated medication is returned to the student's parent/guardian where possible or, if the medication cannot be returned, is disposed of in accordance with state laws and local ordinances by the end of the school year.

13. In the event of a medical emergency requiring administration of medication, provide immediate medical assistance, directly observe the student following the administration of medication, contact the student's parent/guardian, and determine whether the student should return to class, rest in the school office, or receive further medical assistance

143. As quickly as possible upon discovery, notify school administrator, parent, and school nurse of any deviation from the authorized health care provider's written statement. (5CCR 608)

Notifications to Parents/Guardians

At the beginning of each school year, the Superintendent or designee shall notify parent/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall inform all parents/guardians of any student on a continuing medication regimen for a recurring condition of the following requirements: (Education Code 49480)

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

~~Additional Requirements for Management of Epileptic Seizures~~

~~In addition to other applicable provisions in preceding sections, the Superintendent or designee shall make arrangements for assisting students with epilepsy who may suffer a seizure at school. Such arrangements shall include the following: (Education Code 49414.7, 5 CCR 620-627))~~

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

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

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

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

~~—— If the student's parent/guardian refuses to have him/her assessed for services or accommodations under IDEA or Section 504, the Superintendent or designee may develop an individualized health plan, seizure action plan, or other appropriate health plan designed to acknowledge and prepare for the student's health care needs in school.~~

~~2.—— Request for Volunteers: The Superintendent or designee shall distribute an electronic notice to school staff no more than twice per school year per student whose parent/guardian has requested provision of emergency medical assistance pursuant to Education Code 49414.7. The notice shall be in bold print and, in accordance with Education Code 49414.7, shall contain a description of the request for a volunteer school employee, the training that such volunteer school employee will receive, the voluntary nature of the program, and the timelines for the volunteer school employee to rescind his/her offer. No other means of soliciting volunteer school employees shall be conducted.~~

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

~~3.—— A volunteering employee will receive training from a licensed health care professional before administering such medication. When a trained employee has not administered an emergency antiseizure medication to a student within two years of completing the training, he/she shall be retrained~~

~~4.—— The training provided for volunteering district employees will include shall include but~~

not be limited to:

- a. ~~Recognition and treatment of different types of seizures~~
- b. ~~Administration of an emergency antiseizure medication~~
- c. ~~Basic emergency follow up procedures~~
- d. ~~Techniques and procedures to ensure student privacy~~

~~(cf. 4131/4231/4331—Staff Development)~~

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

6. ~~Supervision of Volunteers: Volunteer school employees shall be supervised by a licensed health care professional in accordance with 5 CCR 627.~~

7. ~~A process for notifying the credentialed school nurse, or the Superintendent or designee as applicable, whenever an employee administers an emergency antiseizure medication at school~~

~~Emergency Epinephrine Auto Injectors~~

~~The Superintendent or designee shall provide epinephrine auto injectors to school nurses or other employees who have volunteered to administer them in an emergency and have received training. The school nurse, or a volunteer employee when a school nurse or physician is unavailable, may administer an epinephrine auto injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life threatening symptoms of anaphylaxis at school or a school activity. (Education Code 49414)~~

~~The principal or designee at each school may designate one or more volunteers to receive initial and annual refresher training, which shall be provided by a school nurse or other qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414, and shall be based on the standards developed by the Superintendent of Public Instruction. Written materials covering the required topics for training shall be retained by the school for reference. (Education Code 49414)~~

~~A school nurse or other qualified supervisor of health, or a district administrator if the district does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto injectors for each school from an authorized physician or surgeon. Such prescription may be filled by local or mail order pharmacies or epinephrine auto injector manufacturers. Elementary schools shall, at a minimum, be provided one adult (regular) and one junior epinephrine auto injector. Secondary schools shall be provided at least one adult (regular) epinephrine auto injector, unless there are any students at the school who require a junior epinephrine auto injector. (Education Code 49414)~~

~~If an epinephrine auto injector is used, the school nurse or other qualified supervisor of health shall restock the epinephrine auto injector as soon as reasonably possible, but no later than two weeks after it is used. In addition, epinephrine auto injectors shall be restocked before their~~

~~expiration date. (Education Code 49414)~~

~~Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering epinephrine auto-injectors shall be provided to each volunteer and retained in his/her personnel file. (Education Code 49414)~~

~~(cf. 4112.6/4212.6/4312.6—Personnel Files)~~

~~A school may accept gifts, grants, and donations from any source for the support of the school in carrying of the requirements of Education Code 49414, including, but not limited to, the acceptance of epinephrine auto-injectors from a manufacturer or wholesaler. (Education Code 49414)~~

~~(cf. 3290—Gifts, Grants and Bequests)~~

~~The Superintendent or designee shall maintain records regarding the acquisition and disposition of epinephrine auto-injectors for a period of three years from the date the records were created. (Business and Professions Code 4119.2)~~

~~(cf. 3580—District Records)~~

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revised: October 1, 2015

AR 5148 Campbell Union ESD

Administrative Regulation

Child Care And Development

AR 5148

Students

Licensing

All district child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code 1596.792 or 22 CCR 101158.

The license shall be posted in a prominent, publicly accessible location in the facility. (Health and Safety Code 1596.8555)

Licensed child care centers shall be subject to the requirements of Health and Safety Code 1596.70-1597.21, 22 CCR 101151-101239.2, and, when applicable, 22 CCR 101451-101539.

Program Components

The district's child care and development program shall include the following components:

1. The use of a ~~A~~-developmental profile reflecting ~~recording~~ each child's physical, cognitive, social, and emotional development ~~which shall be used~~ to plan and conduct developmentally and age-appropriate activities. (Education Code 8203.5; 5 CCR 18272)

Program staff shall complete the "Desired Results Developmental Profile," available from the California Department of Education (CDE), for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages (Education Code 8203.5; 5 CCR 18270.5, 18272)

2. An educational program that ~~which~~ complies with 5 CCR 18273, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs.

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)
(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)

3. A staff development program which complies with 5 CCR 18274.

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

4. Parent/guardian involvement and education ~~that which~~ complies with 5 CCR 18275 and involves parents/guardians through an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress.

(cf. 6020 - Parent Involvement)

5. A health and social services component ~~that which~~ complies with 5 CCR 18276 and includes referrals to appropriate community agencies as needed.

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.23 - Asthma Management)
(cf. 5141.6 - School Health Services)

6. A community involvement component ~~that which~~ complies with 5 CCR 18277.

7. A nutrition component ~~that which~~ ensures ~~that~~ children in the program are provided nutritious meals, beverages, and snacks that meet state and federal standards and have access to drinking water throughout the day, including ~~at~~ meal times. (Health and Safety Code 1596.808; 5 CCR 18278; 42 USC 1766)

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

8. An annual plan for program evaluation which conforms with the state's "Desired Results for Children and Families" system and includes, but is not limited to a self-evaluation, parent

survey, and environment rating scale using forms provided by the CDE. (5 CCR 18270.5, 18279, 18280)

(cf. 0500 - Accountability)

9. Programs that promote age-appropriate structured and unstructured opportunities for physical activity and that limit the amount of time spent in sedentary activities to an appropriate level.

Staffing ~~Ratios~~

The district's child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in 5 CCR 18290-18292 based on the ages of the children served.

Any person employed at a district child care center and any volunteer who provides care and supervision to children at such a center shall be immunized against influenza, pertussis, and measles. If a person meets all other requirements for employment or volunteering, as applicable, but needs additional time to obtain and provide his/her immunization records, the person may be employed or volunteer conditionally for a maximum of 30 days upon signing and submitting a written statement attesting that he/she has been immunized as required. In addition, each employee and volunteer shall receive an influenza vaccination between August 1 and December 1 of each year. A person shall be exempt from these requirements only under any of the following circumstances: (Health and Safety Code 1596.7995)

1. The person submits a written statement from a licensed physician declaring either that immunization is not safe because of the person's physical condition or medical circumstances or that the person has evidence of current immunity to influenza, pertussis, and measles.
2. In the case of the influenza vaccine, the person submits a written declaration that he/she has declined the vaccination.
3. In the case of the influenza vaccine required during the first year of employment or volunteering, the vaccine is not timely because the person was hired after December 1 of the previous year and before August 1 of the current year.

(cf. 1240 - Volunteer Assistance)

(cf. 4112.4 - Health Examinations)

Documentation of the required immunizations or exemptions from immunization shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

(cf. 4112.6 - Personnel Files)

In addition to the above immunization requirements, teachers employed in a child care center shall present evidence of a current tuberculosis clearance and meet other requirements specified in Health and Safety Code 1597.055. (Health and Safety Code 1597.055)

Eligibility and Enrollment

The district's subsidized child care and development services are available to infants and 2 year old children through kindergarten and to individuals with disabilities in accordance with their individualized education program and Education Code 8208. (Education Code 8208, 8263.4; 5 CCR 18089, 18407, 18422)

Eligible families shall be those who document both an eligibility basis and a need for care, as follows: (Education Code 8263)

1. The family is eligible for subsidized services on the basis of being a current aid recipient, income eligible, or homeless and/or the family's children are recipients of protective services or have been identified as being, or at risk of being, abused, neglected, or exploited.
2. The family has a need for child care based on the unavailability of the parents/guardians to care for and supervise their children for some portion of the day because they are ~~either working, seeking employment,~~ participating in vocational ~~education and training programs leading directly to a recognized trade, paraprofession, or profession;~~ are employed or seeking employment; are, seeking permanent housing for family stability, or are temporarily or permanently incapacitated. ~~Alternatively, a family satisfies the need requirement if T~~ the child is identified by a legal, medical, social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of ~~child~~ protective services, ~~or as being, or at risk of being, neglected, abused, or exploited, or as being homeless.~~

The Superintendent or designee shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

First priority for enrollment shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8263)

Second priority for enrollment shall be given to families who are income eligible, as defined in Education Code 8263.1. Families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with disabilities shall be admitted first, or if there is no child with disabilities, the family that has been on the waiting list for the longest time shall be admitted first. (Education Code 8263, 8263.1)

After all children eligible for subsidized services have been enrolled, the district may enroll children in accordance with the priorities established by the Governing Board.

The district's decision to approve or deny services shall be communicated to the parent/guardian through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18118)

(cf. 5145.6 - Parental Notifications)

Subsequently, the Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. An indication by the parent/guardian that he/she no longer wants the service
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

The Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services containing the completed and signed application for services, documentation used to determine the child's eligibility and need, and copies of all Notices of Action. (5 CCR 18081, 18095)

Fees and Charges

Except when offering a program ~~that which~~ is prohibited by law from charging any fees, the Superintendent or designee may charge fees for services according to the fee schedule established by the Superintendent of Public Instruction, the actual cost of services, or the maximum daily/hourly rate specified in the contract, whichever is least. (Education Code 8250, 8263, 8273, 8273.1, 8273.2, 8447; 5 CCR 18078, 18108-18110)

However, no fee shall be charged to a family that is receiving CalWORKS cash aid, an income-eligible family whose child is enrolled in a part-day California State Preschool Program, or a family whose income level, in relation to family size, is less than the first entry in the fee schedule. (Education Code 8273.1; 5 CCR 18110)

In addition, any family receiving child care on the basis of having a child who is a recipient of child protective services, or having a certification by a county child welfare agency that child care services continue to be necessary, may be exempt from these fees for up to 12 months. Any family whose child is receiving child care on the basis of being at risk of abuse, neglect, or exploitation may be exempt from these fees for up to three months, unless the family becomes eligible based on receipt of child protective services or certification of need by a county child welfare agency. The cumulative period of exemption for these purposes shall not exceed 12 months. (Education Code 8273.1)

Fees shall be assessed at initial enrollment and reassessed when a family is recertified or experiences a change in status. Fees shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the district's regulations regarding fee collection at the time of initial enrollment into the program. (Education Code 8273; 5 CCR 18082, 18114, 18115)

The Superintendent or designee shall establish a process ~~that which~~ involves parents/guardians in determining whether to require parents/guardians to provide diapers. This process shall also be used to determine whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the

parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8273.3)

Disenrollment

When necessary due to a reduction in state reimbursements, families shall be disenrolled from subsidized child care and development services in the following order: (Education Code 8263.3)

1. Families with the highest income in relation to family size shall be disenrolled first.
2. If two or more families have the same income ranking, children without disabilities who have been enrolled in child care services the longest shall be disenrolled first. After all children without disabilities have been disenrolled, children with disabilities shall be disenrolled, with those who have been enrolled in child care services the longest being disenrolled first.
- 3 Families whose children are receiving child protective services or are at risk of neglect, abuse, or exploitation, regardless of family income, shall be disenrolled last.

~~Whenever the district issues a notice to the families who will be disenrolled due to funding reduction, a parent/guardian may appeal the decision only on the grounds that the factors used to determine the family's disenrollment are incorrect. He/she shall submit the appeal within 14 calendar days of receipt of the notice, or within 19 calendar days if the notice was mailed.~~

~~The Superintendent or designee shall review the appeal and notify the parent/guardian, in writing, of the district's final decision within 10 calendar days of receiving the appeal request. Services shall continue to be provided pending the appeal decision.~~

Health Examination

A physical examination and evaluation, including age-appropriate immunization, shall be required prior to or within 30 days ~~six weeks~~ of enrollment. (Education Code 8263), ~~unless~~

The requirement for a physical examination and evaluation may be waived if a parent/guardian submits a letter stating that such examination is contrary to his/her religious beliefs. (Education Code 8263)

A child may be exempted from the immunization requirements only if: (Education Code 8263; Health and Safety Code 120335)

1. A licensed physician indicates that immunization is not safe due to the physical condition or medical circumstances of the child.

2. The parent/guardian ~~submits~~ submitted a letter or affidavit prior to January 1, 2016 stating that such examination is contrary to his/her ~~religious~~ personal beliefs. An exemption from immunization granted for personal beliefs is effective only until the next grade span (i.e., birth through preschool, grades K-6, and grades 7-12).

(cf. 5141.22-Infectious Diseases)
(cf. 5141.3-Health Examinations)
(cf. 5141.31-Immunizations)

Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence and signature of parent/guardian or district representative. (5 CCR 18065, 18066)

Absences shall be excused for the following reasons:

1. Illness or quarantine of the child or of the parent/guardian. (Education Code 8208)
2. Family emergency. (Education Code 8208)

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident or is required to appear in court.

3. Time spent with a parent/guardian or other relative as required by a court of law. (Education Code 8208)
4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child. (Education Code 8208)

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of child protective services or are at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 18066)

Any absence due to a reason other than any of those stated above, or without the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the program coordinator or site supervisor shall notify the parents/guardians. Children who continue to have excessive unexcused absences may be removed from the program at the discretion of the program coordinator in order to accommodate other families on the waiting list for admission.

