

INTERDISTRICT ATTENDANCE

The Governing Board of Trustees recognizes that parents/guardians of students who reside within the geographic boundaries of in one district may, for a variety of reasons, desire choose to enroll their children in attend school in another district and that such choices are made for a variety of reasons.

(cf. 5111.1 - District Residency)

(cf. 5116.1 - Intradistrict Open Enrollment)

~~Unless otherwise specifically set forth in Board Policy, the Board of the District will only consider interdistrict transfers if compelling reasons are presented which indicate a student's education would be adversely affected if s/he continued in the school district of residence.~~

~~A request for an interdistrict transfer for regular day school, summer school, adult school classes, and special education classes shall be initiated at the district of residence. Consistent with its own policies, regulations, and practices, the district of residence shall conduct such investigations of the request as shall be necessary, shall be responsible for communication with the receiving district, and shall process the request if granted.~~

~~The Superintendent or designee shall negotiate the tuition agreement to be used for each special education interdistrict transfer.~~

OPTION 1: Interdistrict Attendance Agreements and Permits

~~student is accepted into the District, either by grant of a transfer petition, through the District appeal process, or a decision by the County Board of Education, the Superintendent or his/her designee, reserves the right to assign the school of attendance for the student in accord with District policies, practices, needs, or preferences.~~

The

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

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

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

~~OPTION 2: School District of Choice Program~~

~~The Board has designated the district as a "school district of choice" and shall accept students who reside within other California school districts who wish to attend a district school.~~

~~The Board shall, by resolution, annually establish the number of students who will be accepted into the district through this program based on recommendations by the Superintendent or designee as to the number of transfer students the district will be able to accept and the schools, grades, and programs that will be able to accept the students. Once established, the district shall accept all students who apply to transfer into the district until the district is at maximum capacity, as required pursuant to Education Code 48301.~~

~~Students shall be admitted to district schools through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a student should be enrolled based upon the student's academic or athletic performance, physical condition, proficiency in English, any of the individual characteristics set forth in Education Code 200, or family income. (Education Code 48301)~~

~~If the number of transfer applications exceeds the number of transfers the Board has elected to accept, approval for transfer shall be determined by a random drawing held in public at a regularly scheduled Board meeting. (Education Code 48301)~~

BP 5117(b)

~~INTERDISTRICT ATTENDANCE (continued)~~

~~Because the district admits students in accordance with the school district of choice program, the Superintendent or designee shall not admit students based on individual interdistrict attendance permits pursuant to Education Code 46600-46610 except under extraordinary circumstances.~~

~~The Superintendent or designee shall keep an accounting of all requests for admittance and a record of their disposition, including, but not limited to, all of the following: (Education Code 48313)~~

- ~~1. The number of requests granted, denied, or withdrawn and, for denied requests, the reason for the denial~~
- ~~2. The number of students transferred into and out of the district pursuant to this program~~
- ~~3. The race, ethnicity, gender, self-reported socioeconomic status, eligibility for free or reduced-price meals, and the district of residence for each student transferred into or out of the district pursuant to this program~~
- ~~4. The number of students transferred into or out of the district pursuant to this program who are classified as English learners or students with disabilities~~

5. ~~As applicable, the number of students described in items #3 and 4 above who are provided transportation assistance to a district school or program, and the total number of students provided transportation assistance, pursuant to the school district of choice program~~

~~The Superintendent or designee shall report to the Board, at a regularly scheduled meeting, the information specified in items #1-5 above. No later than October 15 of each year, the Superintendent or designee shall provide the same information for the current school year, as well as information regarding the district's status as a school district of choice in the upcoming school year, to each geographically adjacent school district, the county office of education, and the Superintendent of Public Instruction. (Education Code 48313)~~

~~The district's compliance with specified program requirements shall be reviewed as part of the annual district audit conducted pursuant to Education Code 41020. (Education Code 48301)~~

~~(cf. 3460—Financial Reports and Accountability)~~

Transportation

The district shall not provide transportation beyond any school attendance area. Upon request of a student's parent/guardian, the Superintendent or designee may authorize transportation

BP 5117(c)

INTERDISTRICT ATTENDANCE (continued)

for an interdistrict transfer student to and from designated bus stops within the attendance area of the school that the student attends if space is available.

Legal Reference:

EDUCATION CODE

41020 Annual district audits

46600-46610 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48300-48317 Student attendance alternatives, school district of choice program

48900 Grounds for suspension or expulsion; definition of bullying

48915 Expulsion; particular circumstances

48915.1 Expelled individuals; enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

48985 Notices to parents in language other than English

52317 Regional occupational center/program, enrollment of students, interdistrict attendance

CALIFORNIA CONSTITUTION

Article I, Section 31 Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 132 (2004)

84 Ops.Cal.Atty.Gen. 198 (2001)

COURT DECISIONS

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

Management Resources:

WEB SITES

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

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

Policy ~~CSBA MANUAL MAINTENANCE SERVICES SAN MATEO UNION HIGH SCHOOL DISTRICT~~

adopted: ~~March 2019~~ ~~October 25, 2018~~ ~~San Mateo, California~~

Students

AR 5117(a)

INTERDISTRICT ATTENDANCE

~~OPTION 1: Interdistrict Attendance Agreements and Permits~~

In accordance with an agreement between the Governing Board and the board of another district, a permit authorizing a student of either district to enroll in the other district may be issued upon approval of both districts.

The district shall post on its web site the procedures and timelines for requesting an interdistrict transfer permit, including a link to BP 5117 - Interdistrict Attendance. The posted information shall include, but is not limited to: (Education Code 46600.1, 46600.2)

1. The date upon which the district will begin accepting and processing interdistrict transfer requests for the following school year
2. The reasons for which the district may approve or deny a request, and any information or documents that must be submitted as supporting evidence

3. If applicable, the process and timelines by which a denial of a request may be appealed within the district before the district renders a final decision
4. A statement that failure of a parent/guardian to meet any timelines established by the district shall be deemed an abandonment of the request
5. Applicable timelines for processing a request, including the following statements:
 - a. For an interdistrict transfer request received by the district 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the district will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received.
 - b. For an interdistrict transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer is sought, the district will notify the parent/guardian of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which transfer is sought.
6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded

Priority for interdistrict attendance shall be given to a student who has been determined by staff of either the district of residence or district of proposed enrollment to be a victim of an act of bullying, as defined in Education Code 48900(r), committed by a student of the district of residence. (Education Code 46600)

(cf. 5131.2 - Bullying)

AR 5117(b)

INTERDISTRICT ATTENDANCE (continued)

In addition, the Superintendent or designee may approve an interdistrict attendance permit~~permits~~ for a student for any of the following reasons when stipulated in the agreement:

1. To meet the child care needs of the student, only as long as the student's child care provider remains within district boundaries

(cf. 5148 - Child Care and Development)

2. To meet the student's~~1. To meet a child's~~ special mental or physical health needs as certified by a physician, school psychologist, or other appropriate school personnel.

(cf. 6159 - Individualized Education Program)

- ~~3.2-~~ When ~~the~~ a student has a sibling~~(s)~~ attending school in the receiving district, to avoid splitting the family's attendance

~~4.3-~~ To allow ~~thea~~ student to complete a school ~~yearsemester~~ when ~~the student'shis/her~~ parents/guardians have moved out of the district ~~during that year~~

~~5.~~ ~~To allow.~~~~At the end of the semester,~~ the student ~~to remain with a class graduating that year~~ from an elementary, middle, or senior high ~~shall enroll in the school in his/her new district of residence.~~

~~6.4-~~ To ~~allow alet~~ high school ~~senior toseniors~~ attend the same school ~~they~~ attended as ~~a juniorjuniors~~, even if ~~the student's familytheir families~~ moved out of the district ~~duringafter~~ the ninth week of the ~~junior yearsecond semester during the junior year.~~ The student must be in good standing and on track to graduate.

