

AGENDA FOR THE REGULAR MEETING OF THE
SIERRA COUNTY BOARD OF EDUCATION

April 9, 2013

6:00 pm

Downieville School, Downieville, California

This meeting will be available for videoconferencing at Loyalton Middle School, Room 4, Loyalton, CA.

In the case of a technological difficulty at either school site, videoconferencing will not be available.

Any individual who requires disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Board meeting should contact the Superintendent or designee in writing.

Public inspection of agenda documents that are distributed to the Board less than 72 hours before the meeting, will be made available at the Sierra County Board of Education, 305 S. Lincoln Street, Sierraville, CA 96126 and posted with the online agenda at <http://www.sierracountyofficeofeducation.org> (Government Code 54957.5)

- A. CALL TO ORDER
- B. ROLL CALL
- C. FLAG SALUTE
- D. APPROVAL OF THE AGENDA
- E. INFORMATION/DISCUSSION ITEMS
 - 1. Correspondence
 - 2. Superintendent's Report
 - a. Employee Recognition-Hillary Lozano
 - b. Opportunity Class - Downieville
 - c. Secure Rural Schools**
 - 3. Business Report
 - a. Board Report-Expenditures by Object 07/01/12 to 3/31/13**
 - 4. Staff Reports (5 minutes)
 - a. Sierra-Plumas Classified Employee's Association Sunshine Proposal Presentation**
 - 5. SPTA Report (5 minutes)
 - a. Sierra-Plumas Teachers' Association Sunshine Proposal Presentation**
 - 6. Board Members' Report (5 minutes)
 - 7. Public Comment – This is an opportunity for members of the public to directly address the governing board on any item of interest that is within the subject matter jurisdiction of the governing board whether or not it is listed on the agenda. Five minutes may be allotted to each speaker and a maximum of twenty minutes to each subject matter. (Education Code 35145.5; Bylaw 9322; Government Code 54954.3)
 - a. Current location
 - b. Videoconference location

F. CONSENT CALENDAR

1. Approval of minutes of the Regular Board meeting held March 12, 2013**
2. Approval of bill warrants for month of March 2013**
3. Approval of Quarterly Report on Williams Uniform Complaints for quarter ending March 31, 2013. It is required per Education Code 35186 section (d) *that a school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district.* No complaints regarding textbooks and instructional materials, teacher vacancy or misassignment or conditions of facilities were filed with Sierra County Office of Education during the quarter ending March 31, 2013.

G. ACTION ITEMS

1. New Business
 - a. Adoption of Resolution 12-008, Local Control Funding Formula**
Roll Call Vote
 - b. Adoption of Resolution 12-009, Education Protection Account**
Roll Call Vote
 - c. Approval of the 2013-2014 School Calendar, First Reading**
 - d. Approval to Offer a "Golden Handshake" to Stanford J. Hardeman as a condition of retirement**
 - e. Approval of Board Policy 3260, Fees and Charges, revision**
 - f. Approval of Administrative Regulation 3260, Fees and Charges, revision**
 - g. Approval of Administrative Regulation 5141.31, Immunization, revision**
 - h. Approval of Board Policy 5144, Discipline, revision**
 - i. Approval of Administrative Regulation 5144, Discipline, revision**
 - j. Approval of Board Policy 5144.1, Suspension and Expulsion/Due Process, revision*
 - k. Approval of Administrative Regulation 5144.1, Suspension and Expulsion/Due Process, revision*
 - l. Approval of Board Policy 6161.1, Selection and Evaluation of Instructional Materials, revision**
 - m. Approval of Administrative Regulation 6161.1, Selection and Evaluation of Instructional Materials, revision**

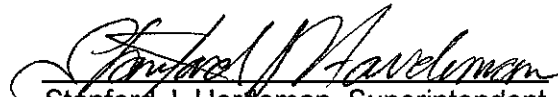
Sierra County Board of Education
Regular Meeting Agenda
April 9, 2013

- n. Approval of Exhibit 6161.1, Selection and Evaluation of Instructional Materials, revision**

H. ADVANCED PLANNING

- 1. Next Regular Board Meeting will be held on May 14, 2013, at Loyalton Middle School, Room 4, Loyalton, California, at 6:00 pm.
- 2. Suggested Agenda Items
 - a. Preliminary Budget
 - b. _____
 - c. _____

I. ADJOURNMENT


Stanford J. Harleman, Superintendent

- *** prior month handout
- ** enclosed
- * handout

FORESTS:

Wyden announces March 19 hearing on county payment programs

Phil Taylor, E&E reporter

Published: Friday, March 8, 2013

Senate Energy and Natural Resources Chairman Ron Wyden (D-Ore.) yesterday said his panel will meet March 19 to discuss the expiration of programs that provide hundreds of millions of dollars annually to counties with large blocks of federal lands.

Those programs include Secure Rural Schools (SRS) and Payments in Lieu of Taxes (PILT), which compensate counties for the loss of timber revenues and the inability to collect property taxes on federal lands within their boundaries.