Parents/guardians shall be notified of the policies and procedures related to excused and unexcused absences for child care and development services. (5 CCR 18066)

Rights of Parents/Guardians

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of his/her rights as specified in 22 CCR 101218.1, including but not limited to, the right to enter and inspect the child care facility and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption. (Health and Safety Code 1596.857; 22 CCR 101218.1)

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to noncustodial parents/guardians when so requested by the responsible parent/guardian. (Health and Safety Code 1596.857)

In addition, if a parent/guardian disagrees with any district action to deny his/her child's eligibility for subsidized child care services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, he/she may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 18120)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 18120 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the

written decision, he/she may, within 14 calendar days, appeal the decision to the CDE. (5 CCR 18120-18122)

Records

The Superintendent or designee shall maintain records of enrollment, attendance, types of families served, income received from all families participating in the district's child care and development program, and any other records required by the CDE.

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

Regulation CAMPBELL UNION SCHOOL DISTRICT

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AR 5148.3 Campbell Union ESD

Administrative Regulation

Preschool/Early Childhood Education

AR 5148.3

Students

When approved by the California Department of Education (CDE) under the California State Preschool Program, the district may operate one or more part-day preschool programs in accordance with law and the terms of its contract with the CDE.

(cf. 5148 - Child Care and Development)

The district's preschool program shall include all required program components, as described in 5 CCR 18272-18281 and AR 5148 - Child Care and Development, for the educational program, the creation of a developmental profile for each child, staff development, parent involvement and education, community involvement, health and social services, nutrition, and program evaluation. (5 CCR 18271-28281)

Minimum Hours/Days of Operation

The district's part-day preschool program shall operate a minimum of three hours per day, excluding time for home-to-school transportation, and for a minimum of 175 days per year unless otherwise specified in the program's contract. (Education Code 8235; 5 CCR 18136)

Staffing ~~Ratios~~

The preschool program shall maintain an adult-child ratio of at least one adult for every eight children and a teacher-child ratio of at least one teacher for every 24 children. If the district cannot recruit a sufficient number of parents/guardians or volunteers to meet the required adult-child ratio, teacher aides shall be hired as necessary. (5 CCR 18135, 18290)

(cf. 1240 - Volunteer Assistance)

(cf. 6020 - Parent Involvement)

Any person employed at a district preschool and any volunteer who provides care and supervision to children at a preschool shall, unless exempted by law, be immunized against influenza, pertussis, and measles in accordance with Health and Safety Code 1596.7995 and AR

5148 - Child Care and Development. Documentation of required immunizations, or applicable exemptions, shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

(cf. 4112.4 - Health Examinations)

(cf. 4112.6 - Personnel Files)

In addition, preschool teachers shall present evidence of a current tuberculosis clearance and meet other requirements as specified in Health and Safety Code 1597.055.

Wraparound Child Care Services

In accordance with its contract with the CDE, the district may offer full-day services to meet the needs of eligible families through a combination of part-day preschool and wraparound child care services that are offered for the remaining portion of the day or year following completion of the preschool services. Child care and development services offered through this program shall meet the requirements of general child care and development programs pursuant to Education Code 8240-8244. (Education Code 8239)

Wraparound services shall operate a minimum of 246 days per year unless otherwise specified in the contract. ~~For~~ Within this period of time, ~~the~~ part-day preschool programs shall operate 175-180 days. After the completion of the preschool program, and a part-time general child care and development programs may operate a full day for the remainder of the year. ~~after the completion of the preschool program.~~ (Education Code 8239)

Family Literacy Services

When any district preschool program receives funding for family literacy services pursuant to Education Code 8238.4, the Superintendent or designee shall coordinate the provision of: (Education Code 8238)

1. Opportunities for parents/guardians to work with their children on interactive literacy activities, including activities in which parents/guardians actively participate in facilitating their children's acquisition of pre reading skills through guided activities such as shared reading, learning the alphabet, and basic vocabulary development
2. Parenting education for parents/guardians of participating children to support their child's ~~children's~~ development of literacy skills, including, but not limited to, parent education in:
 - a. Providing support for the educational growth and success of their children

- b. Improving parent-school communications and parental understanding of school structures and expectations
 - c. Becoming active partners with teachers in the education of their children
 - d. Improving parental knowledge of local resources for the identification of and services for developmental disabilities, including, but not limited to, contact information for the district special education referral
3. Referrals to providers of adult education and instruction in English as a second language as necessary to improve parents/guardians' academic skills

(cf. 6200 - Adult Education)

4. Staff development for teachers in participating classrooms that includes, but is not limited to:
- a. Development of a pedagogical knowledge, including, but not limited to, improved instructional strategies
 - b. Knowledge and application of developmentally appropriate assessments of the pre reading skills of children in participating classrooms
 - c. Information on working with families, including the use of on-site coaching, for guided practice in interactive literacy activities
 - d. Providing targeted interventions for all young children to improve kindergarten readiness upon program completion

(cf. 4131 - Staff Development)

Eligibility and Enrollment

Children eligible for the district's preschool program include those who will have their third or fourth birthday on or before September 1 of the fiscal year that they are being served.
(Education Code 8208, 8235, 8236)

When a child is eligible for both the preschool program and the district's transitional kindergarten program, the family may choose the most appropriate program for the child. In accordance with the enrollment priorities described below, the child may be enrolled in both

programs provided that the child is not enrolled in both programs for the same time period on the same day.

(cf. 5111 - Admission)

(cf. 6170.1 - Transitional Kindergarten)

Eligibility for subsidized preschool shall be as follows:

1. Children shall be eligible for subsidized preschool services if their family is a current aid recipient, income eligible, or homeless and/or the ~~family's~~ children are recipients of protective services or have been identified as being, or at risk of being, ~~abused~~, neglected, or exploited. (Education Code 8235, 8263, 8263.1; 5 CCR 18131, 18134)

2. Children shall be eligible for subsidized wraparound preschool and child care services if their family meets at least one of the criteria specified in item #1 above and ~~or~~ needs child care services due to either of the following circumstances: (Education Code 8239, 8263)

a. The child is identified by a legal, medical, or social services agency the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services ~~or~~ as being, or at risk of being, neglected, abused, or exploited or as being homeless.

(cf. 6173 - Education for Homeless Children)

b. The parents/guardians are engaged in vocational training leading directly to a recognized trade, paraprofession, or profession; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated.

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

First priority for enrollment in a preschool program shall be given to neglected or abused children ~~age~~ 3 or 4 years of age who are recipients of child protective services or who, based upon written referral from a legal, medical, or social service agency, are at risk of being neglected, abused, or exploited. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8236; 5 CCR 18131)

(cf. 1020 - Youth Services)

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

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

After all children with first priority are enrolled, the district shall give second priority to eligible children ~~age~~ 4 years of age who are not enrolled in a transitional kindergarten program prior to enrolling eligible children ~~age~~ 3 years of age. (Education Code 8236)

After enrolling all eligible children who meet the criteria for subsidized services, up to 10 percent of the program's enrollment, calculated throughout the entire contract, may be filled with children who exceed the age limitations and children whose family income is no more than 15 percent above the income eligibility threshold. (Education Code 8235; 5 CCR 18133)

The district may certify eligibility and enrollment up to 120 calendar days prior to the first day of the beginning of the preschool year. After establishing eligibility at the time of initial enrollment, a child shall remain eligible for the remainder of the program year. (Education Code 8237; 5 CCR 18082)

The district's decision to approve or deny a child's enrollment shall be communicated to the family through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18095, 18118)

(cf. 5145.6 - Parental Notifications)

Subsequently, the Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. An indication by the parent/guardian that he/she no longer wants the service
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

For each child enrolled in the district's preschool program, the Superintendent or designee shall maintain a family data file containing a completed and signed application for services, documentation of income eligibility, and a copy of all Notices of Action. For each child not receiving subsidized services, the family data file shall also include records of the specific reason(s) for enrolling each child, the child's family income, and evidence that the district has made a diligent search for children eligible for subsidized services. (5 CCR 18130, 18133, 18081, 18084)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

Fees and Charges

Fees for participation in the district's preschool program shall be assessed and collected in accordance with the fee schedule established by the Superintendent of Public Instruction. (Education Code 8273, 8273.2; 5 CCR 18078)

(cf. 3260 - Fees and Charges)

However, no fee shall be charged to an income-eligible family whose child is enrolled in a part-day preschool program, a family that is receiving CalWORKs cash aid, or a family that is otherwise exempted pursuant to Education Code 8273.1. (Education Code 8273.1; 5 CCR 18110)

In addition, any family qualifying for subsidized preschool on the basis of having a child who is a recipient of child protective services, or having a certification by a county child welfare agency that services continue to be necessary, may be exempt from these fees for up to 12 months. Any family whose child is receiving subsidized preschool on the basis of being at risk of abuse, neglect, or exploitation may be exempt from these fees for up to three months, unless the family becomes eligible based on receipt of child protective services or certification of need by a county child welfare agency. The cumulative period of exemption for these purposes shall not exceed 12 months. (Education Code 8273.1)

The Superintendent or designee shall establish a process ~~that which~~ involves parents/guardians in determining whether to require parents/guardians to provide diapers. This process shall also be used to determine whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8273.3)

Disenrollment

When necessary due to a reduction in state reimbursements, families shall be disenrolled in the following order: (Education Code 8236, 8263.3)

1. Children ~~age~~-3 years of age whose families have the highest income in relation to family size shall be disenrolled first, followed by children ~~age~~-4 years of age whose families have the highest income in relation to family size.

At each age level, if two or more families have the same income ranking, the child with disabilities shall be disenrolled last. If there are no families that have a child with disabilities, the child who has received services the longest shall be disenrolled first.

2. Families of children ~~age~~-3 or 4 years of age who are receiving child protective services or who have been documented to be at risk of being neglected, abused, or exploited, regardless of income, shall be disenrolled last.

Parent Hearing

If a parent/guardian disagrees with any district action to deny his/her child's eligibility for subsidized preschool services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, he/she may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 18120)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 18120 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, he/she may, within 14 calendar days, appeal the decision to the CDE. (5 CCR 18120-18122)

Regulation CAMPBELL UNION SCHOOL DISTRICT

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BP 6142.4 CSBA Sample

(CUSD does not currently have this policy)

Board Policy

Instruction BP 6142.4(a)

SERVICE LEARNING/COMMUNITY SERVICE CLASSES

The Governing Board recognizes that ~~service learning can~~ student involvement in community service enhances academic outcomes, helps students develop the skills and knowledge necessary to become informed and responsible citizens, and aids in individual career development. Service learning experiences may also motivate students by providing them the opportunity to apply their studies to school and community needs and showing them that they can make a contribution to their community through involved citizenship. The district shall offer separate community service classes and/or service learning opportunities that are integrated into other courses. Such classes and activities shall be designed to link academic content, practical skills, and meaningful service contributions to the community.

(cf. 1020 - Youth Services)

(cf. 6000 - Concepts and Roles)

(cf. 6011 - Academic Standards)

(cf. 6142.3 - Civic Education)

(cf. 6142.94 - History-Social Science Instruction)

(cf. 6178.1 - Work-Based Learning)

Service Learning

The Superintendent or designee shall integrate service learning opportunities into one or more courses at appropriate grade levels.

(cf. 6143 - Courses of Study)

~~The Board supports service learning instructional strategies as integral components of the district's curriculum. The Board encourages staff to~~ The Superintendent or designee shall involves administrators, students, teachers, parents/guardians, and community members in the development, implementation, and evaluation of the district's ~~plan~~ service learning program, including a determination as to how projects will be evaluated as well as how supervision and

transportation issues will be addressed. He/she shall also collaborate with local public agencies and nonprofit agencies organizations in order to identify and develop service learning activities opportunities that meet educational and civic learning objectives, align with state and local academic standards, and address current community the needs of the community.

(cf. 1600 - Relations Between Other Governmental Agencies and the Schools)

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

When service learning activities planned by school or district personnel occur off campus, the Superintendent or designee shall arrange for transportation when necessary and shall ensure that students receive appropriate guidance and supervision. ~~(I would suggest this state for events planned by school personnel -SV)~~

(cf. 3540 - Transportation)

The Superintendent or designee shall develop a service learning plan which:

1. ~~Integrates service learning into one or more of the core academic areas of science, English, social science, or mathematics at each grade span (K-5, 6-8, and 9-12) and includes instructional formats planned by teachers and students~~
2. ~~Ensures that the service learning opportunities offered by the district help meet identified community needs and include a balance of on campus and off campus activities~~
3. ~~Involves administrators, students, teachers, parents/guardians, and community members in the development, implementation, and evaluation of the district's plan, including how projects will be evaluated as well as how supervision and transportation issues will be addressed~~

The Superintendent or designee shall provide the Board with regular reports on the implementation of the plan and its effectiveness district's progress in meeting the district's its goals for service learning.

(cf. 6190 - Evaluation of the Instructional Program)

(cf. 9000 - Role of the Board)

Community Service Classes

The district ~~shall~~ may offer community service classes ~~in any of grades 7 or 8-12 and/or through the district's adult education program, which.~~ Such classes shall be designed to:

1. Acquaint students with the ~~historical~~ basis for volunteer service, its importance and relevance, and its connection to ~~with~~ a wide range of identified school and community needs.
2. ~~Students shall be offered volunteer opportunities which~~ Include volunteer opportunities that ~~Ssupport~~ and strengthen ~~their~~ students' understanding of the academic instruction and ~~help them recognize the relevance of what they are learning in school and how it relates to their community~~
3. Contribute to the physical, mental, moral, economic, and/or civic development of students
4. Provide students with an awareness of potential careers

(cf. 6200 - Adult Education)

If off-campus activities are included, the Superintendent or designee shall determine how students will be transported to the off-campus location and shall ensure adequate supervision of students during the activity.

~~The district's community service course shall be required for high school graduation. On a case-by-case basis, the Superintendent or designee may allow students to fulfill the community service graduation requirement by performing alternative academic tasks.~~

(cf. 6146.1 - High School Graduation Requirements)

The Superintendent or designee shall determine ~~how~~ criteria and methods of assessing students and awarding credits for the class. ~~shall be awarded and how students will be evaluated, supervised, and, if off-campus activities are included, transported to the off-campus location.~~

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

Notifications

Parents/guardians shall receive information about the service learning ~~or~~ and any community service opportunities offered by the district and ~~their-the~~ benefits ~~for both~~ of such activities to the community and ~~their~~ student. The district shall ask parents/guardians to acknowledge this

information and provide consent before their child participates in any off-campus service activities.