~~7.5-~~ When the parent/guardian provides written evidence that the family will be moving into the district ~~in the immediate futurewithin six weeks~~ and would like the student to start the ~~school~~ year in the district ~~providing a close of escrow document, letter of residence from employer, or lease agreement is provided.~~

~~6.~~ ~~When a family is planning to move during a school semester and wishes to enroll a student in the new district of residence prior to the anticipated move, such move must be verified according to regulations established by the Superintendent or designee representative.~~

~~7.~~ ~~Once a student is enrolled in a school, he/she shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school in which he/she is enrolled, unless reapplication standards are otherwise specified in the permit. Existing interdistrict attendance permits shall not be rescinded for students entering grade 11 or 12 in the subsequent school year. (Education Code 46600)~~

~~8.~~ ~~When the student will be living out of the district for one year or less~~

~~9.8-~~ When recommended by the ~~school attendance review boardSchool Attendance Review Board~~ or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence

(cf. 5113.1 - *Chronic Absence and Truancy*)

AR 5117(b)

~~INTERDISTRICT ATTENDANCE (continued)~~

~~Interdistrict attendance permits or applications shall not be required for students enrolling in a regional occupational center or program. (Education Code 52317)~~

~~Every interdistrict attendance permit shall stipulate the terms and conditions under which the permit may be revoked. (Education Code 46600)~~

~~(cf. 5113.12 - District School Attendance Review Board)~~

- ~~10. When there is valid interest in a particular educational program not offered in the district of residence~~
- ~~11. To provide a change in school environment for reasons of personal and social adjustment~~

~~AR 5117(c)~~

INTERDISTRICT ATTENDANCE (continued)

~~The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited district resources, overcrowding of school facilities are overcrowded at the relevant grade level, or based on other considerations that are not arbitrary. However, once a student is admitted, the district shall may not deny him/her continued attendance because of overcrowded facilities at the relevant grade level.~~

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

~~If the transfer request is for a school year that begins within 15 calendar days of the receipt of the request, the Superintendent or designee shall notify the parent/guardian of the final decision within 30 calendar days of receiving the request. If the transfer request is for a school year that begins more than 15 calendar days after the receipt of the request, the parent/guardian shall be notified of the final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction during that school year. (Education Code 46600.2)~~

~~If a student's interdistrict transfer request is denied, the Superintendent or designee shall, in writing, notify the parents/guardians of their right to a student who is denied interdistrict attendance regarding the process for appeal to the County Board of Education within 30 calendar days from the date of the final denial, as specified in Education Code 46601. (Education Code 46600.246601)~~

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

~~All notices to parents/guardians regarding the district's decision on any request for interdistrict transfer shall conform to the translation requirements of Education Code 48985, and may be provided by regular mail, electronic format if the parent/guardian provides an email address, or by any other method normally used to communicate with parents/guardians in writing. (Education Code 46600.2)~~

~~Pending a decision by the two districts or by the County Board on appeal, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months, provided the district is the district of proposed enrollment. If the decision has not been rendered by the conclusion of two school months and the districts or County Board is still operating within the prescribed timelines, the student shall not be allowed~~

to continue attending the district school to which the student was provisionally admitted. (Education Code 46603)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or ~~rescissions~~~~decisions~~ while expulsion proceedings are pending, or during the term of the expulsion. (Education Code 46601)

(cf. 5119 - Students Expelled from Other Districts)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

AR 5117(d)

INTERDISTRICT ATTENDANCE (continued)

Once a student is admitted to a school on the basis of an interdistrict attendance permit, the student shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school of enrollment, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. Existing interdistrict attendance permits shall not be rescinded after June 30 following a student's completion of grade 10 or for any student entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

~~OPTION 2: School District of Choice Program~~

~~The Superintendent or designee shall communicate with parents/guardians regarding transfer opportunities under the school district of choice program. Communications sent to parents/guardians shall be available in all languages for which translations are required pursuant to Education Code 48985, shall be factually accurate, and shall not target particular neighborhoods or individual parents/guardians on the basis of a child's actual or perceived academic or athletic skill or any other personal characteristic. (Education Code 48301, 48980)~~

~~The Superintendent or designee shall also make public announcements regarding district schools, programs, policies, and procedures, including transportation options if applicable, during the enrollment period. (Education Code 48312)~~

~~The Superintendent or designee may hold informational meetings on the district's current educational programs, so that parents/guardians can provide input to the district on methods to improve current programs and make informed decisions regarding their children's education. (Education Code 48302)~~

~~The process for student transfers into the district under the school district of choice program, including, but not limited to, any applicable form, the timeline for a transfer, and an explanation of the selection process, shall be posted on the district's web site. (Education Code 48301)~~

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

~~Parents/guardians shall submit applications for interdistrict attendance to the district office before January 1 of the school year preceding the school year for which the student is~~

~~requesting to be transferred. The application deadline may be waived upon agreement between the district and the student's district of residence. (Education Code 48308)~~

~~The application deadline shall not apply to an application requesting a transfer if the parent/guardian with whom the student resides is enlisted in the military and was relocated by the military within 90 days prior to submitting the application. (Education Code 48308)~~

~~(cf. 6173.2—Education of Children of Military Families)~~

AR 5117(e)

INTERDISTRICT ATTENDANCE (continued)

~~Any existing entrance criteria for specialized schools or programs shall be uniformly applied to all applicants. (Education Code 48305)~~

~~The district may deny a transfer into the district under the school district of choice program if the transfer would require the district to create a new program to serve that student, except that the district shall not reject the transfer of a student with disabilities or an English learner. (Education Code 48303)~~

~~Whenever the number of transfer applications exceeds the number of interdistrict transfers that may be accepted as annually determined by the Governing Board, students accepted for transfer shall be selected by a random drawing held in public at a regularly scheduled Board meeting before February 15 of the school year preceding the school year for which the transfer is sought. (Education Code 48301)~~

~~Priority for transfer under the school district of choice program shall be granted as follows: (Education Code 48306)~~

- ~~1. — First priority shall be given to siblings of students already in attendance in the district.~~
- ~~2. — Second priority shall be given to students eligible for free or reduced-price meals.~~

~~(cf. 3553—Free and Reduced Price Meals)~~

- ~~3. — Third priority shall be given to children of military personnel.~~

~~No later than February 15 of the school year preceding the school year for which the student is requesting to be transferred, the Superintendent or designee shall notify the parent/guardian in writing whether the application has been provisionally accepted or rejected or of the student's position on any waiting list. (Education Code 48308)~~

~~If a student's application for transfer is accepted, the Superintendent or designee shall so notify the student's district of residence no later than February 15 of the school year preceding the school year for which the student is requesting to be transferred. (Education Code 48308)~~

~~The number of students accepted for transfer into the district, by school and grade level, shall be reported to the district of residence on or before February 15. (Education Code 48308)~~

~~If a student's application is denied, the Superintendent or designee shall notify the student's parents/guardians that the number of students requesting to transfer exceeded the district's capacity and that the student was not selected during the random drawing. Such determination shall be accurately recorded in the minutes of the Board meeting at which the determination was made. (Education Code 48308)~~

AR 5117(f)

INTERDISTRICT ATTENDANCE (continued)

~~(cf. 9324—Minutes and Recordings)~~

~~For a student whose parent/guardian was relocated by the military less than 90 days prior to the submission of the application, the district shall make a final decision to accept or reject the application within 90 days of its receipt. If the student's application has been submitted less than 90 days prior to the beginning of the school year, then the district shall accept or deny the application before the school year begins. Upon acceptance, the student may immediately enroll in a district school. (Education Code 48308)~~

~~Vacancies may be filled from the waiting list until May 1 of the school year preceding the school year for which students are requesting to be transferred. (Education Code 48308)~~

~~The final number of students enrolled in the district through the school district of choice program, by school and grade level, along with the names of the students, shall be reported to the district of residence on or before May 2. (Education Code 48308)~~

~~Students admitted through the school district of choice program are deemed to have fulfilled district residency requirements pursuant to Education Code 48204. (Education Code 48301)~~

~~(cf. 5111.1—District Residency)~~

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

~~Final acceptance of the transfer is applicable for one school year and shall be renewed automatically each year unless the Board, by adoption of a resolution, withdraws from participation in the program and no longer accepts transfer students from other districts. (Education Code 48308)~~

~~Even if the district withdraws from participation in the program, students who attended or received a notice of acceptance into the district before the Board's resolution of withdrawal shall be permitted to attend school in the district, and admitted high school students may continue attending school in the district until they graduate from high school. (Education Code 48307, 48308)~~