Wyden made the announcement during a confirmation hearing for President Obama's nominee for Interior secretary, Sally Jewell, whose portfolio would include 2.4 million acres of timber-rich federal lands in Wyden's home state.

Counties in western Oregon will soon have to decide whether to lay off teachers, close schools, shed law enforcement jobs and defer road projects if SRS is not extended, Wyden said. Final payments to counties were distributed in recent weeks.

"This program, which I authored with our former colleague [Sen.] Larry Craig (R-Idaho), has been a lifeline for timber-dependent communities across the country," Wyden said.

Extending SRS has never been politically popular, as it is criticized by Republicans as a form of welfare for Western counties that would rather get the revenue from timber jobs in the woods. Payments for SRS have gradually declined each of the past few years, but the drop has been precipitous in western Oregon.

While Wyden and Finance Chairman Max Baucus (D-Mont.) have pledged to secure a short-term extension of SRS, Wyden said such a move alone would fail to provide the financial certainty counties need.

Wyden has promised to find a long-term solution to ensuring that resource-dependent counties receive a "fair share" from the development of federal resources. The SRS extension has been discussed in the context of a broader proposal by Wyden and Sens. Lisa Murkowski (R-Alaska) and Mary Landrieu (D-La.) to expand the sharing of energy receipts from public lands.

"A short-term extension [of SRS] is not a long-term solution for these communities," Wyden said. "We've got to get our people back to work in the woods, for example. We have got to

increase the number of jobs in resource-dependent communities where there's federal lands and federal water. We believe that can be done consistent with protecting our environmental values."

In the meantime, one source said he believes Baucus has identified an offset to pay for extending SRS.

The upcoming hearing will come weeks after more than a thousand county commissioners came to Washington, D.C., to lobby lawmakers on a variety of local issues, including SRS and PILT, said Ryan Yates, associate legislative director of the National Association of Counties.

He said that PILT, which will lose its guaranteed funding source at the end of the fiscal year, is a big deal for his members and that he expects to provide input at the Energy and Natural Resources hearing.

If Congress does nothing, PILT will revert to relying on discretionary funding, which provides less certainty for counties, he said.

For forested counties, Yates said he's hoping to see the Forest Service generate more revenue on its 193-million-acre estate.

Balances through March

| Object | Description | Adopted Budget | Revised Budget | Encumbered | Expenditure | Account Balance |
|---------------------------|--------------------------------|-------------------|-------------------|------------------|-------------------|------------------|
| Fund 01 - Gen Fund | | | | | | |
| 1100 | Teachers Salaries | 165,966.00 | 169,220.00 | 48,333.33 | 117,889.01 | 2,997.66 |
| 1120 | Certificated Substitutes | 4,833.00 | 5,863.00 | | 2,730.00 | 3,133.00 |
| 1200 | Certificated Pupil Support Ser | 59,350.00 | 61,716.00 | 17,366.10 | 40,520.90 | 3,829.00 |
| 1300 | Certificated Supervisor Admini | 65,192.00 | 65,192.00 | 16,297.95 | 48,893.85 | .20 |
| | Total for Object 1000 | 295,341.00 | 301,991.00 | 81,997.38 | 210,033.76 | 9,959.86 |
| 2100 | Instructional Aides' Salaries | 108,737.00 | 124,217.00 | 36,273.17 | 72,315.47 | 15,628.36 |
| 2120 | Classified Substitutes | 1,000.00 | 1,000.00 | | | 1,000.00 |
| 2200 | Classified Support Salaries | 4,888.00 | 5,288.00 | 1,655.50 | 4,040.55 | 408.05- |
| 2300 | Classified Supervisors' Admini | 100,802.00 | 100,907.00 | 24,975.00 | 75,330.00 | 602.00 |
| 2400 | Clerical Technical Office Staf | 113,746.00 | 113,696.00 | 29,058.16 | 84,714.98 | 77.14- |
| 2900 | Other Classified Salaries | 6,144.00 | 6,080.00 | | 3,672.00 | 2,408.00 |
| | Total for Object 2000 | 335,317.00 | 351,188.00 | 91,961.83 | 240,073.00 | 19,153.17 |
| 3101 | STRS Certificated Positions | 24,366.00 | 25,003.00 | 6,764.73 | 17,132.15 | 1,106.12 |
| 3102 | STRS Classified Positions | 300.00 | 300.00 | 90.00 | 210.00 | .00 |
| 3202 | PERS Classified Positions | 50,903.00 | 47,738.00 | 12,414.66 | 35,350.80 | 27.46- |
| 3301 | OASDI Certificated Positions | | | | 72.54 | 72.54- |
| 3302 | OASDI Classified Positions | 19,595.00 | 22,038.00 | 5,514.91 | 14,386.55 | 2,136.54 |
| 3311 | Medicare Certificated Position | 4,202.00 | 4,378.00 | 1,167.27 | 3,175.80 | 34.93 |
| 3312 | Medicare Classified Positions | 4,639.00 | 5,214.00 | 1,304.99 | 3,404.48 | 504.53 |
| 3401 | Health & Welfare Benefits Cert | 75,400.00 | 75,951.00 | 20,030.13 | 49,043.71 | 6,877.16 |
| 3402 | Health & Welfare Benefits Clas | 87,800.00 | 80,626.00 | 20,687.94 | 59,572.55 | 365.51 |
| 3501 | SUI Certificated | 3,249.00 | 3,381.00 | 901.98 | 3,310.39 | 831.37- |
| 3502 | SUI Classified | 3,666.00 | 4,039.00 | 1,011.56 | 2,613.81 | 413.63 |
| 3601 | Workers' Compensation Certific | 8,448.00 | 8,602.00 | 2,343.69 | 5,999.21 | 259.10 |
| 3602 | Workers' Compensation Classifi | 9,338.00 | 10,470.00 | 2,620.28 | 6,824.05 | 1,025.67 |
| 3701 | OPEB, Allocated Certificated | 27,730.00 | 14,772.00 | | 12,958.44 | 1,813.56 |
| 3802 | PERS Reduction Recapture | 5,681.00 | 5,148.00 | 1,224.93 | 3,414.42 | 508.65 |
| 3901 | Golden Handshake | | 12,958.00 | | | 12,958.00 |
| | Total for Object 3000 | 325,317.00 | 320,618.00 | 76,077.07 | 217,468.90 | 27,072.03 |
| 4100 | Approved Textbooks Core Curric | 532.00 | | | 293.13 | 293.13- |
| 4200 | Library and Reference Material | 4,250.00 | 6,062.00 | | 3,744.80 | 2,317.20 |
| 4300 | Materials and Supplies | 14,275.00 | 15,701.00 | 1,484.51 | 5,601.76 | 8,614.73 |
| 4320 | Custodial Supplies | 1,300.00 | 1,300.00 | 181.31 | 778.04 | 340.65 |
| 4330 | Office Supplies | 2,000.00 | 2,000.00 | | 737.87 | 1,262.13 |
| 4340 | COUNTY OFFICE MOVING EXP | | | | 73.30 | 73.30- |
| 4350 | Vehicle Upkeep | 7,000.00 | 6,500.00 | 569.64 | 1,382.54 | 4,547.82 |