(cf. 3530 - Risk Management/Insurance)

(cf. 5143 - Insurance)

Legal Reference:

EDUCATION CODE

233.5 Teaching of principles

35160 Authority of governing boards

35160.1 Broad authority of school districts

37220.6 Cesar Chavez Day of Service and Learning

51210 Areas of study, grades 1-6

51220 Areas of study, grades 7-12

51745 Independent study

51810-51815 Community service classes

UNITED STATES CODE, TITLE 42

12501-12682 National and Community Service Trust Act of 1993

COURT DECISIONS

Steirer et al v. Bethlehem School District, (1993) 987 F.2d 989

Management Resources:

WEB SITES

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

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

Corporation for National and Community Service: <http://www.nationalservice.gov>

Learn and Serve America: <http://www.learnandserve.org>

National Service Learning Clearinghouse: <http://www.servicelearning.org>

Youth Service California: <http://www.yscal.org>

BP 6142.94 Campbell Union ESD

Board Policy

History-Social Science Instruction

BP 6142.94

Instruction

The Governing Board believes that the study of history and other social sciences is essential to prepare students to engage in responsible citizenship, comprehend complex global interrelationships, and understand the vital connections among the past, present, and future. The district's history-social science education program ~~shall be designed to develop students' knowledge of historical events within a chronological and geographic context and~~ shall include, at appropriate grade levels, instruction in American and world history, geography, economics, political science, anthropology, psychology, and sociology.

(cf. 6143 - Courses of Study)

The Board shall adopt academic standards for history-social science which meet or exceed state content standards and describe the knowledge and skills ~~that~~ students are ~~shall be~~ expected to possess ~~achieve~~ at each grade level.

(cf. 6011 - Academic Standards)

The Superintendent or designee shall develop and submit to the Board for approval a comprehensive, sequential curriculum aligned with the district standards and consistent with the state's curriculum framework for history-social science. The curriculum shall be designed to develop students' core knowledge in history and social science and their skills in chronological and spatial thinking, research, and historical interpretation. History-social science instruction shall also include an explicit focus on developing students' literacy in reading, writing, speaking, listening, and other language skills.

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 9000 - Role of the Board)

~~The Superintendent or designee shall develop a comprehensive, sequential curriculum that is aligned with the district standards and is consistent with the state's curriculum framework. At~~

~~each grade level, the curriculum shall integrate age appropriate instruction designed to develop student achievement in the following areas:~~

- ~~1. Knowledge and cultural understanding, including historical, ethical, cultural, geographic, economic, and sociopolitical literacy~~
- ~~2. Democratic understanding and civic values, including an understanding of national identity; constitutional heritage; and an individual's civic values, rights, and responsibilities~~
- ~~3. Skills attainment and social participation, including basic study skills, critical thinking skills, and participation skills that are essential for effective citizenship~~

~~(cf. 6141—Curriculum Development and Evaluation)~~

~~(cf. 6142.3—Civic Education)~~

~~(cf. 6142.4—Service Learning/Community Service Classes)~~

~~The district's history-social science curriculum shall include a multicultural education component which is designed to teach students to respect and appreciate cultural diversity and different points of view while also developing their understanding of commonalities and collective experiences. The curriculum shall reflect the experiences of men and women and of various cultural, ethnic, racial, religious, and social groups and their contributions to the history, life, and culture of the local community, California, the United States, and other nations.~~

~~(cf. 6115—Ceremonies and Observances)~~

~~(cf. 6141.2—Recognition of Religious Beliefs and Customs)~~

The Board shall adopt standards-aligned instructional materials for history-social science in accordance with applicable law, Board policy, and administrative regulation. In addition, teachers are encouraged to supplement the curriculum ~~through the use of~~ by using biographies, original documents, diaries, letters, legends, speeches, other narrative artifacts, and literature from and about the period being studied.

(cf. 0400 - District Technology Plan)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

~~(cf. 6161—Equipment, Books and Materials)~~

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

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6162.6 - Use of Copyrighted Materials)

(cf. 6163.1 - Library Media Centers)

The Superintendent or designee shall provide a standards-based professional development program designed to increase teachers' knowledge of adopted instructional materials and instructional strategies for teaching history-social science.

(cf. 4131 - Staff Development)

Legal Reference:

EDUCATION CODE

33540 History-social science curriculum framework

[51008-51009 Instruction on farm labor movement](#)

51204 Course of study designed for student's needs

51204.5 History of California; contributions of men, women, and ethnic groups

51210 Course of study, grades 1-6

51220 Course of study, grades 7-12

51220.2 Instruction in legal system; teen or peer court programs

51221 Social science course of study, inclusion of instruction in use of natural resources

51221.3-51221.4 Instruction on World War II and Vietnam War; use of oral histories

51225.3 High school graduation requirements

[51226.3 Instruction on civil rights, genocide, slavery, Holocaust, and deportation to Mexico](#)

[51226.7 Ethnic studies](#)

60040-60051 Criteria for instructional materials

60119 Public hearing on the sufficiency of instructional materials

60200-60206 Instructional materials, grades K-8

60400-60411 Instructional materials, grades 9-12

~~60420-60424 Instructional Materials Funding Realignment Program~~

~~60640-60649 Standardized Testing and Reporting Program~~

[60640-60649 California Assessment of Student Performance and Progress](#)

99200-99206 Subject matter projects

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

History-Social Science Framework for California Public Schools, Kindergarten Through Grade Twelve, rev. ~~2016~~2005

[Common Core State Standards for English Language Arts and Literacy in History-Social Studies, Science, and Technical Subjects, 2013](#)

[California English Language Development Standards, 2012](#)

Model Curriculum for Human Rights and Genocide, 2000
History-Social Science Content Standards for California Public Schools, Kindergarten Through Grade Twelve, October 1998

NATIONAL COUNCIL FOR THE SOCIAL STUDIES PUBLICATIONS

College, Career, and Civic Life (C3) Framework for Social Studies State Standards: Guidance for Enhancing the Rigor of K-12 Civics, Economics, Geography, and History, 2013

WEB SITES

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

California Council for History Education: <http://www.csus.edu/al/cche>

California ~~Council for the~~ Humanities: <http://www.calhum.org>

California Council for the Social Studies: <http://www.ccss.org>

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

California History-Social Science Course Models: <http://www.history.ctaponline.org>

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

National Association for Multicultural Education: <http://www.nameorg.org>

National Council for History Education: <http://www.nche.net>

National Council for the Social Studies: <http://www.socialstudies.org>

Policy CAMPBELL UNION SCHOOL DISTRICT
adopted: December 10, 2009 Campbell, California

AR 6143 Campbell Union ESD

Administrative Regulation

Courses Of Study

AR 6143

Instruction

Grades ~~K~~ 1-6

Courses of study for grades 1 through 6 shall include the following:

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

1. English: ~~speaking, reading, listening, spelling, handwriting, composition;~~ knowledge and appreciation of language and literature and the skills of speaking, reading, listening, spelling, handwriting, and composition (Education Code 51210)

(cf. 6142.91 - Reading/Language Arts Instruction)

2. Mathematics: concepts, operational skills, problem solving (Education Code 51210)

(cf. 6142.92 - Mathematics Instruction)

3. Social sciences: age-appropriate materials drawn upon the disciplines of ~~from~~ anthropology, economics, geography, history, political science, psychology and sociology, with instruction in: (Education Code 51210)

a. The history, resources, development and government of California and the United States, ~~including:~~

~~(1) — Early California history~~

~~(2) — The role and contributions of both men and women, black Americans, American Indians, Hispanics, Asians, Pacific Island people and other ethnic groups to the economic, political and social development of California groups in contemporary society (Education Code 51204.5)~~

Instruction shall include the early history of California and a study of the role and contributions of both men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans,

lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups to the economic, political, and social development of California and the United States, with particular emphasis on portraying the role of these groups in contemporary society. (Education Code 51204.5, 60040)

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

(cf. 6142.3 - Civic Education)

(cf. 6141.6 - Multicultural Education)

b. The development of the American economic system, including the role of the entrepreneur and labor

c. The ~~individual's~~ relations of persons to their ~~to~~ human and natural environments

d. Eastern and western cultures and civilizations

e. Contemporary issues

f. The wise use of natural resources ~~The protection, conservation and wise use of natural resources, including the necessity for protecting the environment~~

(cf. 6142.5 - Environmental Education)

~~Grades K-6~~

4. Science: ~~including~~ biological and physical aspects ~~sciences~~, with emphasis on experimental inquiry and ~~humanity's place~~ the place of humans in ecological systems (Education Code 51210)

(cf. 6142.93 - Science Instruction)

5. Visual and performing arts, including dance, music, theatre, and visual arts ~~and music, with emphasis on creative expression and the~~ aimed at developing ~~ment of~~ aesthetic appreciation and creative expression (Education Code 51210)

(cf. 6142.6 - Visual and Performing Arts Education)

6. Health: principles and practices of individual, family and community health ~~principles and practices,~~ including instruction at the appropriate grade levels and subject areas in: (Education Code 51202, 51210)

a. ~~Personal and public safety and accident prevention~~ Personal and public safety and accident prevention, including instruction in emergency first aid, hemorrhage control, treatment for poisoning, resuscitation techniques, and cardiopulmonary resuscitation when appropriate equipment is available

(cf. 6142.8 - Comprehensive Health Education)

b. Fire prevention ~~(Education Code 51202)~~

~~(cf. 6142.1 - Family Life/Sex Education)~~

~~(cf. 6142.2 - AIDS Prevention Instruction)~~

c. The protection and conservation of resources, including the necessity for the protection of the environment

d. Venereal disease

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

e. The effects of alcohol, narcotics, drugs, and tobacco upon the human body

(cf. 5131.6 - Alcohol and Other Drugs)

f. Violence as a public health issue

7. Physical education, with emphasis on activities conducive to health and vigor of body and mind (Education Code 51210)

(cf. 6142.7 - Physical Education)

8. Violence awareness and prevention

~~8.9~~ Career awareness exploration

Grades 7-8

Courses of study for grades 7 and 8 shall include the following:

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

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

~~(cf. 6162.52—High School Exit Examination)~~

1. English: knowledge and appreciation of literature, language and composition, and the skills of reading, listening and speaking (Education Code 51220)

(cf. 6142.91 - Reading/Language Arts Instruction)

2. Social sciences: age-appropriate instruction drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology and sociology, with instruction in: (Education Code 51220)

a. The history, resources, development and government of California and the United States, including instruction in:

(1) ~~Early California history, and the role and contributions of both men and women, black Americans, American Indians, Mexicans, Asians, Pacific Island people and other ethnic groups to the economic, political and social development of California and the nation, with particular emphasis on the role of these groups in contemporary society~~ The early history of California and a study of the role and contributions of both men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups to the economic, political, and social development of California and the United States, with particular emphasis on portraying the role of these groups in contemporary society

(Education Code 51204.5)

(2) World War II ~~including and~~ the Americans and Filipino Americans who served the United States Army during that time ~~role in that war~~ (Education Code 51221.3)

(3) The Vietnam War, including the “Secret War” in Laos and role of Southeast Asians in that war

(4) The Bracero program, under which temporary contract laborers were imported pursuant to a 1942 agreement between the United States and Mexico

b. The American legal system, the operation of the juvenile and adult criminal justice systems, and the rights and duties of citizens under the criminal and civil law and the state and federal constitutions

This course may include participation in a teen court or peer court program. (Education Code 51220.2)

(cf. 5138 - Conflict Resolution/Peer Mediation)

c. The development of the American economic system, including the role of the entrepreneur and labor

d. The relations of persons to their human and natural environments, including the wise use of natural resources (Education Code 51221)

(cf. 6142.5 - Environmental Education)

e. Eastern and western cultures and civilizations

f. Human rights issues, with particular attention to the study of the inhumanity of genocide (which may include, but is not limited to, the Armenian, Cambodian, Darfur, and Rwandan genocides), slavery and the Holocaust

g. Contemporary issues

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

(cf. 6142.3 - Civic Education)

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

(cf. 6142.94 - History-Social Science Instruction)

3. Foreign language(s): understanding, speaking, reading and writing, beginning not later than grade 7 (Education Code 51220)

(cf. 6142.2 - World/Foreign Language Instruction)

4. Physical education: with emphasis on physical activities conducive to health and vigor of body and mind, as required by Education Code 51222 (Education Code 51220)

(cf. 6142.7 - Physical Education)

5. Science: physical and biological aspects; emphasis on basic concepts, theories, and processes of scientific investigation and on the place of humans in ecological systems; appropriate applications of the interrelation and interdependence of the sciences (Education Code 51220)

(cf. 6142.93 - Science Instruction)

6. Mathematics: mathematical understandings, operational skills and problem-solving procedures; algebra (Education Code 51220, 51224.5)

(cf. 6142.92 - Mathematics Instruction)

7. Visual and performing arts: dance, music, theatre and visual arts, with emphasis upon development of aesthetic appreciation and creative expression (Education Code 51220)

(cf. 6142.6 - Visual and Performing Arts Education)

8. Applied arts: consumer and homemaking education, industrial arts, general business education or general agriculture (Education Code 51220)

9. Career technical/vocational-technical education: in the occupations and in the numbers appropriate to the personnel needs of the state and community served and relevant to the career desires and needs of students (Education Code 51220)

~~(cf. 6030—Integrated Academic and Vocational Instruction)~~

~~(cf. 6178—Vocational Education)~~

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

10. Comprehensive sexual health and HIV AIDS prevention (Education Code 51225.36, 51934 51201.5)

~~(cf. 6142.2—AIDS Prevention Instruction)~~

~~(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)~~

11. Personal and public safety, accident prevention and health, including instruction in:
(Education Code 51202, 51203)

a. emergency first aid_; hemorrhage control_; treatment for poisoning_; resuscitation techniques_; and cardiopulmonary resuscitation (CPR) when appropriate equipment is available
(Education Code 51202, 51203)

b.a. Fire prevention

c.b. The protection and conservation of resources, including the necessity for the protection of our environment

d.e. Venereal disease

~~(cf. 6142.1—Family Life/Sex Education)~~

e.d. The effects of alcohol, narcotics, drugs and tobacco upon the human body and upon prenatal development

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 6142.8 - Comprehensive Health Education)

f. Prenatal care

g. Violence as a public health issue^[2]

12. Violence awareness and prevention

13. Ethnic studies

In addition, the course of study for grade 7 and/or 8 may include parenting skills and education, that address at least all of the following including, but not limited to, child growth and development, parental responsibilities, household budgeting, child abuse and neglect issues, personal hygiene, maintenance of healthy relationships, teen parenting issues, and self-esteem.∴ (Education Code 51220.5)^[3]

(cf. 5146 - Married/Pregnant/Parenting Students)

Regulation	CAMPBELL UNION SCHOOL DISTRICT
approved:	April 1, 1999 Campbell, California
revised:	June 7, 2001
revised:	May 22, 2003

Campbell Union ESD

BP 6154

Board Policy

Homework/Makeup Work

BP 6154

Instruction

The Governing Board recognizes that meaningful homework assignments can be a valuable extension of student learning time and assist students in developing good study habits. Homework shall be assigned to support classroom lessons, enable students to complete unfinished assignments, or review and apply academic content for better understanding.

Homework assignments shall be reasonable in length and appropriate to the grade level and course. The Board expects that the number, frequency, and degree of difficulty of homework assignments will increase with the grade level and the maturity of students. Teachers shall assign homework as necessary to fulfill academic goals and reinforce current instruction.