~~The district may accept any completed coursework, attendance, and other academic progress credited to an accepted student by any district(s) the student has previously attended and may~~

~~grant academic standing to the student based upon the district's evaluation of the student's academic progress. (Education Code 48309)~~

~~(cf. 6146.3—Reciprocity of Academic Credit)~~

~~The district may revoke a student's enrollment if the student is recommended for expulsion pursuant to Education Code 48918. (Education Code 48309)~~

AR 5117(g)

INTERDISTRICT ATTENDANCE (continued)

Transfers Out of the District

~~A student whose parent/guardian is in active military duty shall not be prohibited from transferring out of the district, provided the school district of proposed enrollment approves the application for transfer. (Education Code 46600, 48307)~~

~~The district may limit transfers out of the district to a school district of choice under any of the following circumstances: (Education Code 48307)~~

- ~~1. The number of student transfers out of the district to a school district of choice has reached the limit specified in Education Code 48307 based on the district's average daily attendance.~~
- ~~2. The County Superintendent of Schools has given the district a negative budget certification or has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice.~~

~~(cf. 3100—Budget)~~

- ~~3. The Board determines that the transfer would negatively impact any of the following: (Education Code 48307)~~
 - ~~a. A court-ordered desegregation plan~~
 - ~~b. A voluntary desegregation plan of the district, consistent with the California Constitution, Article 1, Section 31~~
 - ~~e. The racial and ethnic balance of the district, consistent with the California Constitution, Article 1, Section 31~~

Regulation ~~CSBA MANUAL MAINTENANCE SERVICES SAN MATEO UNION HIGH SCHOOL DISTRICT~~

approved: _____ - March ~~2019~~24, 2016 — San Mateo, California

Students

AR 5125.2(a)

WITHHOLDING GRADES, DIPLOMA OR TRANSCRIPTS

When a minor student willfully cuts, defaces, or otherwise injures real or personal property of the district or willfully does not return district property that has been loaned to the student~~him/her upon demand of a district employee~~, the student's parents/guardians may be required to pay the costs of all damages within the limits established pursuant to Education Code 48904. Until the student's parents/guardians have paid for the damages or the student has completed voluntary work or other nonmonetary alternative offered by the district in lieu of monetary damages, the Superintendent or designee may withhold the student's grades, diploma, and/or transcripts. (Education Code 48904, 49014)

(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5125 - Student Records)
(cf. 5131.5 - Vandalism and Graffiti)
(cf. 6161.2 - Damaged or Lost Instructional Materials)

This administrative regulation shall not apply to a student who is a current or former homeless or foster youth. (Education Code 49014)

Before withholding ~~at~~the student's grades, diploma, and/or transcripts, the Superintendent or designee shall inform the student's parents/guardians in writing of the student's alleged misconduct. (Education Code 48904)

(cf. 5145.6 - Parental Notifications)

The student shall be afforded due process consistent with procedures established for the expulsion of students. (Education Code 48904)

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

~~If the student and parents/guardians are unable to pay for the damages or return the property, the Superintendent or designee shall provide a program of voluntary work for the student in lieu of monetary damages. Upon completion of the voluntary work, the student's grades, diploma, and/or transcripts shall be released. (Education Code 48904)~~

When a student who is transferring into the district has had ~~his/her~~ grades, a diploma, and/or transcripts withheld by the previous district, the Superintendent or designee shall continue to withhold the student's grades, diploma, and/or transcripts until notified by the previous district that the decision to withhold has been rescinded. (Education Code 48904.3)

Upon receiving notice that a student whose grades, diploma, and/or transcripts have been withheld by this district has transferred to another district in California, the Superintendent or designee shall provide the student's records to the new district and notify the new district that the student's grades, diploma, and/or transcripts are being withheld from the student and parents/guardians pursuant to Education Code 48904.

The Superintendent or designee shall also notify the student's parents/guardians in writing that the decision to withhold the student's grades, diploma, and/or transcripts will be enforced by the new district. (Education Code 48904.3)

Legal Reference: (see next page)

AR 5125.2(b)

WITHHOLDING GRADES, DIPLOMA OR TRANSCRIPTS (continued)

Legal Reference:

EDUCATION CODE

48904 *Liability of parent*

48904.3 *Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold*

48911 *Suspension by principal, designee or superintendent*

49014 *Public School Fair Debt Collection Act*

49069 *Absolute right to access*

Regulation ~~CSBA MANUAL MAINTENANCE SERVICE SAN MATEO UNION HIGH SCHOOL DISTRICT~~

approved: ~~March 2019 June 7, 2018~~ — San Mateo, California

GRADUATION CEREMONIES AND ACTIVITIES

High school graduation ceremonies shall be held to recognize those students who have earned a diploma by successfully completing the required course of study, satisfying district standards, and passing any required assessments. -The Governing Board of Trustees believes that these students deserve the privilege of a public celebration that recognizes the significance of their achievement and encourages them to continue the pursuit of learning throughout their lives.

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

(cf. ~~6162.52 - High School Exit Examination~~)

(~~cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities~~)

At the discretion of the Superintendent or designee, a student who will complete graduation requirements during the summer may be allowed to participate in graduation exercises without receiving a his/her diploma.- When the requirements have been satisfied, a diploma shall be sent to the student.

High school students who have passed a high school equivalency test or the the California High School Proficiency Examination or the General Educational Development Test must also meet district graduation requirements in order to participate in graduation ceremonies.

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

Invocations, prayers, or benedictions shall not be included in graduation ceremonies. -The school or district shall not sponsor other ceremonies or programs for graduates that include prayer.

(cf. 1330 - Use of School Facilities)

(cf. 5145.2 - Freedom of Speech/Expression)

Honors and Awards

To honor superior academic achievement, graduation ceremonies shall include recognition of valedictorian(s) and salutatorian(s). -Valedictorian(s) and salutatorian(s) shall be selected based on established criteria and procedures that use multiple measures of academic performance.

(cf. 5121 - Grades/Evaluation of Student Achievement)

The Superintendent or designee shall identify other school-sponsored awards which may be given during graduation exercises. A separate awards program may be held to recognize graduating students receiving other school and non-school~~non-school~~ awards.

(cf. 5126 - Awards for Achievement)

BP 5127(b)

GRADUATION CEREMONIES AND ACTIVITIES (continued)

~~Conduct at Graduation Attire Ceremonies~~

~~student participating in a graduation ceremony shall comply with district policies and regulations pertaining to student conduct.~~

~~5131 - Conduct)~~

The Superintendent or designee may require graduating students to wear ceremonial attire, such as cap and gown, at the ceremony.

~~(cf. 3260 - Fees and Charges)~~

~~However, any~~

~~Any~~ graduating student who has completed basic training and is an active member of any branch of the United States Armed Forces may, at ~~the student's~~his/her option, wear ~~his/her~~ military dress uniform at the ceremony. (Education Code 35183.3)

~~Students shall be permitted to wear tribal regalia or recognized objects of religious or cultural significance as an adornment to the customary ceremonial attire, as long as the adornment does not cause a substantial disruption of, or material interference with, the graduation ceremony. (Education Code 35183.1)~~

~~Students who desire to wear such adornments shall seek permission from the Superintendent or designee at least 14 days before the graduation ceremony.~~

Disciplinary Considerations

~~Students are expected in order to comply with district encourage high standards of student conduct and school policies, regulations, and rules throughout the school session, including during graduation and related events. Students shall not be denied behavior, the principal may deny a student the privilege of participating in graduation ceremonies and/or activities except as discipline in cases of serious misconduct. In no event shall a student be denied participation in graduation ceremonies unless the principal or designee has informed the student and the student's parents/guardians accordance with school rules. Prior to denial of the misconduct and has privilege, the student, and where practicable his/her parent/guardian, shall be made aware of the grounds for such denial and shall be given them an opportunity to respond. If a privilege is to be denied, the student and parent/guardian shall receive written notice of the denied privilege and the means whereby he/she may appeal the decision.~~

~~(cf. 5131 - Conduct 5125.2 - Withholding Grades, Diploma or Transcripts)~~

(cf. 5144 - Discipline)

~~(cf.~~

During the graduation ceremony, a student may be removed from the ceremony for conduct that is disruptive or that poses a risk to safety.