Balances through March

| Object | Description | Adopted Budget | Revised Budget | Encumbered | Expenditure | Account Balance |
|---------------------------------------|---|----------------|----------------|------------|-------------|-----------------|
| Fund 01 - Gen Fund (continued) | | | | | | |
| | Total for Object 4000 | 29,357.00 | 31,563.00 | 2,235.46 | 12,611.44 | 16,716.10 |
| 5100 | Subagreements for Services | 50,000.00 | 50,000.00 | 9,900.00 | 15,100.00 | 25,000.00 |
| 5200 | Travel and Conference | 26,031.00 | 23,053.00 | 1,929.88 | 9,263.51 | 11,859.61 |
| 5300 | Dues and Membership | 16,321.00 | 17,470.00 | | 8,992.32 | 8,477.68 |
| 5400 | Insurance | 10,200.00 | 10,200.00 | | 10,187.00 | 13.00 |
| 5500 | Operation Housekeeping Service | 10,000.00 | 8,000.00 | 309.86 | 7,580.32 | 109.82 |
| 5600 | Rentals, Leases, Repairs, Nonc | 3,100.00 | 2,700.00 | 255.81 | 596.09 | 1,848.10 |
| 5800 | Professional Consulting | 9,000.00 | 9,000.00 | 4,400.00 | 3,200.00 | 1,400.00 |
| 5801 | Legal Services | 35,000.00 | 29,205.00 | 235.00 | 765.00 | 28,205.00 |
| 5803 | Legal Publications | 500.00 | 500.00 | 200.00 | 12.93 | 287.07 |
| 5805 | Personnel Expense | 700.00 | 700.00 | 250.00 | 102.00 | 348.00 |
| 5806 | Negotiations | 2,000.00 | 2,000.00 | | | 2,000.00 |
| 5808 | Other Services & Fees | 1,500.00 | 1,500.00 | 285.20 | 925.08 | 289.72 |
| 5810 | Contracted Services | 196,694.00 | 216,545.00 | 34,157.85 | 112,577.19 | 69,809.96 |
| 5899 | SPJUSD to Reimburse | | | 1,457.68 | 365.75 | 1,823.43- |
| 5900 | Communications | 2,000.00 | 2,000.00 | | 375.00 | 1,625.00 |
| | Total for Object 5000 | 363,046.00 | 372,873.00 | 53,381.28 | 170,042.19 | 149,449.53 |
| 7110 | County Tuition Inter Dist Agre | 133,586.00 | 137,325.00 | 133,353.10 | 3,972.00 | 10- |
| 7141 | Tuition, excess cost etc betwe | 99,264.00 | 165,934.00 | 38,760.45 | 58,926.32 | 68,247.23 |
| 7310 | Direct Support/Indirect Costs | | 2,435.00 | | | 2,435.00 |
| | Total for Object 7000 | 232,850.00 | 305,694.00 | 172,113.55 | 62,898.32 | 70,682.13 |
| | Total for Expense accounts | 1,581,228.00 | 1,683,927.00 | 477,766.57 | 913,127.61 | 293,032.82 |
| | Total for Org 001, Fund 01 and Expense accounts | 1,581,228.00 | 1,683,927.00 | 477,766.57 | 913,127.61 | 293,032.82 |