(cf.6011-Academic Standards)

~~The Governing Board believes that appropriate homework provides benefits in many ways:~~

* Homework can provide a daily or frequent check-in to measure a student's grasp of concepts taught in class. Homework assignments are designed to extend and practice what has been learned in the classroom., ~~and students should be able to complete the homework assignments independently. Parents or persons assisting with the homework may notify their children's teachers if the children struggle with completing the homework assignments independently, as this may highlight for the classroom teacher areas needing additional focus.~~

* Homework can be used to direct creative efforts and research projects that extend beyond the practical boundaries of the day-to-day classroom.

* Regular homework assignments encourage students to develop self-discipline, self-reliance and prioritization skills. In certain cases, homework provides parents with a useful way to monitor the academic progress and capabilities of their children.

~~* Homework is most valuable where it leads to timely feedback and targeted instruction by classroom teachers to students.~~

The Board believes homework should be purposeful, and also values learning opportunities that result from extra-curricular activities and time spent with families and friends.

Homework assignments will reflect the capabilities of the majority of students, and differentiation must be made wherever practical, i.e. for higher performers, Special Education students and EL learners.

Age-appropriate instruction may be given to help students allocate their time wisely, meet their deadlines, and develop good personal study habits.

At the beginning of the school year, teachers shall communicate homework expectations to students and their parents/guardians. Homework guidelines also shall be included in student and/or parent handbooks. These communications shall include the manner in which homework relates to achievement of academic standards and course content, the impact of homework assignments on students' grades, any school resources and programs that are available to provide homework support, and ways in which parents/guardians may appropriately assist their children.

(cf. 6011—Academic Standards)

The Superintendent or designee shall collaborate with ~~ensure that~~ administrators and teachers to develop regularly review guidelines for the assignment of homework and the related responsibilities of students, staff and parents/guardians. and implement an effective homework plan at each school site. As needed, teachers may receive training in designing relevant, ~~challenging and meaningful~~ homework assignments that reinforce classroom learning objectives. ~~Teacher expectations related to homework may be addressed in their evaluations.~~

(cf. 4115—Evaluation/Supervision)

(cf. 4131 - Staff Development)

Although it is the student's responsibility to ~~do most homework~~ undertake assignments independently parents/guardians may serve as a resource and are encouraged to ensure that their child's homework assignments are completed.; the Board wants parents to set the expectation that their children will complete the homework and work with the teacher to find ways to support their children (e.g., after school tutoring) if they are having difficulty with homework. When a ~~students~~ repeatedly fails to do ~~their~~ his/her homework, the teacher shall notify the students' parents/guardians as soon as possible so that corrective action can be taken prior to the release of any final grades or report cards. ~~shall be notified and asked to contact the teacher.~~

(cf. 5020-Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

To further support students' homework efforts, the Superintendent or designee may provide access to school library media centers and/or provide after school programs where students can receive homework assistance from staff or volunteers. The board encourages the Superintendent or designee to design transportation schedules that will enable students to participate in the after school program

(cf. 1240 - Volunteer Assistance)

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

(cf. 3541 - Transportation Routes and Services)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6112 - School Day)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6163.1 - Library Media Centers)

Teachers shall review all completed homework to assess the student's understanding of academic content and shall provide timely feedback to the student.

Makeup Work

~~Students shall be given the opportunity to make up school work missed because of an excused absence and shall receive full credit for work that is turned in according to a reasonable make-up schedule. (Education Code 48205)~~

~~(cf. 5113—Absences and Excuses)~~

~~Students who miss schoolwork because of unexcused absences may~~ shall be given the opportunity to complete all assignments and tests that can be reasonably provided. As determined by the teachers, the assignments and tests shall be reasonably equivalent to, but not necessarily identical to, the assignments and tests missed during the absence. Students shall receive full credit for work satisfactorily completed within a reasonable period of time, make up missed work. Teachers shall assign such makeup work as necessary to ensure academic progress, not as a punitive measure. (Education Code 48913)
(cf. 5113-Absences and Excuses)

The Superintendent or designee shall notify parents/guardians that no student may have his/her grade reduced or lose academic credit for any excused absence when missed assignments and tests are satisfactorily completed within a reasonable period of time. Such notification shall include the full text of Education Code 48205. (Education Code 48980)

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5145.6 - Parental Notifications)

~~(cf. 6182—Opportunity School/Class/Program)~~

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the suspension. (Education Code 48913)

~~The Board encourages teachers to give suspended students full credit for work that is turned in according to a reasonable make-up schedule.~~

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

Legal Reference:

EDUCATION CODE

8420-8428 21st Century High School After School Safety and Enrichment for Teens
8482-8484.65 After School Education and Safety Program
8484.7-8484.9 21st Century Community Learning Centers

48205 Absences for personal reasons

48913 Completion of work missed by suspended student

48980 Parental notifications

~~58700-58702 Tutoring and homework assistance program; summer school apportionment credit~~

UNITED STATES CODE, TITLE 20

7171-7176 21st Century Community Learning Centers

Management Resources:

SBE POLICIES

~~Parent Involvement in the Education of Their Children, 1994~~

~~Policy Statement on Homework, 1995~~

CSBA PUBLICATIONS

Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, Governance Brief, July 2016

WEB SITES

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

California State PTA: <http://www.capta.org>

Policy CAMPBELL UNION SCHOOL DISTRICT

approved: April 1, 1999 Campbell, California

revised: September 12, 2002

revised: May 26, 2011

revised: December 19, 2013

~~AR 6154 Campbell Union ESD~~

~~Administrative Regulation~~

~~Homework/Makeup Work~~

~~AR 6154~~

~~Instruction~~

~~The principal and staff at each school shall develop and regularly review a School Site Homework Plan which includes brief guidelines for the assignment of homework and describes the responsibilities of students, staff and parents or guardians. Parents will have the opportunity to give input on the plan.~~

~~The plan shall reflect consistency between teachers and grade levels. Expected time for homework should be as follows:~~

~~TK: 10 minutes nightly reading~~

~~K—2: 10—20 minutes (plus nightly reading)~~

~~3—6: 30—60 minutes (including nightly reading)~~

~~7—8: 60—120 minutes (including nightly reading)~~

~~Occasionally a major project may require more time. Teachers should try to avoid assigning major projects to be done primarily during vacation periods.~~

~~The plan shall identify all of the following:~~

- ~~1. — For each grade level, the amount of time that students shall be expected to spend on homework on a daily basis, excluding weekends.~~
- ~~2. — The means by which parents/guardians shall be informed about:~~
 - ~~a. — Homework expectations~~
 - ~~b. — How homework relates to the student's grades, including the effect of late assignments~~
 - ~~c. — How best to help their children with homework.~~
- ~~3. — Techniques that will be taught to help students allocate their time wisely, meet their deadlines and develop good personal study habits~~
- ~~4. — The means by which teachers shall coordinate assignments so that students do not receive an overload of homework one day and very little the next day.~~

5. ~~Adjustment of daily homework assignments to meet the requirements of long-term projects~~

6. ~~For each grade level, the extent to which homework assignments shall emphasize independent research, reports, special reading and problem-solving activities and how classroom work will support successful completion at home~~

7. ~~How the homework will be differentiated to meet the needs of students.~~

~~Regulation—CAMPBELL UNION SCHOOL DISTRICT~~

~~approved: April 1, 1999—Campbell, California~~

~~revised: June 19, 2002~~

~~revised: December 11, 2003~~

~~revised: May 26, 2011~~

~~revised: December 19, 2013~~

Campbell Union ESD

BP 6164.6 Board Policy

Identification And Education Under Section 504

BP 6164.6

Instruction

The Governing Board recognizes the need to identify and evaluate children with disabilities in order to provide them with the services required by law. The district shall provide a free, appropriate public education (FAPE) to students who reside within the district and who are classified as ~~disabled~~ students with a qualifying disability under Section 504 of the federal Rehabilitation Act of 1973. Eligible students must receive a free appropriate education, regular or special education and related aids and services, designed to meet their ~~student's~~ individual educational needs as adequately as the needs of ~~nondisabled~~ students without qualifying disabilities are met.

The Superintendent or designee shall establish screening and evaluation procedures to be used whenever there is reason to believe that a student has a disability that limits his/her ability to attend or function at school.

To evaluate the student's eligibility under Section 504, the Superintendent or designee shall convene a school site student success team (SST) meeting consisting ~~committee~~ of no fewer than three professionals knowledgeable about the student's individual needs and school history, the meaning of evaluation data, and accommodation options. The student's parent/guardian shall be invited ands encouraged to participate ~~in on~~ this meeting~~committee~~.

If the student is found to have a qualifying disability that requires services under Section 504, the school site student success team (SST)~~committee~~ shall develop a written accommodation plan for the student. Upon reviewing the nature of the disability and how it affects the student's education, the committee shall determine what modifications and/or special services and aids are needed. The student shall be educated with nondisabled students to the maximum extent appropriate to the student's individual needs.

In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the district's basic education program, including, but not limited to, extracurricular athletics, interscholastic sports, and/or other nonacademic activities. (34 CFR 104.37)

The school site committee shall provide the parent/guardian with a written copy of the accommodation plan and notice of procedural safeguards guaranteed by law. Any dispute as to the identification, evaluation, or placement of any student with a disability shall be resolved in accordance with the processes specified in the "Procedural Safeguards" section of the accompanying administrative regulation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0430 - Comprehensive Local Plan for Special Education)
(cf. 5141.21 – Administering Medication and Monitoring Health Conditions)
(cf. 5141.22 – Infectious Diseases)
(cf. 5141.23 – Asthma Management)
(cf. 5141.24 – Specialized Health Care Services)
(cf. 5141.27 – Food Allergies/Special Dietary Needs)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)
(cf. 6164.4 – Identification and Evaluation of Individuals for Special Education)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6145.5 - Student Organizations and Equal Access)
~~(cf. 6164.4 – Identification and Evaluation of Individuals for Special Education)~~

In providing services to students with disabilities under Section 504, the Superintendent or designee shall ensure district compliance with law, including providing the students and their parents/guardians with applicable procedural safeguards and required notifications. Any dispute as to the identification, evaluation, or placement of any student with a disability shall be resolved in accordance with the processes specified in the “Procedural Safeguards” section of the accompanying administrative regulation.

The Superintendent or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with the district in any capacity other than that of hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

Legal Reference:

EDUCATION CODE

49423.5 Specialized physical health care services

52052 Numerically significant student subgroups

52060-52077 Local control and accountability plan

56043 Special education, timelines

56321 Assessment; development of IEP; parental notifications, consent

CODE OF REGULATIONS, TITLE 5

3051.12 Health and Nursing Services

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

705 Definitions; Vocational Rehabilitation Act

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF REGULATIONS, TITLE 28

35.101-35.190 Nondiscrimination on the basis of disability in state and local government services

CODE OF FEDERAL REGULATIONS, TITLE 34

104.1-104.61 Nondiscrimination on the basis of handicap, especially:

104.1 Purpose to effectuate Section 504 of the Rehabilitation Act of 1973

104.3 Definitions

104.32 Location and notification

104.33 Free appropriate public education

104.34 Educational setting

104.35 Evaluation and placement

104.36 Procedural safeguards

104.37 Nonacademic services

104.7 Responsible employee; grievance procedures

COURT DECISIONS

Christopher S. v. Stanislaus County Office of Education, (2004) 384 F.3d 1205

Management Resources:

CSBA PUBLICATIONS

Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, ~~November~~
~~December~~ 2007

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

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

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

Dear Colleague Letter and Resource Guide on Students with ADHD, July 2016

Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, October 2015

Dear Colleague Letter; January 2013

Dear Colleague Letter and Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools; January 2012

Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973, September 2007

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://www2.ed.gov/about/offices/list/ocr>

Policy CAMPBELL UNION SCHOOL DISTRICT

adopted: April 1, 1999 Campbell, California

revised: May 8, 2008

revised: October 24, 2013

Campbell Union ESD

AR 6164.6 Administrative Regulation

Identification And Education Under Section 504

AR 6164.6 Instruction

Definitions

For the purpose of implementing Section 504 ~~of the Rehabilitation Act of 1973~~, the following terms and phrases shall have only the meanings specified below:

Free appropriate public education (FAPE) means the provision of regular or special education and related aids and services designed to meet the individual educational needs of a student with disabilities as adequately as the needs of ~~nondisabled~~ students without qualifying disabilities are met, ~~without at no~~ cost to the student or his/her parent/guardian, except when a fee ~~is imposed on nondisabled students~~ is specifically authorized by law for all students. (34 CFR 104.33)

(cf. 3260 –Fees and charges)

Student with a disability means a student who has a physical or mental impairment which substantially limits one or more major life activities. (~~34 CFR 104.328~~ CFR 35.108)

Eligibility

A student eligible for services under Section 504 is one who (a) has a physical or mental impairment that substantially limits one or more major life activities, including learning, (b) has a record of such an impairment, or (c) is regarded as having such an impairment because he/she:

1. Has a physical or mental impairment that does not substantially limit a major life activity but is treated by the district as having such a limitation (~~e.g. a student who has scarring, a student who walks with a limp~~)
2. Has a physical or mental impairment which substantially limits one or more major life activities (34 CFR 104.33)
3. Has no physical or mental impairment but is treated by the district as having such an impairment (~~e.g. a student who tests positive with the HIV virus but has no physical effects from it~~) (34 CFR 104.3)

Substantially limits major life activities means limiting a person's ability to perform functions as compared to most people in the general population, such as caring for one's self, performing

manual tasks, walking, seeing, hearing, speaking, eating, breathing, sleeping, learning, working, standing, lifting, bending, reading, writing, concentrating, thinking and communicating. Major life activities also includes major bodily functions such as functions of the immune system, special sense organs and skin, normal cell growth, ~~and~~ digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions as well as the operation of an individual organ within a body system. The determination of whether an impairment ~~S~~substantially limits a student's major life activities shall be ~~determined~~ made without regard to the ameliorative effects of mitigating measures other than ordinary eyeglasses or contact lenses. Mitigating measures are measures that an individual may use to eliminate or reduce the effects of an impairment, including, but ~~are~~ not limited to, medications, medical supplies or equipment, prosthetic devices, assistive devices, reasonable modifications or auxiliary aids or services, learned behavioral; or adaptive neurological modifications psychotherapy, behavioral or physical therapy which an individual may use to eliminate or reduce the effects of an impairment. (42 USC 12102; 28 CFR 35.108~~34 CFR 104.3~~)

Physical or mental impairment means any of the following: (34 CFR 104.3)

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more ~~of the following~~ body systems, such as: neurological; musculoskeletal, special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; immune, hemic and lymphatic; skin; and endocrine. (28 CFR 35.108)
2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

District Coordinator for Implementation of Section 504

The district has designated the following individual to coordinate its efforts to comply with the requirements of law, Board policy, and administrative regulation pertaining to the implementation of Section 504: (34 CFR 104.7)

Director, Student Services
155 North Third Street
Campbell, CA 95008
(408) ~~341-7000~~ 364-4200 ext. 6285

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5145.3 - Nondiscrimination/Harassment)

Referral and Identification Procedures

1. Any student may be referred by a parent/guardian, teacher, other certificated school

employee or community agency for consideration of eligibility as a disabled student under Section 504. This referral should be made to the school site principal.