High school seniors shall be notified of this policy in advance, through the student handbook or other means, and shall be required to acknowledge receiving it.

~~6161.2 - Damaged or Lost Instructional Materials)~~

Legal Reference: (see next page)

BP 5127(c)

GRADUATION CEREMONIES AND ACTIVITIES (continued)

Legal Reference:

EDUCATION CODE

35183.1 Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance

35183.3 Graduation ceremonies; military dress uniforms

38119 Lease of personal property; caps and gowns

48904 Liability of parent or guardian; withholding of grades, diplomas, transcripts

51225.5 Honorary diplomas; foreign exchange students

51410-~~51413~~~~51412~~ Diplomas

COURT DECISIONS

Workman v. Greenwood Community School Corporation, (2010) Case No. 1:2010cv00293

COURT DECISIONS

Cole v. Oroville Union High School District, (2000, 9th Cir.) 228 F.3d 1092

Santa Fe Independent School District v. Doe, (2000) 530 U.S. 290

Lee v. Weisman, (1992) 505 U.S. 577

Sands v. Morongo Unified School District, (1991) 53 Cal. 3d 863
Lemon v. Kurtzman, (1971) 403 U.S. 602

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Pupil Fees, Deposits and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools, February 2003

WEB SITES

AASA The School Superintendents Association: <http://www.aasa.org>

Antidefamation League: <https://www.adl.org>

California Department of Education, High School: <http://www.cde.ca.gov/ci/g/s/hs/>

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

Policy ~~CSBA MANUAL MAINTENANCE SERVICE SAN MATEO UNION HIGH SCHOOL~~
~~DISTRICT~~

adopted: ~~March~~ 2019 ~~July~~ 15,
2010 ~~San Mateo, California~~

PARENTAL NOTIFICATIONS

Cautionary Notice: Government Code 17581.5 ~~releases~~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 ~~2018~~2016 (SB ~~840~~826, Ch. ~~2923~~, Statutes of ~~2018~~2016) extends the suspension of these requirements through the ~~2018-19~~2016-17 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

Note: The following exhibit lists notices which the law explicitly requires be provided to parents/guardians. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements. For example, see AR 1312.3 - Uniform Complaint Procedures for the contents of the annual notice regarding uniform complaint procedures (~~UCP~~) as mandated by 5 CCR 4622.

~~The exhibit does not include other notices that are recommended throughout CSBA's sample policy manual but are not required by law. The district may revise the exhibit to reflect additional notifications provided by the district.~~

~~In addition to the notices required by law, there are other notices that districts are recommended to distribute. For example, AR 5145.3 – Nondiscrimination/Harassment includes an optional notice regarding the rights of transgender and gender nonconforming students. Furthermore, although the California High School Exit Examination is suspended through the 2017-18 school year pursuant to Education Code 60851.5 and therefore the notice described in Education Code 60850 is not currently required, districts may choose to notify parents/guardians of the suspension of the exam and the possibility that it could subsequently be reinstated.~~

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
Beginning of each school- for 6174 year	Education Code Information on the district's 222.5	BP 5146	Rights and options pregnant and parenting students
Beginning of each school year	Education Code 234.7	BP 0410	Right to a free public education regardless of immigration status or religious beliefs
Beginning of each school year	Education Code 310	BP 6142.2 AR 61746142.2	Information on the district's language acquisition programs
Beginning of each school year	Education Code 17611.5, 17612, 48980.3	AR_-3514.2	Use of pesticide product, active ingredients, Internet address to access information, and, if district has no web site

and uses certain pesticides, integrated pest management plan

By February 1	Education Code 35256, 35258	BP_-0510	School Accountability Report Card provided
Beginning of each school year	Education Code 35291, 48980	AR_-5144 AR_-5144.1	District and site discipline rules
Beginning of each school year	Education Code 46010.1	AR-5113	Absence for confidential medical services

E 5145.6(b)

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 44050	BP 4119.21 4219.21 4319.21	Code of conduct District policy authorizing employee interactions with students
Beginning of each school year	Education Code 46010.1	AR 5113	Absence for confidential medical services
Beginning of each school year, if district has adopted policy on involuntary transfer of students convicted of certain crimes when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	District policy authorizing -transfer
Beginning of each school year	Education Code 48980	BP_-6111	Schedule of minimum days and student-free staff development days
Beginning of each school year	Education Code 48980, 231.5; 5 CCR 4917	AR 5145.7	Copy of sexual harassment policy as related to students
Beginning of each school year	Education Code 48980, 32255- 32255.6	AR_-5145.8	Right to refrain from harmful or destructive use of animals

Beginning of each school year for	Education Code 48980, 35160.5, 46600-46611, 48204, 48301, 48350-48361	BP 5111.1 AR 5116.1 AR 5117	All statutory attendance options, available local attendance options, options meeting residency, form for changing attendance, appeals process
Beginning of each school year, if Board allows such absence	Education Code 48980, 46014	AR 5113	Absence for religious exercises or purposes
Beginning of each school grade/credit year	Education Code 48980, 48205	AR 5113 BP 6154	Excused absences; cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205

Beginning of each school year for

Education Code

AR

E 5145.6(c)

PARENTAL NOTIFICATIONS (continued)

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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I. Annually (continued)

Beginning of each school year	Education Code 48980, 48206.3, 48207, 48208	AR 6183	Availability of home/hospital instruction for students with temporary disabilities
Beginning of each school year	Education Code 48980, 49403	BP 5141.31	School immunization program
Beginning of each school year	Education Code 48980, 49423, 49480	AR 5141.21	Administration of prescribed medication

Beginning of each school year for

Education Code

AR

E 5145.6(c)

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 48980, 49451; 20 USC 1232h	AR_5141.3	Right to refuse consent to physical examination
Beginning of each school year	Education Code 48980, 49471, 49472	BP_-5143	Availability of insurance
Beginning of each school procedures, year	Education Code 49013; 5 CCR 4622	AR_-1312.3	Uniform complaint available appeals, civil law remedies
Beginning of each school year	Education Code 49063	AR_-5125 AR_-5125.3	Challenge, review, and expunging of records
Beginning of each school year	Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7	AR_-5125	Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine legitimate educational interest, course prospectus availability
Beginning of each school year	Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37	AR_-5125.1	Release of directory information
Beginning of each school year	Education Code AR	None 3553	How to access mental health Free and reduced-price meals
year	49520, 48980; 42 USC 1758; 7 CFR 245.5		meals
at least one more school in year	49428 Education Code 51513; 20 USC 1232h	AR 5022 BP 6162.8	services atBeginning of each school year Notice of privacy policy and/or dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures

time during school year
using specified methods

community

E 5145.6(d)

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 49520, 48980;	<u>AR 3553</u>	<u>Eligibility and application process for free and reduced-price meals</u>
BP	<u>7 CFR 245.5</u>	<u>42 USC 1758;</u>	
<u>Beginning of each school year</u>	<u>Education Code 51513; 20 USC 1232h</u>	<u>AR 5022</u> <u>BP 6162.8</u>	<u>Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures</u>
<u>Beginning of each school year</u>	<u>Education Code 56301</u>	<u>BP 6164.4</u>	Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment
Beginning of each school year	Education Code 58501, 48980	AR_6181	Alternative schools
Beginning of each school year	Health and Safety Code 104855	AR_5141.6	Availability of dental fluoride treatment; opportunity to accept or deny treatment
Annually	5 CCR 852; Education Code 60615	AR_6162.51	Student's participation in state assessments; option to request exemption from testing
Beginning of each school year, if district receives Title I funds	20 USC 6312; 34 CFR 200. 4861	BP 4112.2 AR 4222	Right to request information re: professional qualifications of child's teacher and paraprofessional
Beginning of each school year	34 CFR 104.8, 106.9	BP_0410 BP_6178	Nondiscrimination

Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals	40 CFR 763.84, 763.93	AR_-3514	Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress
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E 5145.6(e)

PARENTAL NOTIFICATIONS (continued)

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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I. Annually (continued)