SIERRA-PLUMAS CLASSIFIED EMPLOYEES ASSOCIATION (S-PCEA)

2013-2014 INITIAL BARGAINING AGREEMENT PROPOSAL to

**SIERRA COUNTY SUPERINTENDENT OF SCHOOLS (SCOE) and SIERRA-PLUMAS JOINT
UNIFIED SCHOOL DISTRICT GOVERNING BOARD (S-PJUSD)**

Presented April 9, 2013

THE SIERRA-PLUMAS CLASSIFIED EMPLOYEES' (S-PCEA) PROPOSE THE FOLLOWING:

2013-2014 FISCAL YEAR:

1. SALARY

- a. No increase in the classified employee salary schedule

2. HEALTH BENEFITS

The Employees propose that the Employer increase the Employers' 2013-2014 premium contribution cap for medical, dental, vision, and life insurance benefits. An Employer annual contribution increase of 8% per employee Composite rate Medical benefit premium, \$48.00 annual Composite rate Dental benefit premium, and \$24.00 annual Composite rate Vision benefit premium to accommodate for the increased premiums induced by Tri-County Schools Insurance Group effective July 1, 2013.

3. MOBILE/CELLULAR TELEPHONE REIMBURSEMENT

The Employees propose a \$25.00 per month allowance when the Employee's responsibilities, consistently require the employee to use his/her personal mobile device to perform the duties and assignments of his/her position, as per Administrative Regulation AR3513.1.

Signed: _____

Mike Hale, President, S-PCEA

Date: _____

4-2-13

March 21, 2013

For the calendar year 2013/2014, SPTA
(Sierra-Plumas Teachers Association) for the purpose of
contract negotiations, "sunshines" **Salaries** and
Benefits.

SPTA Co-President
Pat Doyle

MINUTES OF THE REGULAR MEEETING OF THE
SIERRA COUNTY BOARD OF EDUCATION
March 12, 2013
Loyalton Middle School, Room 4, Loyalton, California

A. CALL TO ORDER

President ALLEN WRIGHT called the meeting to order at 6:00 pm.

B. ROLL CALL

PRESENT: Mr. Allen Wright, President
Ms. Sharon Dryden, Vice President, arrived at 6:02 pm.
Ms. Patty Hall, Clerk
Mr. Mike Moore, Member
Mr. Tim Driscoll, Member

ABSENT: None

VACANT: None

STAFF: Mr. Stan Hardeman, Superintendent
Ms. Rose Asquith, Business Manager
Ms. Hannah Tomatis, Administrative Assistant
Ms. Marla Stock, Site Administrator
Mr. Derek Cooper, Site Administrator (via videoconferencing in Downieville)
Ms. Marlene Mongolo/Testing/SELPA Director

C. FLAG SALUTE

D. APPROVAL OF THE AGENDA

MSCU/DRISCOLL/HALL

E. ROUTINE INFORMATION ITEMS

1. SUPERINTENDENT'S REPORT

- a. Recognition: Joanne Nunes, Katie Campbell, Sheri Roen
- b. Secure Rural Schools: Mr. Hardeman referred to the handout, "Partnership for Rural America" and a petition begun by a District parent regarding support for our schools.
- c. Sequestration: There is a 4.9% reduction on the horizon.
- d. Community Forums on School Safety scheduled for
 - i. Loyalton Elementary School, April 18, 2013, 6 pm
 - ii. Downieville School, April 22, 2013, 6 pm

2. BUSINESS REPORT

Ms. Asquith presented the Board Report-Expenditures by Object 07/01/12 to 2/28/13. There were no comments or questions.

- a. Board Report-Expenditures by Object 07/01/12 to 2/28/13
- b. Letter from California Department of Education confirming 2012-2013 First Interim Report Certification (Positive).

3. STAFF REPORTS

There were none.

4. SPTA REPORT

Joanne Nunes reported that the SPTA planned to sunshine salary and benefits.

Sierra County Board of Education
Regular Meeting Minutes
March 12, 2013

5. BOARD MEMBER REPORT

There were none.

6. PUBLIC COMMENT

President WRIGHT opened the meeting for public comment at 6:18 pm.

There was no comment from either site

President WRIGHT closed the meeting for public comment at 6:19 pm.