(cf. 6164.5 - Student Success Teams)

2. The ~~school site committee, as defined in BP 6146.6~~ student success team, shall promptly consider the referral and determine whether an evaluation under this procedure is appropriate. This determination shall be based on a review of the student's school records (including academic, social and behavioral records); consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the- student's needs. Students requiring evaluation shall be referred to appropriate evaluation specialists.

Prior to conducting an evaluation of a student for eligibility under Section 504, the district shall obtain written parent/guardian consent.

If the 504 team determines that an evaluation is unnecessary, it shall inform the parents/guardians in writing of this decision and of their procedural rights as described below.

3. If the team believes that a student needs or is believed to need special education or related services under Section 504, the district shall conduct an evaluation of the student prior to initial placement and before any significant change in placement. (34 CFR 104.35)

The district's evaluation procedures shall ensure that tests and other evaluation materials: (34 CFR 104.35)

a. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers

b. Are tailored to assess specific areas of educational need and are not based solely on a single IQ score

c. Reflect aptitude or achievement or whatever else the tests purport to measure and do not reflect the student's impaired sensory, manual, or speaking skills unless the test is designed to measure these particular deficits.

4. In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34. (34 CFR 104.35)

Section 504 Services Plan and Placement

1. When a student is identified as disabled within the meaning of Section 504, the student

~~success team (SST)~~~~school-site-committee~~ shall meet to determine what services are necessary to ensure that the student's individual education needs are met as adequately as the needs of ~~nondisabled~~ students without a qualifying disability.

2. In making this determination, the ~~school-site-committee~~ SST shall consider all significant factors relating to the learning process for the student, including his/her adaptive behavior and cultural and language background. The evaluation may include, but is not limited to, classroom and playground observation, performance-based testing, academic assessment information, and data offered by the parent/guardian. The team shall also ensure that information obtained from all such sources are documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34. (34 CFR 104.35)

3. The parents/guardians shall be invited to participate in the ~~school-site-committee~~ SST meeting where services for the student will be determined and shall be given an opportunity to examine all relevant records.

(cf. 5141.21 – Administering Medication and Monitoring Health Conditions)

(cf. 5141.22 – Infectious Diseases)

(cf. 5141.23 – Asthma Management)

(cf. 5141.24 – Specialized Health Care Services)

(cf. 5141.26 – Tuberculosis Testing)

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

4. The ~~school-site-committee~~ Student Success Team shall develop a written plan describing the disability and specifying the services needed by the student. The 504 plan shall specify the types of regular or special education services, accommodations, and supplementary aids and services necessary to ensure that the student receives a free and appropriate public education (FAPE). A copy of this plan shall be kept in the student's cumulative file. The student's teacher(s) and any other staff who provide services to the student shall be informed of the services necessary for the student, to the extent that they need to be informed in order to provide for the student in the school setting.

5. If the ~~school-site-committee~~ Student Success Team determines that no services are necessary for the student, the record of the committee's meeting shall reflect the identification of the student as a disabled person under Section 504 and shall state the basis for the decision that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards.

6. The student shall be placed in the regular educational environment unless the district demonstrates that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs. (34 CFR 104.34)

7. The parents/guardians shall be notified in writing of the final decision concerning services to be provided, if any, and of the Section 504 procedural safeguards, including the right to an impartial hearing to challenge the decision.

8. The district shall complete the identification, evaluation and placement process within a reasonable time frame. The district shall adhere to this timeframe regardless of any extended school breaks or times that the school is otherwise not in session.

9. A copy of the student's accommodation plan shall be kept in his/her student record. The student's teacher, and any other staff who provide services to the student, shall be informed of the plan's requirements.

10. If a student transfers to another school within the district, the principal or designee at the school from which the student is transferring shall ensure that the principal or designee at the new school receives a copy of the plan prior to the student's enrollment in the new school.

(cf. 5116.1 – Intradistrict Open Enrollment)

(cf. 5125- Student Records)

~~(cf. 5141.21– Administering Medication and Monitoring Health Conditions)~~

Review and Reevaluation

1. The ~~school site committee~~ student success team (SST) shall monitor the progress of the student and at least annually, shall review to determine whether the services are appropriate and necessary, whether the student's needs are being met as adequately as the needs of ~~nondisabled~~ students without a qualifying disability, and the effectiveness of the student's plan. In addition, the student's eligibility under Section 504 shall be reevaluated at least once every three years.

2. A reevaluation of the student's needs will be conducted before any subsequent significant change in placement. (34 CFR 104.35)

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

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

Procedural Safeguards

Parents/guardians shall be notified in writing of all district decisions regarding the identification, evaluation or educational placement of students with disabilities or suspected disabilities. Notifications shall include a statement of their right to: (34 CFR 104.36)

1. Examine relevant records

2. Have an impartial hearing with an opportunity for participation by the parents/guardians and their counsel

3. Have a review procedure

(cf. 5145.6 - Parental Notifications)

Notifications shall also detail the parent/guardian's right to file a grievance with the school district over an alleged violation of Section 504 regulation; right to have an evaluation that draws on information from a variety of sources; right to be informed of any proposed actions related to eligibility and plan for services; right to receive all information in the parent/guardian's native language and primary mode of communication; right to periodic reevaluations and an evaluation before any significant change in program/service modifications; right to an impartial hearing if there is disagreement with the school district's proposed action; right to be represented by counsel in the impartial hearing process; and right to appeal the impartial hearing officer's decision.

If a parent/guardian disagrees with the identification, evaluation or educational placement of a student with disabilities under Section 504, he/she may initiate the following procedures:

1. Within 30 days of receiving the student's accommodation plan, file a written complaint with the 504 Coordinator detailing his/her disagreement and request that the school principal and ~~school-site committee~~ student success team review the plan in an attempt to resolve the disagreement. This review shall be held within 14 days of receiving the parent/guardian's request, and the parent/guardian shall be invited to attend the meeting at which the review is conducted.
2. If disagreement continues, request in writing that the Superintendent or designee review the plan. This review shall be held within 14 days of receiving the parent/guardian's request, and the parent/guardian shall be invited to meet with the Superintendent or designee to discuss the review.
3. If disagreement continues, request in writing a Section 504 due process hearing. The request shall include:
 - a. The specific nature of the decision with which the parent/guardian disagrees
 - b. The specific relief the parent/guardian seeks
 - c. Any other information the parent/guardian believes pertinent

These procedures are not sequential but listed in an attempt to resolve disagreements in a timely manner. Nothing in this provision is intended to preclude the parent/guardian from electing a due process hearing as an initial attempt at resolution of the disagreement.

Due Process Hearing

Within 30 days of receiving the parent/guardian's request, the Superintendent or designee and 504 Coordinator shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties.

Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. These 45 days may be extended for good cause or by mutual agreement of the parties. The Superintendent or designee shall represent the district at this hearing.

Any party to the hearing shall be afforded the right to:

1. Be accompanied and advised by legal counsel and by individuals with special knowledge or training related to the problems of students who are qualified as disabled under Section 504
2. Present written and oral evidence
3. Question and cross-examine witnesses
4. Receive written findings by the hearing officer

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

Notifications

The Superintendent or designee shall ensure that the district has taken appropriate steps to notify students and parents/guardians of the district's duty under Section 504. (34 CFR 104.32)

Notifications shall also set forth the procedures for requesting a hearing, the name, address and telephone number of the person with whom the request should be made, and the fact that reimbursement for attorney's fees is available only as authorized by law.

(cf. 5145.6 – Parental Notifications)

Regulation	CAMPBELL UNION SCHOOL DISTRICT
approved:	April 1, 1999 Campbell, California
revised:	May 8, 2008
revised:	June 18, 2009
revised:	October 24, 2013

BP 6173 Campbell Union ESD

Board Policy

Education For Homeless Children

BP 6173

Instruction

The Governing Board desires ~~recognizes its obligation~~ to ensure that homeless students ~~children~~ have access to the same free and appropriate public education provided to other students ~~children~~ within the district. The district shall provide homeless students with access to education and other services necessary for them ~~these students~~ to meet the same challenging academic performance standards as other students. ~~Students shall not be segregated into a separate school or program based on their status as homeless, nor shall homeless students be stigmatized in any way.~~

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

(cf. 6011 - Academic Standards)

The Superintendent or designee shall identify and remove any barriers to the identification and enrollment of homeless students and to the retention of homeless students due to absences or outstanding fees or fines. (42 USC 11432)

~~(cf. 3250 - Transportation Fees)~~

~~(cf. 3260 - Fees and Charges)~~

~~(cf. 5113.1 - Chronic Absence and Truancy)~~

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

~~(cf. 5111.13 - Residency for Homeless Children)~~

When there are at least 15 homeless students in the district or a district school, the district's local control and accountability plan (LCAP) shall include goals and specific actions to improve student achievement and other outcomes of homeless students. (Education Code [52052](#), [52060](#))

(cf. [0460](#) - Local Control and Accountability Plan)

The Superintendent or designee shall designate an appropriate staff person to serve as a district liaison for homeless children and youths. The district liaison shall fulfill the duties specified in 42 USC 11432 to assist in identifying and supporting homeless students to succeed in school.

In order to identify district students who are homeless, the Superintendent or designee may give a housing questionnaire to all parents/guardians during school registration, make referral forms readily available, include the district liaison's contact information on the district and school web sites, provide materials in a language easily understood by families and students, provide school staff with professional development on the definition and signs of homelessness, and contact appropriate local agencies to coordinate referrals for homeless children and youth and unaccompanied youth.

(cf. 1113 - District and School Web Sites)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Information about a homeless student's living situation shall be considered part of a student's educational record, subject to the Family Educational Rights and Privacy Act and shall not be deemed to be directory information as defined in 20 USC 1232g. (42 USC 11432)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

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

Each homeless student shall be provided services that are comparable to services offered to other students in the school, including, but not limited to, transportation, educational programs for which the student meets the eligibility criteria (such as federal Title I services or similar state or local programs, programs for students with disabilities, and educational programs for English learners), career and technical education programs, programs for gifted and talented students, and school nutrition programs. (42 USC 11432)

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

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6159 - Individualized Education Program)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6171 - Title I Programs)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6174 - Education for English Language Learners)

(cf. 6177 - Summer Learning Programs)

(cf. 6178 - Career and Technical Education)

(cf. 6179 - Supplemental Instruction)

Homeless students shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way. However, the Superintendent or designee may separate homeless students on school grounds as necessary for short periods of time for health and safety emergencies or to provide temporary, special, and supplementary services to meet the unique needs of homeless students. (42 USC 11432, 11433)

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

(cf. 3553 - Free and Reduced Price Meals)

The Superintendent or designee shall coordinate with other agencies and entities to ensure that homeless children and youth are promptly identified, ensure that homeless students have access to and are in reasonable proximity to available education and related support services, and raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness. Toward these ends, the Superintendent or designee shall collaborate with local social services agencies, other agencies or entities providing services to homeless children and youth, and, if applicable, transitional housing facilities. In addition, the Superintendent or designee shall coordinate transportation, transfer of school records, and other interdistrict activities with other local educational agencies. As necessary, the Superintendent or designee shall coordinate, within the district and with other involved local educational agencies, services for homeless students and services for students with disabilities. (42 USC 11432)

(cf. 1020 - Youth Services)

District liaisons and other appropriate staff shall participate in professional development and other technical assistance activities to assist them in identifying and meeting the needs of homeless students and to provide training on the definitions of terms related to homelessness. (42 USC 11432)

At least annually, the Superintendent or designee shall report to the Board on outcomes for homeless students, which may include, but are not limited to, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, suspension/expulsion rates, and other outcomes related to any goals and specific actions identified in the LCAP. Based on the evaluation data, the district shall revise its strategies as needed to better support the education of homeless students.

(cf. 0500 - Accountability)

(cf. 6162.51 - State Academic Achievement Tests)

(cf. 6190 - Evaluation of the Instructional Program)

Transportation[4][5]

The district shall provide transportation for a homeless student to and from a district school of origin when the student is residing within the district and the parent/guardian requests that such transportation be provided. If the student moves outside of district boundaries but continues to attend this district's school of origin, the Superintendent or designee shall consult with the Superintendent of the district in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation. (42 USC 11432)

(cf. 3250 - Transportation Fees)

(cf. 3541 - Transportation Routes and Services)

Legal Reference:

EDUCATION CODE

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

39807.5 Payment of transportation costs by parents

48850 Educational rights; ~~of homeless and foster youth participation in extracurricular activities~~

48852.5 Notice of educational rights of homeless students

48852.7 Enrollment of homeless students

48915.5 Recommended expulsion, homeless student with disabilities

48918.1 Notice of recommended expulsion

51225.1-51225.3 Graduation requirements

52060-52077 Local control and accountability plan

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

UNITED STATES CODE, TITLE 20

1087vv Free Application for Federal Student Aid; definitions

1232g Family Educational Rights and Privacy Act
6311 Title I state plan; state and local educational agency report cards
UNITED STATES CODE, TITLE 42
11431-11435 McKinney-Vento Homeless Assistance Act
12705 Cranston-Gonzalez National Affordable Housing Act; state and local strategies

Management Resources:

CALIFORNIA CHILD WELFARE COUNCIL
Partial Credit Model Policy and Practice Recommendations
CALIFORNIA DEPARTMENT OF EDUCATION
Homeless Education Dispute Resolution Process, January 30, 2007
NATIONAL CENTER FOR HOMELESS EDUCATION PUBLICATIONS
Homeless Liaison Toolkit, 2013
U.S. DEPARTMENT OF EDUCATION GUIDANCE
Dear Colleague Letter, July 27, 2016

Education for Homeless Children and Youth^s Program, Non-Regulatory Guidance, July ~~2016~~²⁰⁰⁴

WEB SITES

California Child Welfare Council: <http://www.chhs.ca.gov/Pages/CACildWelfareCouncil.aspx>
California Department of Education, Homeless Children and Youth Education:
<http://www.cde.ca.gov/sp/hs/cy>
National Center for Homeless Education at SERVE: <http://www.serve.org/nche>
National Law Center on Homelessness and Poverty: <http://www.nlchp.org>
U.S. Department of Education: <http://www.ed.gov/offices/OESE/CEP/hmlsprogresp.html>

Policy

adopted: May 22, 2003

revised: September 15, 2016

CAMPBELL UNION SCHOOL DISTRICT

Campbell, California

AR 6173 Campbell Union ESD

Administrative Regulation

Education For Homeless Children

AR 6173

Instruction

Definitions

Homeless students means students who lack a fixed, regular and adequate nighttime residence and includes: (42 USC 11434a)

1. Students ~~Children and youths~~ who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals; ~~or are awaiting foster care placement~~

(cf. [6173.1](#) - Education for Foster Youth)

2. Students ~~Children and youths~~ who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings

3. Students ~~Children and youths~~ who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings

4. Migratory children who qualify as homeless because the children are living in conditions described in (1)-(3) above

Unaccompanied youth includes youth who are not in the physical custody of a parent or guardian. (20 USC 11434a)

School of origin means the school that the homeless student attended when permanently housed or the school in which he/she ~~the student~~ was last enrolled., including a preschool. If the school the homeless student attended when permanently housed is different from the school in which

he/she was last enrolled, or if there is some other school that he/she attended within the preceding 15 months and with which he/she is connected, the district liaison shall determine, in consultation with and with the agreement of the homeless student and the person holding the right to make educational decisions for the student, and in the best interests of the homeless student, which school shall be deemed the school of origin.