Beginning of each school year	USDA SP-23-2017	AR 3551	District policy on meal payments
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II. At Specific Times During the Student's Academic Career

Beginning in grade 7, at least once prior to course selection and career counseling	Education Code 221.5, 48980	BP_-6164.2	Course selection and career counseling
Upon a student's enrollment	Education Code 310	BP 6142.26174 AR 61746142.2	Information on the district's language acquisition programs
When child first enrolls in a public school, if school offers a fingerprinting program	Education Code 32390, 48980	AR_-5142.1	Fingerprinting program

E 5145.6(e)

PARENTAL NOTIFICATIONS (continued)

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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II. At Specific Times During the Student's Academic Career (continued)

When participating in driver training courses under the jurisdiction of the district	Education Code 35211	None	Civil liability, insurance coverage
Upon registration in K-6, if students have not previously been transported	Education Code 39831.5	AR_-3543	School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops

Beginning of each school year for high school students, if high school is open campus	Education Code 44808.5, 48980	BP AR 5112.5	Open campus
Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement	Education Code 48980, 51225.3	AR_-6146.1	How each graduation requirement does or does not satisfy college entrance a-g course criteria; district CTE courses that satisfy a-g criteria
Upon a student's enrollment	Education Code 49063	AR 5125 AR 5125.3	Specified rights related to student records
When students enter grade 7	Education Code 49452.7	AR_-5141.3	Specified information on type 2 diabetes

E 5145.6(f)

PARENTAL NOTIFICATIONS (continued)

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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II. At Specific Times During the Student's Academic Career (continued)

When in kindergarten, or first grade if not previously enrolled in public school	Education Code 49452.8	AR_-5141.32	Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights
Beginning of each school year for students in grades 9-12	Education Code 51229, 48980	AR_-6143	College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors
Beginning of each school year for students in grades 7-12, or at time of enrollment if after beginning of year	Education Code 51938, 48980	AR_-6142.1	Sexual health and HIV prevention education, right to view A/V materials, whether taught by district staff or outside consultants, right to request specific Education Code sections, right to excuse

E 5145.6(f)

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/Administrative Regulation #	Subject
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~~II. At Specific Times During the Student's Academic Career~~ (continued)

Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, within 20 working days of start of next school year	Education Code 60641; 5 CCR 863	AR_-6162.51	Results of tests; test purpose, individual score and intended use
By October 15 for students in grade 12	Education Code 69432.9	AR 5121 AR 5125	Forwarding of student's grade point average to Cal Grant program; timeline to opt out
When child is enrolled <u>or reenrolled in a licensed child care center or preschool</u>	Health and Safety Code 1596.7996	AR <u>5148</u>	<u>Information on risks and effects of lead exposure, blood lead testing</u>
<u>When child is enrolled in kindergarten</u>	<u>Health and Safety Code 124100, 124105</u>	<u>AR -5141.32</u>	Health screening examination
To students in grades 11-12, early enough to enable registration for fall test	5 CCR 11523	AR_-6146.2	Notice of proficiency examination provided under Education Code 48412

E 5145.6(g)

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/Administrative Regulation #	Subject
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II. At Specific Times During the Student's Academic Career (continued)

To secondary students, if district receives Title I funds	20 USC 7908	AR_-5125.1	Request that district not release name, address, phone number of child to military recruiters without prior written consent
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III. When Special Circumstances Occur

In the event of a breach of security of district records,	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of
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to affected persons			incident, contact information for credit reporting agencies
Upon receipt of a complaint alleging discrimination	Education Code 262.3	AR_1312.3	Civil law remedies available to complainants
When determining whether an English learner should be reclassified as fluent English proficient	Education Code 313; 5 CCR 11303	AR_6174	Description of reclassification process, opportunity for parent/guardian to participate
When student is identified as English learner and district receives Title I or Title III funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year	Education Code <u>313.2, 440; 20 USC 6312</u> <u>20 USC 6312</u>	AR_ 6174	Reason for classification, level of English proficiency, identification as long-term English learner, description of program(s), option to decline program or alternate, option to remove student from program at any time, exit requirements of program

~~E 5145.6(g)~~

~~PARENTAL NOTIFICATIONS (continued)~~

When to Notify	Education or Other Legal Code	Board Policy/Administrative Regulation #	Subject
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~~III. When Special Circumstances Occur (continued)~~

			<u>program</u>
When homeless or foster youth applies for enrollment in before/after school program	Education Code 8483	AR 5148.2	Right to priority enrollment; how to request priority enrollment
Before high school student attends specialized secondary program on a university campus	Education Code 17288	None	University campus buildings may not meet Education Code requirements for structural safety
At least 72 hours before use of pesticide product not included in annual list	Education Code 17612	AR_3514.2	Intended use of pesticide product
To members of athletic teams	Education Code 32221.5	AR_5143	Offer of insurance; no-cost and low-cost program options

~~E 5145.6(h)~~

PARENTAL NOTIFICATIONS (continued)

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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III. When Special Circumstances Occur (continued)

<u>Annually to parents/guardians of student athletes before they participate in competition</u>	Education Code 33479.3	AR 6145.2	Information on sudden cardiac arrest
If school has lost its WASC accreditation status	Education Code 35178.4	BP_-6190	Loss of status, potential consequences
When district has contracted for electronic products or services that disseminate advertising	Education Code 35182.5	BP 3312	Advertising will be used in the classroom or learning center
At least six months before implementing uniform policy	Education Code 35183	AR 5132	Dress code policy requiring schoolwide uniform
Before implementing a year-round schedule	Education Code 37616	BP_-6117	Public hearing on year-round schedule
When interdistrict transfer is requested and not approved or denied within 30 days	Education Code 46601	AR_-5117	Appeal process
Before early entry to kindergarten, if offered	Education Code 48000	AR_-5111	Effects, advantages and disadvantages of early entry
When student identified as being at risk of retention	Education Code 48070.5	AR_-5123	Student at risk of retention
When student excluded due to quarantine, contagious or infectious disease, danger to safety or health	Education Code 48213	AR_-5112.2 BP_-5141.33	Student has been excluded from school

E 5145.6(h)

PARENTAL NOTIFICATIONS (continued)

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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III. When Special Circumstances Occur (continued)

Before already admitted student is excluded for lack of immunization	Education Code 48216; 17 CCR 6040	AR_-5141.31	Need to submit evidence of immunization or exemption within 10 school days; referral to medical care
When a student is classified as truant	Education Code 48260.5, 48262	AR_-5113.1	Truancy, parental obligation, availability of alternative programs, student consequences, need for conference

E 5145.6(i)

PARENTAL NOTIFICATIONS (continued)

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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III. When Special Circumstances Occur (continued)

When a truant is referred to a SARB or probation department	Education Code 48263	AR_-5113.1	Name and address of SARB or probation department and reason for referral
When a school is identified on the state's Open Enrollment List	Education Code 48354; 5 CCR 4702	AR_ 5118	Student's option to transfer to another school
Within 60 days of receiving application for transfer out of open enrollment school	Education Code 48357; 5 CCR 4702	AR_ 5118	Whether student's transfer application is accepted or rejected; reasons for rejection
When student requests to voluntarily transfer to continuation school	Education Code 48432.3	AR_-6184	Copy of district policy and regulation on continuation education
Prior to involuntary transfer to continuation school	Education Code 48432.5	AR_-6184	Right to request meeting prior to involuntary transfer to continuation school
To person holding educational rights, prior to recommending placement of foster youth outside school of origin	Education Code 48853.5	AR 6173.1	Basis for the placement recommendation

When student is removed from class and teacher requires parental attendance at school	Education Code 48900.1	AR 5144.4	Parental attendance required; timeline for attendance
Prior to withholding grades, diplomas, or transcripts	Education Code 48904	AR_-5125.2	Damaged school property
When withholding grades, diplomas or transcripts from transferring student	Education Code 48904.3	AR_-5125.2	Next school will continue withholding grades, diplomas, or transcripts

~~E 5145.6(i)~~

~~**PARENTAL NOTIFICATIONS (continued)**~~

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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~~**III. When Special Circumstances Occur (continued)**~~