F. CONSENT CALENDAR

The following items were included in the consent calendar:

1. Approval of the minutes of the Regular Board meeting held February 12, 2013
2. Approval of the minutes of the Special Board meeting held February 26, 2013
3. Approval of the bill warrants for the month of February 2013
MSCU/DRISCOLL/HALL

G. ACTION ITEMS

1. NEW BUSINESS

- a. The Public Hearing for Use of Proposition 30, Education Protection Account opened at 6:20 pm. Rose explained that Prop 30 changes the way we receive our unrestricted revenue limit. Funds will be paid quarterly, deducted off the revenue limit. The funds cannot be used for administrative costs; operating expenses are acceptable. We will be proposing funding services that the SCOE provides to S-PJUSD. Ms. Asquith asked for comments or questions. MOORE asked how much we would receive. Ms. Asquith responded that it would be close to \$50,000.
- b. Revision of Board Bylaw 9250, Board Remuneration, Reimbursement and Other Benefits
No action taken.
- c. Adopt 2012-2013 Second Interim, Actuals as of January 31, 2013
MSCU/MOORE/DRISCOLL

H. ADVANCED PLANNING

The next regular meeting of the Board will be held on Tuesday, April 9, 2013, at Downieville School, Downieville, California at 6:00 pm.

Suggested Agenda Items

1. Opportunity Class

I. ADJOURNMENT

MSCU/DRYDEN/HALL

Adjourned at 6:29 pm.

Patty Hall, Clerk

Stanford J. Hardeman, Superintendent

Checks Dated 03/01/2013 through 03/31/2013

| Check Number | Check Date | Pay to the Order of | Fund Object | Expensed Amount | Check Amount |
|-------------------------------|------------|-------------------------------------|-------------|-----------------|------------------|
| 00013686 | 03/06/2013 | ROSE ASQUITH | 01-5200 | 40.52 | |
| | | | 01-5899 | 121.56 | 162.08 |
| 00013687 | 03/06/2013 | STAN HARDEMAN | 01-5200 | | 440.08 |
| 00013688 | 03/06/2013 | HILTON SACRAMENTO ARDEN WEST | Cancelled | | 96.18 * |
| Cancelled on 03/15/2013 | | | | | |
| 00013689 | 03/06/2013 | JONES PRECISION KEY & LOCK | 01-5810 | | 17.20 |
| 00013690 | 03/06/2013 | LIBERTY UTILITIES CPEC | 01-5500 | | 192.54 |
| 00013691 | 03/06/2013 | BARBARA MCKURTIS | 01-5100 | 2,700.00 | |
| | | | 01-5810 | 900.00 | 3,600.00 |
| 00013692 | 03/06/2013 | SCHOOL SERV OF CALIFORNIA INC | 01-5200 | | 350.00 |
| 00013693 | 03/06/2013 | SIERRA COUNTY OFFICE OF EDUCATION | 01-5808 | | 77.92 |
| 00013694 | 03/06/2013 | SIERRA VALLEY HOME CENTER | 01-4300 | | 742.27 |
| 00013695 | 03/06/2013 | SISKIYOU COUNTY OFFICE OF EDUCATION | 01-5300 | | 1,878.32 |
| 00013696 | 03/06/2013 | TRI COUNTY SCHOOLS INSURANCE GROUP | 01-9535 | 3,047.00 | |
| | | | 76-9576 | 11,223.10 | 14,270.10 |
| 00013697 | 03/06/2013 | U.S. BANK | 01-4300 | 41.09 | |
| | | | 01-5200 | 27.56 | |
| | | | 01-5899 | 244.19 | 312.84 |
| 00013698 | 03/20/2013 | EMPLOYMENT DEVELOPMENT DEPARTM | 01-3501 | 214.36 | |
| | | | 01-3502 | 2.26 | 216.62 |
| 00013699 | 03/20/2013 | BARBARA MCKURTIS | 01-5100 | 3,000.00 | |
| | | | 01-5810 | 1,000.00 | 4,000.00 |
| 00013700 | 03/20/2013 | MARLENE MONGOLO | 01-5200 | | 182.18 |
| 00013701 | 03/20/2013 | NORTHEASTERN JOINT POWERS AUTHORITY | 76-9571 | | 4,731.25 |
| 00013702 | 03/20/2013 | OLIVER WORLDCLASS LABS | 01-4300 | | 377.43 |
| 00013703 | 03/20/2013 | SIERRA COUNTY OFFICE OF EDUCATION | 01-5808 | | 105.65 |
| 00013704 | 03/20/2013 | SUSAN VANDRUFF, OTR | 01-5810 | | 245.00 |
| 00013705 | 03/20/2013 | VOYAGER | 01-4350 | | 193.48 |
| 00013706 | 03/20/2013 | ALLEN WRIGHT | 01-5200 | | 42.38 |
| Total Number of Checks | | | | 21 | 32,233.52 |

| | Count | Amount |
|-----------|-------|-----------|
| Cancel | 1 | 96.18 |
| Net Issue | | 32,137.34 |

Fund Summary

| Fund | Description | Check Count | Expensed Amount |
|---------------------------------|----------------------------|-------------|------------------|
| 01 | County School Service Fund | 19 | 16,182.99 |
| 76 | Payroll Clearing | 2 | 15,954.35 |
| Total Number of Checks | | 20 | 32,137.34 |
| Less Unpaid Sales Tax Liability | | | .00 |
| Net (Check Amount) | | | 32,137.34 |

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

Sierra County Office of Education
Resolution No. 12-008
Local Control Funding Formula