(Education Code 48852.7; 42 USC 11432)

Best interest means; that, in making educational and school placement decisions for a homeless student, consideration is given to, among other factors, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the student's access to academic resources, services, and extracurricular and enrichment activities that are available to all district students. (Education Code 48850, 48853; 42 USC 11432)

~~to the extent feasible, continuing a student's enrollment in the school of origin for the duration of his/her homelessness, except when doing so is contrary to the wishes of his/her parent/guardian. (42 USC 11432)~~

~~Unaccompanied youth means a youth not in the physical custody of a parent or guardian. (42 USC 11434(a))~~

District Liaison

The Superintendent or designee designates the following staff person as the district liaison for homeless students (42 USC 11432):

Director of School Services
155 North Third Street
Campbell, California 95008
(408)364-4200 ext.6285
rpalomo@campbellusd.org

The district's liaison for homeless students shall ~~ensure that:~~ (Education Code 48852.5; 42 USC 11432)

1. Ensure that ~~H~~homeless students are identified by school personnel ~~and~~ through outreach and coordination activities with other entities and agencies

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

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

~~*(cf. 5141.6 - Student Health and Social Services)*~~

2. Ensure that Hhomeless students are enrolled in, and have a full and equal opportunity to succeed in, district schools

3. Ensure that Hhomeless families and children and youth have access to and students receive educational services for which they are eligible, including services through Head Start and Early Head Start programs, early intervention services under Part C of the federal Individuals with Disabilities Education Act, and other preschool programs administered by the district

(cf. 5148.3 - Preschool/Early Childhood Education)

4. Ensure that homeless families and students receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services

(cf. 5141.6 - School Health Services)

54. Inform Pparents/guardians ~~are informed~~ of the educational and related opportunities available to their children and ensure that they are provided with meaningful opportunities to participate in the education of their children

(cf. 5145.6 - Parental Notifications)

65. Disseminate—Nnotice of the educational rights of homeless students in locations frequented by parents/guardians of homeless children and youth and by unaccompanied youth, including schools, family shelters, public libraries, and hunger relief agencies (soup kitchens). The rights shall be presented in a manner and form understandable to the parents/guardians of homeless students and unaccompanied youth. children is disseminated at places where children ——— receive services, such as schools, shelters, and soup kitchens

76. Mediate Eenrollment disputes ~~are mediated~~ in accordance with law, ~~Governing Board policy and ——— administrative regulation and the section “Resolving Enrollment Disputes” below~~

87. Fully inform Pparents/guardians ~~are fully informed~~ of homeless students and unaccompanied youth of all transportation services, including transportation to the school of origin, and assist them in accessing transportation to the school of choice

~~(cf. 3250 - Transportation Fees)~~

(cf. 3541 - Transportation Routes and Services)

9. Ensure that school personnel providing services to homeless students receive professional development and other support

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

10. Ensure that unaccompanied youth are enrolled in school, have opportunities to meet the same challenging state academic standards established for other students, and are informed of their status as independent students under 20 USC 1087vv and that they may receive assistance from the district liaison to receive verification of their independent student status for purposes of applying for federal student aid pursuant to 20 USC 1090

11. Coordinate and collaborate with state coordinators and community and school personnel responsible for the provision of education and related services to homeless students, including the provision of comprehensive data to the state coordinator as required by law

~~8. Students are assisted, or represented when notified pursuant to Education Code 48918.1, a homeless student is undergoing a disciplinary proceeding that could result in his/her expulsion~~

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

In addition, when notified pursuant to Education Code 48918.1, the district liaison shall assist, facilitate, or represent a homeless student who is undergoing a disciplinary proceeding that could result in his/her expulsion. When notified pursuant to Education Code 48915.5, the district liaison shall participate in an individualized education program team meeting to make a manifestation determination regarding the behavior of a student with a disability.

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

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

(cf. 6159 - Individualized Education Program)

~~9. Participation in an individualized education program team meeting to make a manifestation determination regarding the behavior of a student with a disability~~

~~(cf. 5144.2—Suspension and Expulsion/Due Process (Students with Disabilities)
(cf. 6159—Individualized Education Program)~~

~~10. A homeless student is able to obtain records necessary for his/her enrollment into or transfer out of district schools, including immunization, medical, and academic records~~

The Superintendent or designee shall inform homeless children and youth, their parents/guardians, school personnel, service providers, and advocates working with homeless families of the duties of the district's liaison. He/she shall also provide the name and contact information of the district's liaison to the California Department of Education (CDE) for publishing on the CDE's web site. (42 USC 11432)

Enrollment

The district shall make placement decisions for homeless students based on the student's best interest. (42 USC 11432)

~~Placement decisions for homeless students shall be based on the student's best interest.~~

In determining the best interest of the student, the district shall consider student-centered factors related to the student's best interest, including factors related to the impact of mobility on achievement, education, health, and safety, giving priority to the request of the student's parent/guardian or, in the case of an unaccompanied youth, the youth. (42 USC 11432)

~~In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in his/her school of origin, unless his/her parent/guardian requests otherwise. (42 USC 11432)~~

~~When making a placement decision, the Superintendent or designee may consider. Such factors may include, but are not limited to,~~ the age of the student, the distance of the commute and the impact it may have on the student's education, personal safety issues, the student's need for special instruction, the length of anticipated stay in the temporary shelter or other temporary location, likely area of future housing, school placement of siblings, and the time remaining in the school year.

~~The student may continue attending the school of origin for the duration of the homelessness and until the end of any academic year in which the student moves into permanent housing. (42 USC 11432)~~

However, placement decisions shall not be based on whether a homeless student lives with his/her homeless parent/guardian or has been temporarily placed elsewhere. (42 USC 11432)

In the case of an unaccompanied youth, the district's homeless liaison shall assist in placement or enrollment decisions, ~~consider~~ give priority to the views of the student, and provide notice to the student of his/her appeal rights. (42 USC 11432)

In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in his/her school of origin, unless ~~his/her~~ the student's parent/guardian or the unaccompanied youth requests otherwise. (Education Code 48852.7; 42 USC 11432)

If the student is placed at a school other than the school of origin or a school requested by the parent/guardian, the Superintendent or designee shall provide the parent/guardian with a written explanation of the decision along with a statement regarding the parent/guardian's right to appeal the placement decision. (42 USC 11432[6])

Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school of choice ~~that non-homeless students who live in the attendance area in which the child is actually living are eligible to attend, even if the parent/guardian is unable to provide the school with the records normally required for enrollment.~~ (Education Code 48852.7; 42 USC 11432)

~~(It seems like there should be something like—~~A student shall not be excluded from attendance due to any of the following:)

~~(cf. 5111.13—Residency for Homeless Children)~~

~~(cf. 5125—Student Records)~~

~~(cf. 5141.31—Immunizations)~~

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended

~~(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)~~

2. Does not have clothing normally required by the school, such as school uniforms

~~(cf. 5132 - Dress and Grooming)~~

3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and ~~medical records, including, but not limited to, records or other proof of immunization history~~ records of immunization and other required health records

~~(cf. 5111 - Admission)~~

~~(cf. 5111.1 - District Residency)~~

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

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

4. Has missed application or enrollment deadlines during any period of homelessness

The principal or designee shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other ~~medical~~ required health records, the principal or designee shall refer the parent/guardian to the district homeless student liaison. The district liaison shall assist the parent/guardian or the student if he/she is an unaccompanied youth, in obtaining the necessary immunizations, screenings, or records for the student. (42 USC 11432)

If the student is placed at a school other than his/her school of origin or the school requested by his/her parent/guardian or an unaccompanied youth, the Superintendent or designee shall provide the parent/guardian or the unaccompanied youth with a written explanation of the decision along with a statement regarding the parent/guardian's right to appeal the placement decision. (42 USC 11432)

The student may continue attending his/her school of origin for the duration of the homelessness. (Education Code 48852.7; 42 USC 11432)

To ensure that the homeless student has the benefit of matriculating with his/her peers in accordance with the established feeder patterns, the following shall apply: (Education Code 48852.7; 42 USC 11432)

1. If the student is transitioning between grade levels, he/she shall be allowed to continue in the same attendance area.

2. If the student is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, he/she shall be allowed to continue to the school designated for matriculation in that district.

If the student's status changes before the end of the school year so that he/she is no longer homeless, he/she shall be allowed to stay in the school of origin: (Education Code 48852.7)

1. Through the duration of the school year if he/she is in grades TK-8

Resolving Enrollment Disputes

If a dispute arises over student eligibility, school selection, or enrollment in a particular school, the matter shall be referred to the district liaison, who shall carry out the dispute resolution process as expeditiously as possible. ~~the student shall be immediately admitted, pending resolution of the dispute, to the school in which enrollment is sought provided space is available at the grade level required. The principal or designee shall follow the same placement procedures as those used for non-homeless students.~~ (42 USC 11432)

The parent/guardian or unaccompanied youth shall be provided with a written explanation of ~~the placement decision~~ any decisions related to eligibility, school selection, or enrollment and of the right of the parent/guardian or unaccompanied youth to appeal such decisions. ~~including an explanation of the parent/guardian's right to appeal the decision. He/she shall also be referred to the district liaison.~~ (42 USC 11432)

The written explanation shall include:

1. A description of the action proposed or refused by the district
2. An explanation of why the action is proposed or refused
3. A description of any other options the district considered and the reasons that any other options were rejected
4. A description of any other factors relevant to the district's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources
5. Appropriate timelines to ensure any relevant deadlines are not missed
6. Contact information for the district liaison and state coordinator, and a brief description of their roles

The written explanation shall be complete, as brief as possible, simply stated and provided in language that the parent/guardian or student can understand. ~~The explanation may include contact information for the district liaison, a description of the district's decision, notice of the right to enroll in the school sought pending resolution of the dispute, notice that enrollment includes full participation in all school activities, and notice of the right to appeal the decision to the county office of education and, if the dispute remains unresolved, to the California Department of Education.~~

~~The district liaison shall carry out the dispute resolution process provided by the state as expeditiously as possible after receiving notice of the dispute. (42 USC 11432)~~

The district liaison may use an informal process as an alternative to formal dispute resolution procedures, provided that the parents/guardians or unaccompanied youth have access to the more formal process if informal resolution is not successful in resolving the matter.

In working with a student's parents/guardians or unaccompanied youth to resolve an enrollment dispute, the district liaison shall:

1. Inform them that they may provide written and/or oral documentation to support their position
2. Inform them that they may seek the assistance of social services, advocates, and/or service providers in having the dispute resolved
3. Provide them a simple form that they may use and turn into the school to initiate the dispute resolution process
4. Provide them a copy of the dispute form they submit for their records
5. Provide them the outcome of the dispute for their records

If a parent/guardian or unaccompanied youth disagrees with the liaison's enrollment decision, he/she may appeal the decision to the Superintendent. The Superintendent shall make a determination within five working days.

If the parent/guardian ~~chooses wishes~~ to appeal the district's placement decision, the district liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office of education.

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

Pending final resolution of the dispute, including all available appeals, the student shall be immediately ~~admitted to~~ enrolled in the school in which enrollment is sought ~~pending resolution of the dispute~~, and shall be allowed to attend classes and participate fully in school activities. (42 USC 11432, 11434a)

The district shall provide transportation for a homeless student to and from his/her school of origin when the student is residing within the district and the parent/guardian, or the district liaison in the case of an unaccompanied youth, requests that such transportation be provided. If

the student moves outside of district boundaries, but continues to attend his/her school of origin within this district, the Superintendent or designee shall consult with the superintendent of the district in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation. (42 USC 11432)

(cf. 3250 - Transportation Fees)

(cf. 3541 - Transportation Routes and Services)

The district shall not be obligated to provide transportation to students who continue attending their school of origin after they cease to be homeless, unless the formerly homeless student has an individualized education program that includes transportation as a necessary related service for the student. (Education Code 48852.7)

Eligibility for Extracurricular Activities

A homeless student who enrolls in any district school shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

Notification and Complaints

Information regarding the educational rights of homeless students, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)

Any complaint that the district has not complied with requirements regarding the education of homeless students, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Regulation
approved: May 22, 2003
revised: January 19, 2006
revised: September 2, 2010
revised September 15, 2016

CAMPBELL UNION SCHOOL DISTRICT
Campbell, California

E 6173 CSBA Sample

Exhibit (CUSD currently does not have this exhibit)

Instruction

EDUCATION FOR HOMELESS CHILDREN

DISTRICT EXPLANATION OF DECISION RELATED TO ELIGIBILITY, SCHOOL SELECTION, OR ENROLLMENT

Instructions: The following form provides notice and explanation to a student's parent/guardian or an unaccompanied youth regarding the district's decision related to student eligibility, school selection, or enrollment.

Date:_____ Name of person completing form:_____

Title:_____ Phone number:_____

In accordance with the federal McKinney-Vento Homeless Assistance Act (42 USC 11431-11435), this notification is being provided to either:

Name of parent(s)/guardian(s):

Name of unaccompanied student(s):_____

Name of School requested:_____

District's placement decision (name of school):_____

Action(s) proposed/refused by the district related to eligibility, school selection, or enrollment:

The district's determination regarding eligibility, school selection, or enrollment was based upon the following evidence and for the following reasons:

Other options that the district considered, if any, included the following options which were rejected for the following reasons:

Factors relevant to the district's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources, if any:

You have the right to appeal this decision to the district Superintendent. To do so, contact the district's homeless liaison listed below within the next ____(*insert number of days*)____ days to request a Dispute Form. You may provide written or verbal documentation to support your position, and may also seek the assistance of social services, advocates, and/or service providers in the dispute process. The Superintendent or designee will review all the evidence and will notify you of his/her decision within ____(*insert number of days*)____ days.

If you are not satisfied with the Superintendent's decision, you may appeal to the _____(*insert county name*)_____ County Office of Education. If you are not satisfied with the county office's decision, you may then appeal to the California Department of Education. The district's homeless liaison can assist you with this appeal.

CONTACT INFORMATION:

District Liaison: The district liaison is one of the primary contacts between homeless families and school or district staff. He/she is responsible for coordinating services to ensure that homeless students enroll in school and have the opportunity to succeed academically, and mediates enrollment disputes as needed.

Name of district's homeless liaison: _____

Address: _____

Phone number: _____

County Liaison: If you appeal the district's decision to the county office of education, the district liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office. The county liaison will review the materials and determine the eligibility, school selection, or enrollment decision within five working days of receiving the materials. He/she will notify you of the decision.