When student is released to peace officer	Education Code 48906	BP_-5145.11	Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse
At time of suspension	Education Code 48911	BP_-5144.1 AR_-5144.1	Notice of suspension
When original period of suspension is extended	Education Code 48911	AR_-5144.1	Extension of suspension
At the time a student is assigned to a supervised suspension classroom	Education Code 48911.1	AR_-5144.1	The student's assignment to a supervised suspension classroom
Before holding a closed session re: suspension	Education Code 48912	AR_-5144.1	Intent to hold a closed session re: suspension

~~E 5145.6(j)~~

~~**PARENTAL NOTIFICATIONS (continued)**~~

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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~~**III. When Special Circumstances Occur (continued)**~~

When student expelled from another district for certain acts seeks admission	Education Code 48915.1, 48918	BP_-5119	Hearing re: possible danger presented by expelled student
When readmission is denied	Education Code 48916	AR_-5144.1	Reasons for denial; determination of assigned program
When expulsion occurs	Education Code 48916	AR_-5144.1	Readmission procedures
At least 10 calendar days before expulsion hearing	Education Code 48918	AR_-5144.1	Notice of expulsion hearing
When expulsion or suspension of expulsion occurs	Education Code 48918	AR_-5144.1	Decision to expel; right to appeal to county board; obligation to inform new district of status
Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	Right to request a meeting with principal or designee
One month before the scheduled minimum day	Education Code 48980	BP_-6111	When minimum days are scheduled after beginning of the school year

~~E-5145.6(j)~~

~~**PARENTAL NOTIFICATIONS (continued)**~~

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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~~**III. When Special Circumstances Occur (continued)**~~

When parents/guardians request guidelines for filing complaint of child abuse at a school site	Education Code 48987	AR_-5141.4	Guidelines for filing complaint of child abuse at a school site with local child protective agencies
When student in danger of failing a course	Education Code 49067	AR_-5121	Student in danger of failing a course
When student transfers from another district or private school	Education Code 49068	AR_-5125	Right to receive copy of student's record and to challenge its content
When parent/guardian's challenge of student record is denied and parent/guardian appeals	Education Code 49070	AR 5125.3	If board sustains allegations, the correction or destruction of record; if denied, right to submit written objection

PARENTAL NOTIFICATIONS (continued)

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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III. When Special Circumstances Occur (continued)

When district is considering program to gather safety-related information from students' social media activity	Education Code 49073.6	BP 5125	Opportunity for input on proposed program
When district adopts program to gather information from students' social media activity, and annually thereafter	Education Code 49073.6	AR 5125	Information is being gathered, access to records, process for removal or corrections, destruction of records
Within 24 hours of release of information to a judge or probation officer	Education Code 49076	AR_5125	Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition
Before release of information pursuant to court order or subpoena	Education Code 49077	AR_5125	Release of information pursuant to court order or subpoena
When screening results in suspicion that student has scoliosis	Education Code 49452.5	AR_5141.3	Scoliosis screening
When test results in discovery of visual or hearing defects	Education Code 49456; 17 CCR 2951	AR_5141.3	Vision or hearing test results

PARENTAL NOTIFICATIONS (continued)

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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III. When Special Circumstances Occur (continued)

Within 10 days of	Education Code	AR 3551	Negative balance in meal
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<u>negative balance in meal account</u>	49557.5	<u>account; encouragement to apply for free or reduced-price meals</u>
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Annually to parents/guardians of student athletes before their first practice or competition	Education Code 49475	AR_-6145.2	Information on concussions and head injuries
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Within 30 days of foster youth local	To person holding educational rights, within 30 days of foster requirements, effect	Education Code 51225.1	BP 6146.1 Exemption from graduation
juvenile court school student, youth, homeless youth, or admission, option	child of military family, or former juvenile court school school		AR 6173.1 on college
migrant student being transferred after second year of between high school, or immigrant schools student enrolled in newcomer program in grades 11-12		AR 6175	AR 6173.3 for fifth year of high school

E 5145.6(l)

PARENTAL NOTIFICATIONS (continued)

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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III. When Special Circumstances Occur (continued)

Before any test/survey questioning personal beliefs	Education Code 51513	AR_-5022	Permission for test, survey questioning personal beliefs
At least 14 days before HIV prevention or sexual health instruction, if arrangement made for guest speaker after beginning of school year	Education Code 51938	AR_-6142.1	Instruction in HIV prevention or sexual health by guest speaker or outside consultant
Prior to administering survey regarding health risks and behaviors to students in 7-12	Education Code 51938	AR_-5022	Notice that the survey will be administered
Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency	Education Code 52164.1, 52164.3; 5 CCR 11511.5	AR_-6174	Results of state test of English proficiency
When migrant education program is established	Education Code 54444.2	BP -6175 AR_-6175	Parent advisory council membership composition

When child participates in licensed child care and development program	Health and Safety Code 1596.857	AR_-5148	Parent/guardian right to enter facility
When district receives Tobacco-Use Prevention Education Funds	Health and Safety Code 104420	AR 3513.3	The district's tobacco-free schools policy and enforcement procedures
<u>When testing by community water system finds presence of lead exceeding specified level</u>	<u>Health and Safety Code 116277</u>	<u>AR 3514</u>	<u>Elevated lead level at school</u>
When sharing student immunization information with an immunization system	Health and Safety Code 120440	AR_-5125	Types of information to be shared, name and address of agency, acceptable use of the information, right to examine,—right to refuse to share

E 5145.6(l)

PARENTAL NOTIFICATIONS (continued)

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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III. When Special Circumstances Occur (continued)

At least 14 days prior to sex offender coming on campus as volunteer	Penal Code 626.81	AR 1240 BP 1250	Dates and times permission granted; obtaining information from law enforcement
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E 5145.6(m)

PARENTAL NOTIFICATIONS (continued)

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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III. When Special Circumstances Occur (continued)

When hearing is requested by person asked to leave school premises	Penal Code 627.5	AR_-3515.2	Notice of hearing
When responding to complaint re: discrimination, special education, or noncompliance	5 CCR 4631	AR_-1312.3	Findings, disposition of complaint, any corrective actions, appeal rights and

with law			procedures
When child participates in licensed child care and development program	5 CCR 18066	AR_5148	Policies re: excused and unexcused absences
Within 30 days of application for subsidized child care or preschool services	5 CCR 18094, 18118	AR 5148 AR 5148.3	Approval or denial of services
Upon recertification or update of application for child care or preschool services	5 CCR 18095, 18119	AR 5148 AR 5148.3	Any change in service, such as in fees, amount of service, termination of service
Upon child's enrollment in child care program	5 CCR 18114	AR 5148	Policy on fee collection
When payment of child care fees is seven days late	5 CCR 18114	AR 5148	Notice of delinquent fees
When district substantively changes policy on student privacy rights	20 USC 1232h	AR_5022	Notice of any substantive change in policy or regulation
For districts receiving Title I funds, when child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught	20 USC 6312	AR_4112.2	Timely notice to parent/guardian of child's assignment
For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners	20 USC 6312	AR_6174	Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose other program

~~E 5145.6(m)~~

~~**PARENTAL NOTIFICATIONS (continued)**~~

When to Notify	Education or Other Legal Code	Board Policy/Administrative Regulation #	Subject
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~~**III. When Special Circumstances Occur (continued)**~~

~~E 5145.6(n)~~

PARENTAL NOTIFICATIONS (continued)

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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III. When Special Circumstances Occur (continued)

For schools receiving Title I funds, upon development of parent involvement policy	20 USC 63186346	AR_-6020	Notice of policy
When household is selected for verification of eligibility for free or reduced-price meals	42 USC 1758; 7 CFR 245.6a	AR_-3553	Need to submit verification information; any subsequent change in benefits; appeals
When student is homeless or unaccompanied minor	42 USC 11432; Education Code 48852.5	AR 6173	Educational and related opportunities; transportation services; placement decision and right to appeal
When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30	34 CFR 99.34	AR_-5125	Right to review records
When district receives federal funding assistance for nutrition program	USDA FNS Instruction 113-1	BP 3555	Rights and responsibilities, nondiscrimination policy, complaint procedures