Whereas, the California Legislature is considering Governor Jerry Brown's proposed reform of the K-12 school financing system, the so-called "Local Control Funding Formula" and

Whereas, Governor Brown has proposed the new funding formula based on the principles of subsidiarity, equity and transparency; and

Whereas, the goal of the new system of finance is to modernize and simplify California's overly complex and historically outdated system; and

Whereas, the new funding formula would hold Local Educational Agencies (LEAs) accountable to their local communities for implementing the Common Core State Standards, improving student achievement, making progress in closing achievement gaps, increasing attendance and high school graduation rates, and improving preparation for college and career; and

Whereas, the proposed funding formula would provide a target base grant level projected to reach full implementation in seven years; and

Whereas, the proposed formula would also include supplemental grants and concentration grants to provide additional funding to districts to address needs of English learners, students in poverty and in foster care; and

Whereas, there are a number of other issues remaining unaddressed in the proposal including formula adjustments to reflect geographic cost differences, ensuring the provision of quality adult learning opportunities, allowing LEAs to continue to regionalize effective program and service deliveries for career education, transportation services, professional development, among other things; and

Whereas, all Local Educational Agencies (LEAs) in California have undergone severe budget reductions since 2008-09, including cuts to revenue limits and categorical programs and are striving to maintain high quality educational programs; and

Whereas, the proposed target level of the base grant for the new funding formula does not ensure that all LEAs will receive funding levels restored to their pre-recession levels; and

Whereas, the currently-proposed new funding system does not establish a target that would bring California per pupil funding to at least the national average; and

Whereas, California per pupil funding was identified as 49th in the nation by the 2013 Quality Counts in Education Week; therefore

Be it resolved that the Sierra County Board of Education supports the basic premises of the proposed Local Control Funding Formula and its reliance on local decision making and accountability to address the educational needs of all students.

Be it also resolved, that the Sierra County Board of Education urges the Governor and the Legislature to develop the Local Control Funding Formula to provide that all Local Educational Agencies are at a

minimum restored to funding levels of 2007-08 and that the target for the base grant provide funding to California's public schools at least at the national average.

Be it also resolved that the Sierra County Board of Education calls for continued work on the development of a robust accountability system that will ensure that all students are making gains in academic achievement across a broad spectrum of learning opportunities, including career and technical education, in order to keep California competitive in a global economy.

Passed and Adopted this Ninth day of April, 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

VACANT:

Patty Hall, Clerk

**SIERRA COUNTY OFFICE OF EDUCATION
RESOLUTION NO. 12-009**

EDUCATION PROTECTION ACCOUNT

WHEREAS, the voters approved Proposition 30 on November 6, 2012;

WHEREAS, Proposition 30 added Article XIII, Section 36 to the California Constitution effective November 7, 2012;

WHEREAS, the provisions of Article XIII, Section 36(e) create in the state General Fund an Education Protection Account to receive and disburse the revenues derived from the incremental increases in taxes imposed by Article XIII, Section 36(f);

WHEREAS, before June 30th of each year, the Director of Finance shall estimate the total amount of additional revenues, less refunds that will be derived from the incremental increases in tax rates made pursuant to Article XIII, Section 36(f) that will be available for transfer into the Education Protection Account during the next fiscal year;

WHEREAS, if the sum determined by the State Controller is positive, the State Controller shall transfer the amount calculated into the Education Protection Account within ten days preceding the end of the fiscal year;

WHEREAS, all monies in the Education Protection Account are hereby continuously appropriated for the support of school districts, county offices of education, charter schools and community college districts;

WHEREAS, monies deposited in the Education Protection Account shall not be used to pay any costs incurred by the Legislature, the Governor or any agency of state government;

WHEREAS, a community college district, county office of education, school district, or charter school shall have the sole authority to determine how the monies received from the Education Protection Account are spent in the school or schools within its jurisdiction;

WHEREAS, the governing board of the district shall make the spending determinations with respect to monies received from the Education Protection Account in open session of a public meeting of the governing board;

WHEREAS, the monies received from the Education Protection Account shall not be used for salaries or benefits for administrators or any other administrative cost;

WHEREAS, each community college district, county office of education, school district and charter school shall annually publish on its Internet website an accounting of how much money was received from the Education Protection Account and how that money was spent;

WHEREAS, the annual independent financial and compliance audit required of community college districts, county offices of education, school districts and charter schools shall ascertain and verify whether the funds provided from the Education Protection Account have been properly disbursed and expended as required by Article XIII, Section 36 of the California Constitution;

WHEREAS, expenses incurred by community college districts, county offices of education, school districts and charter schools to comply with the additional audit requirements of Article XIII, Section 36 may be paid with funding from the Education Protection Act and shall not be considered administrative costs for purposes of Article XIII, Section 36.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. The monies received from the Education Protection Account shall be spent as required by Article XIII, Section 36 and the spending determinations on how the money will be spent shall be made in open session of a public meeting of the governing board of Sierra-Plumas Joint Unified School District.