Name of County Office of Education homeless liaison: _____

Address: _____

Phone number: _____

State Coordinator: If you appeal the county office's decision to the California Department of Education, the county homeless liaison shall forward all written documentation and related paperwork to the State Homeless Coordinator. The state coordinator will review the district, county office, and parent/guardian information and will notify you of the decision within ten working days of receiving the materials.

Name of state homeless coordinator: _____

Address: _____

Phone number: _____

RIGHTS:

Pending the final resolution of this dispute, including the period of all appeals, the student has the right to immediately enroll in the school requested and to participate fully in school activities at that school.

CSBA Sample

Exhibit

Instruction

EDUCATION FOR HOMELESS CHILDREN

DISPUTE FORM

Instructions: This form is to be completed by a parent/guardian or student when a dispute regarding enrollment has arisen. As an alternative to completing this form, the information on this form may be shared verbally with the district's liaison for homeless students.

Date submitted:_____

Student's name:_____

Relation to student:_____

Address:_____

Phone number:_____

Name of school requested:_____

I wish to appeal the eligibility, school selection, or enrollment decision made by:

☐ District liaison ☐ District Superintendent ☐ County office of education liaison

Reason for the appeal: You may include an explanation to support your appeal in this space or provide your explanation verbally.

I have been provided with:

- ☐ A written explanation of the district's decision
- ☐ Contact information for the district's homeless liaison
- ☐ Contact information for the county office of education's homeless liaison
- ☐ Contact information for the state homeless coordinator

CSBA Sample NEW AR

AR 6173.3 Administrative Regulation

Education For Juvenile Court School Students

AR 6173.3

Instruction

The Superintendent or designee shall collaborate with the County Superintendent of Schools and the county probation department to facilitate the transition of students from a juvenile court school into the regular schools of the district. Such collaboration may include, but not be limited to, the development of data-sharing systems, communication strategies, and other structures that aid in the enrollment, placement, and continuous educational progress of such students.

Enrollment

A former juvenile court school student transferring into a regular district school shall be immediately enrolled in the school. The Superintendent or designee shall not deny enrollment to a student solely on the basis of his/her arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other contact with the juvenile justice system. (Education Code 48645.5)

(cf. 5111 - Admission)
(cf. 5111.1 - District Residency)
(cf. 5125 - Student Records)
(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)
(cf. 5132 - Dress and Grooming)
(cf. 5141.26 - Tuberculosis Testing)
(cf. 5141.31 - Immunizations)

Transfer of Coursework and Credits

When a student transfers from a juvenile court school into a district school, the district shall accept and issue full credit for any coursework that the student has satisfactorily completed at that school and shall not require the student to retake the course. If the student did not complete the entire course, he/she shall be issued partial credit for the coursework completed and shall not be required to retake the portion of the course completed. (Education Code 48645.5, 51225.2)

However, a student may be required to retake the portion of the course completed if the Superintendent or designee, in consultation with the holder of educational rights for the student, finds that the student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a former juvenile court school student in any particular course, he/she shall be enrolled in the same or equivalent course, if applicable, so that

he/she may continue and complete the entire course. (Education Code 51225.2)

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject.

In no event shall the district prevent a former juvenile court school student from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

(cf. 6143 - Courses of Study)

~~Graduation~~

~~If a student completes district graduation requirements while being detained in a juvenile facility, the district shall issue the student a diploma from the school the student last attended, unless the County Superintendent issues the diploma. (Education Code 48645.5)~~

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

~~A student who transfers to a district school from a juvenile court school shall generally be expected to complete all courses required by Education Code 51225.3 and to fulfill any additional graduation requirements prescribed by the Governing Board.~~

~~However, when a student who has completed his/her second year of high school transfers from a juvenile court school into a district school, he/she shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of his/her fourth year of high school. Within 30 calendar days of the student's transfer, the Superintendent or designee shall notify the student, the person holding the right to make educational decisions for him/her, and the student's social worker or probation officer of the availability of the exemption and whether the student qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the termination of the court's jurisdiction over the student. (Education Code 51225.1)~~

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

~~To determine whether a student is in his/her third or fourth year of high school, the district shall use either the number of credits he/she has earned as of the date of the transfer or the length of his/her school enrollment, whichever qualifies him/her for the exemption. (Education Code 51225.1)~~

~~The Superintendent or designee shall notify any former juvenile court school student who is granted an exemption and the person holding the right to make educational decisions for him/her how any requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities~~

~~available through the California Community Colleges. (Education Code 51225.1)~~

~~The district shall not require or request a former juvenile court school student to transfer schools in order to qualify for an exemption, and no request for a transfer solely to qualify for an exemption shall be made by a student, the person holding the right to make educational decisions for the student, or the student's social worker or probation officer. (Education Code 51225.1)~~

~~If a student is exempted from local graduation requirements, the exemption shall continue to apply after the termination of the court's jurisdiction over the student or if he/she transfers to another school or school district. (Education Code 51225.1)~~

~~If the Superintendent or designee determines that a former juvenile court school student is reasonably able to complete district graduation requirements within his/her fifth year of high school, he/she shall: (Education Code 51225.1)~~

~~1. Inform the student and, if the student is under 18 years of age, the person holding the right to make educational decisions for him/her, of the option available to the student to remain in school for a fifth year to complete the district's graduation requirements and how that will affect his/her ability to gain admission to a postsecondary educational institution~~

~~2. Provide information to the student about transfer opportunities available through the California Community Colleges~~

~~3. Upon agreement with the student or with the person holding the right to make educational decisions for him/her if he/she is under 18 years of age, permit the student to stay in school for a fifth year to complete the district's graduation requirements~~

Notification and Complaints

Information regarding the educational rights of former juvenile court school students, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)

Any complaint that the district has not complied with requirements regarding the education of former juvenile court school students, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

48645-48648 Juvenile court schools

48853.5 Immediate enrollment

51225.1 Exemption from district graduation requirements

51225.2 Former juvenile court school student defined; acceptance of coursework, credits, retaking of course

~~51225.3 High school graduation~~

~~60851.5 Suspension of high school exit examination~~

WELFARE AND INSTITUTIONS CODE

602 Minors violating law; ward of court

880-893 Wards and dependent children; juvenile homes, ranches and camps

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

Management Resources:

CALIFORNIA CHILD WELFARE COUNCIL

Partial Credit Model Policy and Practice Recommendations

YOUTH LAW CENTER PUBLICATIONS

Educational Injustice: Barriers to Achievement and Higher Education for Youth in California

Juvenile Court Schools, 2016

WEB SITES

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

California Child Welfare Council: <http://www.chhs.ca.gov/Pages/CACChildWelfareCouncil.aspx>

California Department of Education, Juvenile Court Schools: <http://www.cde.ca.gov/sp/eo/jc>

Youth Law Center: <http://www.ylc.org>

BP 6185 Campbell Union ESD

Board Policy

Community Day School

BP 6185

Instruction

The Governing Board recognizes the need to provide an appropriate alternative educational option program for expelled students who are prohibited from attending regular schools in the district, ~~and for certain~~ students referred by probation pursuant to Welfare and Institutions Code 300 or 602, and students referred by a school attendance review board or another district-level referral processes. The district's ~~shall operate one or more~~ community day schools program shall be designed to meet the needs of these students and ensure academic progress necessary for their success when returned to a regular school environment. . ~~The Superintendent or designee shall ensure that any such school is operated in accordance with legal requirements related to enrollment, instructional time and facilities.~~

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5144 - Discipline)

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

~~The Board perceives the community day school as a flexible component of a comprehensive effort to meet the needs of at-risk students.~~ The Superintendent or designee shall collaborate with the County Superintendent of Schools and, as appropriate, other districts within the county to develop, for Board adoption, a plan for providing education services and appropriate placements to all expelled students in the county. (Education Code 48926) ~~may work in cooperation with neighboring districts to serve students outside of the district, is space is available.~~

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

1. Cooperation with the county office of education, law enforcement, probation, and human services agencies personnel who work with at-risk youth
2. Low student-teacher ratio
3. Individualized instruction and assessment
4. Maximum collaboration with district support service resources, including, but not limited to, school counselors and psychologists, academic counselors, and student discipline personnel

(cf. 0400 - Comprehensive Plans)

(cf. 1020 - Youth Services)

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

(cf. 6164.2 - Guidance/Counseling Services)

The Superintendent or designee shall establish procedures for the involuntary transfer of students to a community day school in accordance with the law. ~~with law and administrative regulation.~~
(Education Code 48662)

~~(cf. 5113 - Absences and Excuses)~~

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

The Superintendent or designee may require community day school students to attend school for up to seven days each week in a directed program designed to provide students with the skills and attitudes necessary for success when they are returned to a regular school environment.
(Education Code 48666)

A community day school shall not be situated on the same site as a regular district elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except when allowed by law and when the Board certifies by a two-thirds vote that no satisfactory alternative facilities are available for a the-community day school. Such Board certification shall be valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the Board. (Education Code 48661)

(cf. 9323.2 - Actions by the Board)

Community day schools shall be operated in safe, well-maintained facilities that meet the requirements of Education Code 17292.5.

The Superintendent or designee shall regularly report to the Board regarding the academic performance and other outcomes of students enrolled in a community day school.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

1980-1986 County community schools

17085-17096 Emergency portable facilities

17280-17316 Field Act, approvals

17365-17374 Field Act, fitness of occupancy

48260-48273 Truants

48660-48666 Community day schools

48900-48926 Suspension or expulsion

52052 Accountability

52064.5 Program evaluation; state evaluation rubrics

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction

602 Minors violating laws defining crime; ward of court

CALIFORNIA CODE OF REGULATIONS, TITLE 5

1068-1074 Alternative schools accountability systems

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement of students with disabilities

Management Resources:

~~CDE PROGRAM ADVISORIES~~

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Guidelines for Establishing a Community Day School

WEB SITES

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

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

Policy CAMPBELL UNION SCHOOL DISTRICT

Adopted: June 8, 2006 Campbell, California

AR 6185 Campbell Union ESD

Administrative Regulation

Community Day School

AR 6185

Instruction

Involuntary Transfer

~~A-The Superintendent or designee may assign a student may be assigned~~ to a district community day school ~~only upon meeting if the student meets~~ one or more of the following conditions: (Education Code 48662)

1. The student is expelled for any reason.

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

2. The student is probation-referred pursuant to Welfare and Institutions Code 300~~-and/or Welfare and Institutions Code~~ 602.

3. The student is referred by a school attendance review board (SARB) or other district-level referral process using the same process as expulsion hearings.

(cf. 5113.1 - Chronic Absence and Truancy)

4. The student is referred by a district disciplinary hearing panel.

~~The Superintendent or designee shall give The~~ first priority for assignment to a community day school ~~shall be given~~ to students expelled for mandatory expulsion offenses pursuant to Education Code 48915(d). Second priority shall be given to students expelled for other reasons, and third priority shall be given to students referred according pursuant to items #2-or #3 or 4 above. These priorities are applicable unless ~~the district has~~ there is an agreement that the County Superintendent of Schools ~~shall~~ will serve any of ~~the above~~ these students. (Education Code 48662)

~~In the case of any student who has been identified as eligible for services- When the student to be involuntarily transferred to a community day school is a student with disabilities, as defined~~ under the federal Individuals with Disabilities Education Act or Section 504 of the federal Rehabilitation Act of 1973, assignment to a community day school shall be ~~first approved~~

determined by the student's Individualized Education Program (IEP) or 504 team as applicable, or school site committee (e.g., student study team) as required by law. (20 USC 1415; 34 CFR 104.35)

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

(cf. 6159 - Individualized Education Program)

~~(cf. 6159.4 - Behavioral Interventions for Special Education Students)~~

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

Students who have been involuntarily transferred to a community day school based on an expulsion order, probation referral, SARB referral, or other district-level referral process shall be notified in accordance with the applicable laws and/or district policy. Such process shall include timely written notification of the transfer to the student and his/her parent/guardian and an opportunity for the student and parent/guardian to meet with the Superintendent or designee to discuss the transfer.

~~At least 10 calendar days prior to the involuntary transfer of a student as a result of a district-level referral process, the Superintendent or designee shall provide written notice of the transfer to the student's parent/guardian. The notice shall contain a statement of the facts and circumstances upon which the transfer is based, its duration, and the conditions for readmission. The notice shall advise the student's parent/guardian or adult student of the opportunity to inspect and obtain copies of all documents supporting the transfer. In addition, the notice shall also state that the parent/guardian or adult student has five school days to request a meeting with the Superintendent or designee to discuss the transfer.~~

~~If the Superintendent designates an individual to represent the district at the meeting, the individual so designated shall not be a member of the staff of the school at which the student is currently enrolled.~~

~~At the meeting, the reason for the transfer shall be reviewed with the parent/guardian or adult student and the parent/guardian or adult student may present evidence on the student's behalf.~~

~~The Superintendent or designee shall send the parent/guardian or adult student written notice of the decision to transfer or not transfer within three school days of the meeting.~~

~~If the parent/guardian or adult student desires to appeal the Superintendent's decision to the Board, he/she shall file written notice of the intent to appeal within five school days of receiving the decision. The Board shall determine whether or not to hear the appeal within 15 calendar~~

~~days. If the Board desires to hear the appeal, the Board shall decide the appeal within 30 calendar days of receipt of the notice of the appeal. The Board's decision shall be final.~~

Instruction

Academic programs offered in the community day school shall be comparable to those available to students of a similar age in the ~~school~~-district. (Education Code 48663)

The minimum school day for a district community day school ~~students~~ shall be 360 minutes of classroom instruction provided by a certificated employee. ~~of the district reporting attendance for apportionment purposes.~~ Independent study shall not be used as a means of providing any part of this minimum day. (Education Code 48663)

(cf. 6112 - School Day)

(cf. 6158 - Independent Study)

Facilities

~~To house community day school operations, the district shall do one or more of the following:
(Education Code 17292.5)~~

- ~~1. Use available school facilities conforming with Field Act requirements~~
- ~~2. Apply for emergency portable classrooms pursuant to Education Code 17085-17096.~~
- ~~3. Upon certifying to the State Allocation Board that all reasonable efforts have been made to use facilities that conform with the Field Act requirements of item #1 above, enter into lease agreements for facilities for which a structural engineer has submitted a report stating that substantial structural hazards do not exist.~~

~~Every three years, the Superintendent or designee shall report to the State Allocation Board on the facilities used for the district's community day programs and efforts to place these programs in facilities that conform with the requirements of item #1 above. (Education Code 17292.5)~~

Location of the School Site

~~A district organized to serve grades K-8, but no higher grades, may situate a community day school on the same site as a middle school when the Board certifies by a two-thirds vote that no satisfactory alternative facilities are available for a community day school in those grades.
(Education Code 48661)~~

~~(cf. 9323.2—Actions by the Board)~~

~~Such Board certifications shall be valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the Board. (Education Code 48661)~~