IV. Special Education Notices

Prior to conducting initial evaluation	Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415(d); 34 CFR 300.502, 300.503	BP 6159.1 AR 6159.1 AR 6164.4	Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards
Before functional behavioral assessment begins	Education Code 56321	AR_-6159.4	Notification and consent
24 hours before IEP when district intending to record	Education Code 56341.1	AR_-6159	Intention to audio-record IEP meeting
Early enough to ensure opportunity for parent/guardian to attend IEP meeting	Education Code 56341.5; 34 CFR 300.322	AR_-6159	Time, purpose, location, who will attend, participation of others with special knowledge, transition statements if appropriate
When parent/guardian orally requests review of IEP	Education Code 56343.5	AR_-6159	Need for written request

E 5145.6(o)

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
			E-5145.6(n)

~~PARENTAL NOTIFICATIONS (continued)~~

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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IV. Special Education Notices (continued)

Within one school day of emergency intervention or serious property damage	Education Code 56521.1	AR_-6159.4	Emergency intervention
Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services	20 USC 1415(c); 34 CFR 300.300, 300.503	AR_-6159 AR_-6159.1	Prior written notice
Upon filing of state complaint	20 USC 1415(d); 34 CFR 300.504	AR_-6159.1	Procedural safeguards notice
When disciplinary measures are taken or change in placement	20 USC 1415(k); 34 CFR 300.530	AR_-5144.2	Decision and procedural safeguards notice
Upon requesting a due process hearing	20 USC 1415(k); 34 CFR 300.508	AR_-6159.1	Student's name, address, school, description of problem, proposed resolution
Eligibility for services under Section 504	34 CFR 104.32, 104.36	AR_-6164.6	District responsibilities, district actions, procedural safeguards

V. Classroom Notices

In each classroom in each school	Education Code <u>8235.5</u> , 35186	AR_-1312.4 E_-1312.4	Complaints <u>subject to uniform complaint</u>
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~~vacancy or misassignment,~~

~~maintenance of facilities~~

Students _____ AR 5148(a)

CHILD CARE AND DEVELOPMENT

Licensing

All district child care and development services shall be licensed by the—September 13, 2018 San Mateo, 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 developmental profile reflecting each child's physical, cognitive, social, and emotional development 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 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. 6164.6 - Identification and Education Under Section 504)
(cf. 6174 - Education for English Learners)

3. A staff development program which complies with 5 CCR 18274

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

AR 5148(b)

CHILD CARE AND DEVELOPMENT (continued)

4. Parent/guardian involvement and education that comply with 5 CCR 18275 and include 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 complies with 5 CCR 18276 and includes referrals to appropriate community agencies as needed

(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 complies with 5 CCR 18277

7. As applicable, a nutrition component that ensures 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 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. 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

9. 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/guardian survey, and environment rating scale using forms provided by the CDE (5 CCR 18270.5, 18279, 18280)

(cf. 0500 - Accountability)

Staffing

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.

AR 5148(c)

CHILD CARE AND DEVELOPMENT (continued)

All persons employed at a licensed district child care center and all volunteers who provide care and supervision to children at such a center shall be immunized against influenza, pertussis, and measles. If they meet all other requirements for employment or volunteering, as applicable, but need additional time to obtain and provide immunization records, they may be employed or volunteer conditionally for a maximum of 30 days upon signing and submitting a written statement attesting that they have been immunized as required. In addition, employees and volunteers 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 declining 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. 4112.4/4212.4/4312.4 - 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. 4112.6/4212.6/4312.6 - Personnel Files)

In addition to the above immunization requirements, teachers employed in a licensed 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 may be available to infants and children through 12 years of age and to individuals with disabilities through 21 years of age 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)

AR 5148(d)

CHILD CARE AND DEVELOPMENT (continued)

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 either of the following:
 - a. The unavailability of the parents/guardians to care for and supervise their children for some portion of the day because they are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated
 - b. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services, as being or at risk of being neglected, abused, or exploited, or as being homeless

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 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)

The district shall allow eligible children 11-12 years of age to combine enrollment in a before-school or after-school program with subsidized child care services during the time that the before-school or after-school program does not operate. Children 11-12 years of age, except for children with disabilities, shall be eligible for subsidized child care services only for the portion of care needed that is not available in a before-school or after-school program. (Education Code 8263.4)

AR 5148(e)

CHILD CARE AND DEVELOPMENT (continued)

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)

Upon establishing eligibility for services, a family shall be eligible for and shall receive services for not less than 12 months before having the family's eligibility or need recertified and shall not be required to report changes to income or other changes for at least 12 months. However, a family establishing eligibility on the basis of income shall report any increases in income that exceed the threshold for ongoing income eligibility specified in Education Code 8263.1, and the family's ongoing eligibility shall be recertified at that time. At any time a family may voluntarily report income or other changes, which shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of eligibility before recertification. (Education Code 8263)

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 made during recertification or the update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified

2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. An indication by the parent/guardian that the service is no longer wanted
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)

AR 5148(f)

CHILD CARE AND DEVELOPMENT (continued)

Fees and Charges

Except when offering a program that 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, 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. (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 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.

AR 5148(g)

CHILD CARE AND DEVELOPMENT (continued)

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.

Health Examination and Information

A physical examination and evaluation, including age-appropriate immunization, shall be required prior to or within six weeks of enrollment. (Education Code 8263)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

The requirement for a physical examination and evaluation shall be waived if a parent/guardian submits a letter stating that such examination is contrary to the parent/guardian's religious beliefs. (Education Code 8263)

However, 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 submitted a letter or affidavit prior to January 1, 2016 stating that such examination is contrary to the parent/guardian's 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).

If there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child shall be temporarily excluded from the child care and development program until it is determined that the child is not suffering from that contagious or infectious disease. (Education Code 8263)

(cf. 5141.22 - Infectious Diseases)

When a child enrolls or reenrolls in a licensed child care program, the center shall provide the child's parent/guardian with written information on the risks and effects of lead exposure, blood lead testing recommendations and requirements, and options for obtaining blood lead testing, including any state or federally funded programs that offer free or discounted tests. (Health and Safety Code 1596.7996)

AR 5148(h)

CHILD CARE AND DEVELOPMENT (continued)

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 child's parent/guardian. 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)

AR 5148(i)

CHILD CARE AND DEVELOPMENT (continued)

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 the rights 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 a 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, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 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, the parent/guardian 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 CDE.

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

Regulation
approved:

CSBA MANUAL MAINTENANCE SERVICE
March 2019

Board Bylaws

BB 9323.2(a)

ACTIONS BY THE BOARD

The Governing Board ~~of Trustees~~ shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9012 - Board Member Electronic Communications)

(cf. 9200 - Limits of Board Member Authority)

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the Board members to make a positive or negative decision
3. A vote by a majority of the Board members when sitting as the Board upon a motion, proposal, resolution, order, or ordinance

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

(cf. 9324 - Minutes and Recordings)

Action on Non-Agenda Items

After publicly identifying the item, the Board may take action on a subject not appearing on the posted meeting agenda under any of the following conditions: (Government Code 54954.2)

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

BB 9323.2(b)

ACTIONS BY THE BOARD (continued)

Challenging Board Actions

The district attorney's office or any interested person may file an action in court for the purpose of: (Government Code 54960, 54960.2)

1. Stopping to stop or preventing prevent the Board's violation or threatened violation threats of violations of the Brown Act
2. Determining, to determine the applicability of the Brown Act to ongoing or future threatened Board actions
3. Determining the applicability of the Brown Act to a past action of the Board that is not specified in Government Code 54960.1, provided that:
 - a. Within nine months of the alleged violation, a cease and desist letter is submitted to the Board, clearly describing the past Board action and the nature of the alleged violation.