2. In compliance with Article XIII, Section 36(e), with the California Constitution, the governing board of the Sierra-Plumas Joint Unified School District has determined to spend the monies received from the Education Protection Act as attached.

April 9, 2013.

Board Member

Board Member

Board Member

Board Member

Board Member

SIERRA COUNTY OFFICE OF EDUCATION
 2012-13 Education Protection Account
 Program by Resource Report
 Expenditures by Function - Detail

Expenditures through: June 30, 2013
 For Fund 01, Resource 1400 Education Protection Account

| Description | Object Codes | Amount |
|--|--------------|-----------------------|
| AMOUNT AVAILABLE FOR THIS FISCAL YEAR | | |
| Adjusted Beginning Fund Balance | 9791-9795 | 0.00 |
| Revenue Limit Sources | 8010-8099 | 79,890.00 |
| Federal Revenue | 8100-8299 | 0.00 |
| Other State Revenue | 8300-8599 | 0.00 |
| Other Local Revenue | 8600-8799 | 0.00 |
| All Other Financing Sources and Contributions | 8900-8999 | 0.00 |
| Deferred Revenue | 9650 | 0.00 |
| TOTAL AVAILABLE | | 79,890.00 |
| EXPENDITURES AND OTHER FINANCING USES | | |
| (Objects 1000-7999) | | Function Codes |
| Instruction | 1000-1999 | 46,142.00 |
| Instruction-Related Services | | |
| Instructional Supervision and Administration | 2100-2150 | 0.00 |
| AU of a Multidistrict SELPA | 2200 | 0.00 |
| Instructional Library, Media, and Technology | 2420 | 0.00 |
| Other Instructional Resources | 2490-2495 | 0.00 |
| School Administration | 2700 | 0.00 |
| Pupil Services | | |
| Guidance and Counseling Services | 3110 | 0.00 |
| Psychological Services | 3120 | 0.00 |
| Attendance and Social Work Services | 3130 | 0.00 |
| Health Services | 3140 | 0.00 |
| Speech Pathology and Audiology Services | 3150 | 0.00 |
| Pupil Testing Services | 3160 | 0.00 |
| Pupil Transportation | 3600 | 0.00 |
| Food Services | 3700 | 0.00 |
| Other Pupil Services | 3900 | 0.00 |
| Ancillary Services | 4000-4999 | 0.00 |
| Community Services | 5000-5999 | 0.00 |
| Enterprise | 6000-6999 | 0.00 |
| General Administration | 7000-7999 | 0.00 |
| Plant Services | 8000-8999 | 0.00 |
| Other Outgo, TUITION | 9000-9999 | 33,748.00 |
| TOTAL EXPENDITURES AND OTHER FINANCING USES | | 79,890.00 |
| BALANCE (Total Available minus Total Expenditures and Other Financing Uses) | | 0.00 |

K. **Early Retirement/Golden Handshake**

Article 18, Section 18.1(K) Sunset effective June 30, 2012, subject to grandfather clause. Approved October 9, 2012)

“Full time employees in current active status as of June 30, 2012, shall be grandfathered into the early retirement/golden handshake option (Article 18, Section K) offered through June 30, 2012, and remain eligible until CalSTRS or CalPERS retirement and separation from District/County employment.”

Certificated employees with a minimum of 25 years of experience five (5) years with the District *or* County, who have reached the age of 55, may take advantage of their choice of one (1) of the following offers:

- A. Three (3) years of retiree health and welfare benefits (at the tiered rate as required by health care provider) for medical, dental and vision plans for the retiree, spouse and family, capped at the employer dollar contribution in the year of the unit member's final year of service.
- B. A lump sum dollar amount per year (taxable) for the term of three (3) years set at the dollar contribution per paragraph "a" above made by the employer in the year of the unit member's final year of service.

This early retirement is contingent upon formal written notification of retirement being submitted to the superintendent on or before **March 1st** of the last year of the member's year of service. This offer must be formalized to show a savings to the employer on a case-by-case basis.

A retired employee is a person who is receiving or has applied to receive monthly benefits from the State Teachers' Retirement System (CalSTRS) effective within 60 days from the unit member's final date of employment with the District/County.

FEEES AND CHARGES

Note: Education Code 49010-49013, as added by AB 1575 (Ch. 776, Statutes of 2012), prohibit districts from requiring students to pay fees, deposits, or other charges in order to participate in an educational activity, unless authorized by law, and **mandate** governing boards to adopt policies and procedures implementing this prohibition. However, the prohibition does not restrict districts from soliciting for voluntary donations, participating in fundraising activities, or providing prizes or other recognition for participants in such fundraising activities.

In addition, pursuant to 5 CCR 350, only fees specifically authorized by law may be charged by districts. See the accompanying administrative regulation for a list of such fees.