Regulation CAMPBELL UNION SCHOOL DISTRICT

Approved: June 8, 2006 Campbell, California

Campbell Union ESD

BB 9240 Board Bylaw

Board Training

BB 9240

Board Bylaws

BOARD TRAINING

~~Citizens elected to the Governing Board are entrusted with the responsibility of governing district schools. The Board recognizes that its members need training. The Governing Board believes that the Board's ability to effectively and responsibly govern the district is essential to promoting student achievement, building positive community relations, and protecting the public interest in district schools. Board members shall be provided sufficient opportunities for professional development that helps them understand their responsibilities, stay abreast of new developments in education, and develop boardsmanship skills.~~

~~(cf. 9000 – Role of the Board)~~

~~(cf. 9005 – Governance Standards)~~

~~The Board and/or the Superintendent or designee shall provide an orientation to newly elected or appointed Board members which includes comprehensive information regarding Board roles, policies, and procedures and the district's vision and goals, operations, and current challenges. Throughout their first term, Board members shall continue to participate in additional educational opportunities designed to assist them in understanding the principles of effective governance, including, but not limited to, information on school finance and budgets, student achievement and assessment, labor relations, community relations, program evaluation, open meeting laws (the Brown Act), conflict of interest laws, and other topics necessary to govern effectively and in compliance with law.~~

~~(cf. 9230 - Orientation)~~

~~All Board members are encouraged to continuously participate in advanced training offered by the California School Boards Association in order to reinforce boardsmanship skills and build knowledge related to key education issues. Such activities may include online courses, webinars, webcasts, and in-person attendance at workshops and conferences. In addition, workshops and consultations may be held within the district on issues that involve the entire governance team.~~

~~Funds for Board development training shall be budgeted annually for the Board and each Board member. In selecting appropriate activities, the Board and/or individual Board members shall consider activities that are aligned with the district's vision and goals and the needs of the Board or individual member to obtain specific knowledge and skills. The Board shall annually develop a board training calendar in order to schedule and track~~

board training activities and to schedule opportunities for Board members to report on the activities in which they participated.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 3100 - Budget)

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

~~All Board members may attend conferences for the purpose of Board development. Board business shall not be discussed at conferences. Board members may attend a conference or similar public gathering with other Board members and/or with the Superintendent or designee in order to develop common knowledge and understanding of an issue or engage in team-building exercises. In such cases, a majority of the Board members shall not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the district's jurisdiction, so as not to violate the Brown Act open meeting laws pursuant to Government Code 54952.2.~~

~~(cf. 9230 - Orientation)~~

(cf. 9320 - Meetings and Notices)

Board members shall report ~~to the Board~~, orally or in writing, ~~as soon as possible~~ on the ~~inservice-~~ board training activities they attend for the purpose of sharing the acquired knowledge or skills with the full Board and enlarging the benefit of the activity to the Board and district.

~~Funds for Board development shall be budgeted annually for Board members.~~

~~It is highly recommended that Board members attend the CSBA Governing Board New Member workshops within the first year of being on the Board and continue attending workshops throughout their tenure at a rate of one or two per year.~~

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

Legal Reference:

EDUCATION CODE

~~33360 Department of Education and statewide association of school district boards; annual workshop~~

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act, especially:

54952.2 Meeting

Management Resources:

CSBA PUBLICATIONS

Professional Governance Standards for School Boards

WEB SITES

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

California County Boards of Education: <http://www.thecce.org>

National School Boards Association: <http://www.nsba.org>

Bylaw CAMPBELL UNION SCHOOL DISTRICT
adopted: September 24, 1998 Campbell, California
revised: March 25, 2004

|

BB 9323 Campbell Union ESD

Board Bylaw

Meeting Conduct

BB 9323

Board Bylaws

Meeting Procedures

All Governing Board meetings shall begin on time and shall be guided by an agenda prepared and delivered in advance to all Board members and to other persons upon request.

(cf. 9322 - Agenda/Meeting Materials)

The Board president shall conduct Board meetings in accordance with Board bylaws and procedures that enable the Board to efficiently consider issues and carry out the will of the majority.

(cf. 9121 - President)

~~(cf. 9320 – Meetings and Notices)~~

~~The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned at 10:30 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and subsequently may be adjourned to a later date.~~

~~(cf. 9320 – Meetings and Notices)~~

Quorum and Abstentions

~~The Board shall act by majority vote of all of the membership constituting the Board. (Education Code 35164)~~

~~(cf. 9323.2 - Actions by the Board)~~

~~A majority of the number of filled positions on the Board constitutes a quorum. (Education Code 5095, 35165)~~

~~Unless otherwise provided by law, affirmative votes by a majority of all the membership of the Board are required to approve any action under consideration, regardless of the number of members present. (Education Code 35164)~~

~~(cf. 9323.2 – Actions by the Board)~~

Abstentions

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, his/her abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action. ~~be considered to concur with the action taken by the majority of those who vote, whether affirmatively or negatively.~~

(cf. 9270 - Conflict of Interest)

Public Participation

The meetings of the Board are held in public and are not meetings of the public. In order to ensure public communication with the Board, every regular Board meeting agenda shall provide an opportunity for the public to address the Board on items of public interest within the Board's jurisdiction prior to or during Board consideration of the item.

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting.

In order to conduct district business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures:

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board's consideration of each item. ~~of business to be discussed at regular or special meetings.~~ (Education Code 35145.5; Government Code 54954.3)
2. At a time so designated on the agenda, ~~members of the public may bring before the Board,~~ at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board ~~may refer such a matter to the Superintendent or designee or take it under advisement, but~~ shall not take no action or discussion on any item not appearing on the posted agenda except as authorized by law. ~~at that time except as allowed by law. The matter may be placed on the agenda of a subsequent meeting for action or discussion by the Board.~~ (Education Code 35145.5; Government Code 54954.2)
3. Without taking action, Board members or district staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a Board or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities. (Government Code 54954.2)

Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning

any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)

4. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard it, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)

(cf. 9130 - Board Committees)

5. A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.

Individual speakers shall be allowed three minutes to address the Board on each agenda or nonagenda item. The Board shall limit the total time for public input on each item to 20 minutes. With Board consent, the Board president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The president may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.

In order to ensure that non-English speakers receive the same opportunity to directly address the Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the Board, unless simultaneous translation equipment is used to allow the Board to hear the translated public testimony simultaneously. (Government Code 54954.3)

6. The Board president may rule on the appropriateness of a topic subject to the following conditions:-

a. If the topic would be more suitably addressed at a later time, the Board president may indicate the time and place when it should be presented.

b. The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts or omissions. (Government Code 54954.3)

c. ~~In addition, t~~The Board may not prohibit public criticism of district employees.

~~However, W~~Whenever a member of the public initiates specific complaints or charges against an individual employee, the Board president shall inform the complainant of the appropriate complaint procedure. ~~that in order to protect the employee's right to adequate notice before a hearing of such complaints and charges, and also to preserve the ability of the Board to legally consider the complaints or charges in any subsequent evaluation of the employee, it is the policy of the Board to hear such complaints or charges in closed session unless otherwise requested by the employee pursuant to Government Code 54957.~~

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 9321 - Closed Session Purposes and Agendas)

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the chair to terminate the privilege of addressing the Board. The Board may remove disruptive individuals and order the room cleared if necessary; ~~in~~ In this case, members of the media not participating in the disturbance shall be allowed to remain, and individual(s) not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

When such disruptive conduct occurs, the Superintendent or designee shall contact local law enforcement as necessary.

~~(cf. 9324 – Minutes and Recordings)~~

Recording by the Public

Members of the public may record an open Board meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise, illumination, or obstruction of view does not persistently disrupt the meeting.

The Superintendent or designee ~~shall~~ may designate locations from which members of the public may ~~broadcast, photograph or tape record open meetings~~ make such recordings without causing a distraction.

(cf. 9324 – Board Minutes and Recordings)

If the Board finds that noise, illumination or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

Legal Reference:

EDUCATION CODE

5095 Powers of remaining board members and new appointees

32210 Willful disturbance of public school or meeting a misdemeanor

35010 Prescription and enforcement of rules

35145.5 Agenda; public participation; regulations

35163 Official actions, minutes and journal

35164 Vote requirements

35165 Effect of vacancies upon majority and unanimous votes by seven member board

CODE OF CIVIL PROCEDURE

527.8 Workplace Violence Safety Act

GOVERNMENT CODE

54953.3 Prohibition against conditions for attending a board meeting

54953.5 Audio or video ~~tape~~ recording of proceedings

54953.6 Broadcasting of proceedings
54954.2 Agenda; posting; action on other matters
54954.3 Opportunity for public to address legislative body; regulations
54957 Closed sessions
54957.9 Disorderly conduct of general public during meeting; clearing of room
PENAL CODE

403 Disruption of assembly or meeting

COURT DECISIONS

[City of San Jose v. Garbett, \(2010\) 190 Cal.App.4th 526](#)

[Norse v. City of Santa Cruz, \(9th Cir. 2010\) 629 F3d 966](#)

McMahon v. Albany Unified School District, (2002) 104 Cal.App.4th 1275

Rubin v. City of Burbank, (2002) 101 Cal.App.4th 1194

Baca v. Moreno Valley Unified School District, (1996) 936 F.Supp. 719

ATTORNEY GENERAL OPINIONS

[90 Ops.Cal.Atty.Gen. 47 \(2007\)](#)

76 Ops.Cal.Atty.Gen. 281 (1993)

66 Ops.Cal.Atty.Gen. 336 (1983)

63 Ops.Cal.Atty.Gen. 215 (1980)

61 Ops.Cal.Atty.Gen. 243, 253 (1978)

55 Ops.Cal.Atty.Gen. 26 (1972)

59 Ops.Cal.Atty.Gen. 532 (1976)

Management Resources:

CSBA PUBLICATIONS

[Call to Order: A Blueprint for Great Board Meetings, 2015](#)

The Brown Act: School Boards and Open Meeting Laws, rev. [20052014](#)

~~[Board Presidents' Handbook, rev. 2002](#)~~

~~[Maximizing School Board Governance: Boardmanship](#)~~

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for [Local](#) Legislative Bodies, 2003

WEB SITES

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

California Attorney General's Office: ~~<http://www.caag.state.ca.us>~~<https://oag.ca.gov>

Bylaw CAMPBELL UNION SCHOOL DISTRICT

adopted: September 24, 1998 Campbell, California

revised: February 8, 2007

E 9323.2 Campbell Union ESD

Exhibit

Actions By The Board

E 9323.2

Board Bylaws

Exhibit 1

ACTIONS REQUIRING ~~A MORE THAN A SUPER~~ MAJORITY VOTE

Actions Requiring a Two-Thirds Vote of the Board:

4 out of 5 votes

4 out of 4 votes

1. Resolution declaring intention to sell or lease real property (Education Code 17466)

(cf. 3280 - Sale, Lease and Rental of District-Owned Real Property)

2. Resolution declaring intent of Board to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556 (Education Code 17557)

3. Resolution authorizing and directing the Board president, or any other presiding officer, secretary, or member, to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559)

4. Lease for up to three months of school property which has a residence on it and which cannot be developed for district purposes because funds are unavailable (Education Code 17481)

5. Request for temporary borrowing pursuant to Government Code 53820-53833, to pay district obligations incurred before the receipt of district income for the fiscal year sufficient to meet the payment(s) (Government Code 53821)

6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, action to render city or county zoning ordinances inapplicable to a proposed use of the property by the district (Government Code 53094)

(cf. 7131 - Relations with Local Agencies)

(cf. 7150 - Site Selection and Development)

(cf. 7160 - Charter School Facilities)

7. When the district is organized to serve only grades TK-8 and desires to establish a community day school for any of grades TK-8 (Education Code 48660)

87. ~~For TK-8 districts (and no higher) seeking~~ When the district has an average daily attendance (ADA) of 2,500 or less and seeks to add- situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)

8.9. When the district is organized to serve only grades TK-8 and seeks to situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)

810. ~~For When the~~ districts desiresing to operate a community day school on an existing school site to serve any grades KTK-6 (and no higher grades) on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)

~~(cf. 6185 - Community Day School)~~

911. Resolution of intent to issue general obligation bonds with the approval of 55 percent of the voters of the district (Education Code 15266)

(cf. 7214 - General Obligation Bonds)

1012. Resolution of intent to issue bonds within a school facilities improvement district with the approval of 55 percent of the voters of the school facilities improvement district. (Education Code 15266)

(cf. 7213 - School Facilities Improvement District)

1344. Resolution to place a parcel tax on the ballot (Government Code 53724)

1442. Resolution of necessity to proceed with an eminent domain action and, if the Board subsequently desires to use the property for a different use than stated in the resolution of

necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting:

4 out of 5 votes

3 out of 4 votes

3 out of 3 votes

1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)

2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

Actions Requiring a Four-Fifths Vote of the Board:

4 out of 5 votes

4 out of 4 votes

1. The expenditure and transfer of necessary funds and use of district property or personnel to meet a national or local emergency created by war, military, naval or air attack or sabotage, or to provide for adequate national or local defense (Government Code 53790-53792)

(cf. 3110 - Transfer of Funds)

2. Resolution for district borrowing based on issuance of notes, tax anticipation warrants, or other evidences of indebtedness, in an amount up to 50 percent of the district's estimated income and revenue for the fiscal year or the portion not yet collected at the time of the borrowing (Government Code 53822, 53824)

3. ~~Adoption of a resolution~~ Resolution for district borrowing, between July 15 and August 30 of any fiscal year, ~~to borrow funds~~ of up to 25% of the estimated income and revenue to be received by the district during ~~the current~~ that fiscal year from apportionments based on ADA for the preceding school year (Government Code 5382~~23~~-53824)

4. Declaration of an emergency in order to authorize the district to include a particular brand name or product in a bid specification (Public Contract Code 3400)

(cf. 3311 - Bids)

5. Resolution to award a contract for a public works project at \$187,500 or less to the lowest responsible bidder, when the district is using the informal process authorized under the Uniform Public Construction Cost Accounting Act for projects of \$175,000 or less, all bids received are in excess of \$175,000, and the Board determines that the district's cost estimate was reasonable (Public Contract Code 22034)

~~*(cf. 3311 - Bids)*~~

Actions Requiring a Unanimous Vote of the Board:

5 out of 5 votes

1. Resolution authorizing and prescribing the terms of a community lease for extraction of gas (Education Code 17510-17511)

2. Waiver of the competitive bid process pursuant to Public Contract Code 20111 when the Board determines that an emergency exists and upon approval of the County Superintendent of Schools (Public Contract Code 20113)

Actions Requiring a Unanimous Vote of the Board Members Present at the Meeting:

5 out of 5 votes

4 out of 4 votes

3 out of 3 votes

1. Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500.

2. Disposal of surplus property in the local dump or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of its sale. (Education Code 17546)

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

Exhibit

version: September 24, 1998

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CAMPBELL UNION SCHOOL DISTRICT

Campbell, California