- b. The time for the Board, to respond has expired and the Board has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.
 - c. The action is brought within the time required by Government Code 54960.2.
4. Determining~~determine~~ the validity, under state~~California~~ or federal law, of any Board rule or action which penalizes~~penalize~~ any of its members or otherwise discourages~~their discourage the member's~~ expression
 5. Compelling, or to compel the Board to audio record its closed sessions because of a court's finding of the Board's~~its~~ violation of any applicable Government Code provision-
(~~Government Code 54960~~)

The district attorney or any interested person may file an action in court to nullify~~present a demand that the Board cure and correct~~ a Board action which ~~he/she alleges is~~ alleged to be in violation of law regarding any of the following: (Government Code 54960.1)

1. Open meeting and teleconferencing (Government Code 54953)
2. Agenda posting (Government Code 54954.2)
3. Closed session item descriptions (Government Code 54954.5)
4. New or increased tax assessments (Government Code 54954.6)
5. Special meetings (Government Code 54956)
6. Emergency meetings (Government Code 54956.5)

BB 9323.2(c)

ACTIONS BY THE BOARD (continued)

~~Any~~ Prior to bringing any action to nullify a Board action, the district attorney or other interested person shall present a demand to "cure and correct" the~~an~~ alleged violation. The demand shall clearly describe the challenged action and the nature of the alleged violation and shall be presented to the Board in writing within 90 days of the date when the action was taken. -If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)

Within 30 days of receiving the demand, the Board shall do one of the following: (Government Code 54960.1)

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.

2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.

~~BB 9323.2(e)~~

~~**ACTIONS BY THE BOARD** (continued)~~

3. Take no action. If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the challenged action.

~~In addition, the district attorney's office or any interested party may file an action in court to determine the applicability of the Brown Act to any past Board action not specified in Government Code 54960.1, if the following conditions are met: (Government Code 54960.2)~~

- ~~1. Within nine months of the alleged violation, a cease and desist letter is submitted to the Board, clearly describing the past Board action and the nature of the alleged violation.~~
- ~~2. The time for the Board to respond has expired and the Board has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.~~

Legal Reference:

EDUCATION CODE

15266 School construction bonds

17466 Declaration of intent to sell or lease real property

17481 Lease of property with residence for nondistrict purposes

~~17510-17512 Leasing for production of gas, resolution 17511 Resolution requiring unanimous vote of all members constituting board~~

17546 Private sale of personal property

17556-17561 Dedication of real property

~~17582-17583 District deferred maintenance fund~~

35140-35149 Meetings

35160-35178.4 Powers and duties

48660-48661 Community day schools, establishment and restrictions

CODE OF CIVIL PROCEDURE

425.16 Special motion to strike in connection with a public issue

1245.240 Eminent domain vote requirements

1245.245 Eminent domain, resolution adopting different use

GOVERNMENT CODE

53090-53097.5 Regulation of local agencies by counties and cities

53724 Parcel tax resolution requirements

53790-53792 Exceeding the budget

53820-53833 Temporary borrowing

53850-53858 Temporary borrowing

Legal Reference continued: (see next page)

BB 9323.2(d)

ACTIONS BY THE BOARD (continued)

Legal Reference: (continued)

GOVERNMENT CODE (continued)

54950-54963 The Ralph M. Brown Act, especially:

54952.6 Action taken, definition

54953 Meetings to be open and public; attendance; prohibition against secret ballots

54960-54960.5 Actions to prevent violations

65352.2 Coordination with planning agency

Legal Reference continued: (see next page)

BB 9323.2(d)

~~ACTIONS BY THE BOARD (continued)~~

~~Legal Reference: (continued)~~

~~PUBLIC CONTRACT CODE~~

~~3400 Bid specifications~~

~~20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder~~

~~20113 Emergencies, award of contracts without bids~~

~~20114 Repairs, maintenance, and improvements to district facilities by day labor or force account~~

~~22034 Uniform Public Construction Cost Accounting Act informal bidding ordinance~~

~~22035 Repair or replacement of facilities in case of emergency~~

~~22050 Emergency contracting procedures~~

~~COURT DECISIONS~~

~~Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313~~

~~McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310~~

~~Bell v. Vista Unified School District (2002) 82 Cal.App.4th 672~~

~~Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109~~

Management Resources:

CSBA PUBLICATIONS

The Brown Act: -School Boards and Open Meeting Laws, 2014~~2009~~

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: - Open Meetings for Local Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: -A Guide to the Ralph M. Brown Act 2nd Edition, rev. July 2010, ~~2007~~

WEB SITES

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

WEB SITES

CSBA California Attorney General's Office: <http://www.csba.org> ~~oag.ca.gov~~

Institute for Local Government: <http://www.ca-ilg.org>

Office of the Attorney General: <http://www.oag.ca.gov>

Bylaw ~~CSBA MANUAL MAINTENANCE SERVICES SAN MATEO UNION HIGH SCHOOL DISTRICT~~

adopted: ~~March 2013~~ March 2019 :: ~~May 14, 2013~~ May 14, 2019 San Mateo, California

Board Bylaws

E(1) 9323.2(a)

ACTIONS BY THE BOARD

ACTIONS REQUIRING A SUPER MAJORITY VOTE

Actions Requiring a Two-Thirds Vote of the Board:

1. Resolution declaring the Governing Board's intention to sell or lease real property (Education Code 17466)

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

2. Resolution declaring the Board's intent ~~of Board of Trustees~~ 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 of funds needed for immediate requirements of the district 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 K-8, action to establish a community day school for any of grades K-8 (Education Code 48660)

(cf. 6185 - Community Day School)

- ~~8. When the district is organized to serve only grades K-8, has an average daily attendance (ADA) of 2,500 or less, or desires to operate a community day school to serve any of grades K-6 (and no higher grades) 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)~~

E(1) 9323.2(b)

ACTIONS BY THE BOARD (continued)

98. 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)

- 109.** 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)

E(1) 9323.2(b)

~~ACTIONS BY THE BOARD (continued)~~

(cf. 7213 - School Facilities Improvement Districts)

- 1110.** Resolution to place a parcel tax on the ballot (Government Code 53724)
- 1244.** 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)
- 13.** When the district has a three-member Board, action to respond to an emergency facilities condition without giving notice for bids to let contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action (Public Contract Code 22035, 22050)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting:

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)

E(1) 9323.2(c)

ACTIONS BY THE BOARD (continued)

Actions Requiring a Four-Fifths Vote of the Board:

1. 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. Resolution for district borrowing, between July 15 and August 30 of any fiscal year, of up to 25 percent of the estimated income and revenue to be received by the district during that fiscal year from apportionments based on ADA for the preceding school year (Government Code 53823-53824)

~~E(1) 9323.2(e)~~

~~ACTIONS BY THE BOARD (continued)~~

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. When the district has a five-member or seven-member Board, action to respond to an emergency facilities condition without giving notice for bids to let contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action (Public Contract Code 22035, 22050)~~

- ~~65.~~ Resolution to award a contract for a public works project at ~~\$212187,500~~ 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 ~~\$200175,000~~ or less, all bids received are in excess of ~~\$200175,000~~, and the Board determines that the district's cost estimate was reasonable (Public Contract Code 22034)

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

ACTIONS BY THE BOARD (continued)

Actions Requiring a Unanimous Vote of the Board:

1. Resolution authorizing and prescribing the terms of a ~~community~~-lease of district property for extraction and taking of gas not associated with oil (Education Code 17510-17511)
2. Authorization of the use of day labor or force account, or waiver~~Waiver~~ of the competitive bid process pursuant to Public Contract Code 20111, when the Board determines that an emergency exists requiring the repair, alteration, work, or improvement to any facility to permit the continuance of existing classes or to avoid danger to life or property, and upon approval of the County Superintendent of Schools (Public Contract Code 20113)

Action Requiring a Unanimous Vote of the Board Members Present at the Meeting:

1. Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. 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 arranging its sale. (Education Code 17546)

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

Board Bylaws

E(2) 9323.2

ACTIONS BY THE BOARD

UNCONDITIONAL COMMITMENT LETTER

To: *(Name of district attorney or any interested person)*

The Governing Board of ~~December 15, 2016~~ San Mateo Union High School District has received your cease and desist letter dated *(date)* alleging that the following past action taken by the Board violates the Ralph M. Brown Act: *(Describe alleged past action as set forth in the cease and desist letter.)*, California

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Board hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action described above. The Board may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address(es) you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, a notice will be delivered to you by the same means as this commitment, or by mail to an address that you have designated in writing, and you will have the right to commence legal action pursuant to Government Code 54960(a).

Sincerely,

(Name)

(Title of Board President or other designee)

Exhibit
version:

CSBA MANUAL MAINTENANCE SERVICE
March 2019