The Governing Board recognizes its responsibility to ensure that books, materials, equipment, supplies, and other resources necessary for students' participation in the educational program are made available to them. No student shall be required to pay any fees, deposits, or other charges for his/her participation in an educational activity which constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

- (cf. 1321 - Solicitation of Funds from and by Students)*
- (cf. 3100 - Budget)*
- (cf. 3290 - Gifts, Grants and Bequests)*
- (cf. 6145 - Extracurricular and Cocurricular Activities)*

Notes

As necessary, the Board may approve fees, deposits, and other charges which are specifically authorized by law. For such authorized fees, deposits, and charges, the district shall consider students' and parents/guardians' ability to pay when establishing fee schedules and granting waivers or exceptions.

- (cf. 3250 - Transportation Fees)*
- (cf. 3515.4 - Recovery for Property Loss or Damage)*
- (cf. 3553 - Free and Reduced Price Meals)*
- (cf. 5143 - Insurance)*
- (cf. 9323.2 - Actions by the Board)*

Note: Pursuant to Education Code 49013, as added by AB 1575 (Ch. 776, Statutes of 2012), a district is mandated to adopt a policy which (1) allows students and/or parents/guardians to file complaints, using the uniform complaint procedures, when the district is alleged to have violated the prohibition against requiring students to pay unauthorized student fees and (2) requires the district to include information about the prohibition against requiring students to pay fees in the annual notification to students, parents/guardians, employees, and other interested parties. See BP/AR 1312.3 - Uniform Complaint Procedures for additional language implementing this mandate.

Notes

Whenever a student or parent/guardian believes that an impermissible fee, deposit, or other charge is being required of the student for his/her participation in an educational activity, the student or his/her parent/guardian may file a complaint with the principal or designee using the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures. (Education Code 49013)

- (cf. 1312.3 - Uniform Complaint Procedures)*

FEES AND CHARGES (continued)

*New
(done)*

The Superintendent or designee shall include information in the annual notification required by 5 CCR 4622 to be provided to all district students, parents/guardians, employees, and other interested parties about the requirements relating to the prohibition against districts requiring students to pay fees, deposits or other charges in order to participate in an educational activity, unless authorized by law, and the filing of complaints for alleged violations using the uniform complaint procedures. (Education Code 49013)

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

Note: The following paragraph is **optional** and may be revised to reflect district practice.

The Superintendent or designee shall provide professional development opportunities to administrators, teachers, and other personnel to learn about permissible fees.

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

*Legal Reference:*EDUCATION CODE

8239 Preschool and wraparound child care services
8263 Child care eligibility
8760-8773 Outdoor science and conservation programs
17551 Property fabricated by students
19910-19911 Offenses against libraries
32033 Eye protective devices
32221 Insurance for athletic team member
32390 Fingerprinting program
35330-35332 Excursions and field trips
35335 School camp programs
38080-38085 Cafeteria establishment and use
38120 Use of school band equipment on excursions to foreign countries
39807.5 Payment of transportation costs
39837 Transportation of students to places of summer employment
48050 Residents of adjoining states

Legal Reference continued: (see next page)

FEES AND CHARGES (continued)

Legal Reference: (continued)

EDUCATION CODE (continued)

- 48052 Tuition for foreign residents
- 48904 Liability of parent or guardian
- 49010-49013 Student fees
- 49065 Charge for copies
- 49066 Grades, effect of physical education class apparel
- 49091.14 Prospectus of school curriculum
- 51810-51815 Community service classes
- 52612 Tuition for adult classes
- 52613 Nonimmigrant aliens
- 60410 Students in classes for adults

GOVERNMENT CODE

- 6253 Request for copy; fee

CALIFORNIA CONSTITUTION

- Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

- 350 Fees not permitted

- 4622 Notice

UNITED STATES CODE, TITLE 8

- 1184 Foreign students

COURT DECISIONS

- Driving School Assn of CA v. San Mateo Union HSD (1993) 11 Cal. App. 4th 1513
- Arcadia Unified School District v. State Department of Education (1992) 2 Cal 4th 251
- Steffes v. California Interscholastic Federation (1986) 176 Cal. App. 3d 739
- Hartzell v. Connell (1984) 35 Cal. 3d 899
- CTA v. Glendale School District Board of Education (1980) 109 Cal. App. 3d 738

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES

- 1030.97 Fiscal Management Advisory 97-02: Fees, Deposits and Other Charges

WEB SITES

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

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

Policy
adopted: 4/10/2007
4/9/2013

FEES AND CHARGES

Note: Pursuant to 5 CCR 350, constitutionally permissible fees can be charged only when specifically authorized by law. The following list specifies fees currently authorized by law. Other such fees may exist and be identified in the future. Pursuant to Education Code 49011, as added by AB 1575 (Ch. 776, Statutes of 2012), a district is prohibited from requiring a student to pay fees or charges in order to participate in an educational activity. A complaint against the charging of impermissible student fees may be filed in accordance with the uniform complaint procedures; see the accompanying Board policy and BP/AR 1312.3 - Uniform Complaint Procedures. Districts with questions as to whether a fee may be charged should consult with legal counsel.

The district shall not require any district student to pay any fees, deposits, or charges except as specifically authorized by law. (Education Code 49011; 5 CCR 350)

When approved by the Governing Board, the Superintendent or designee may impose a fee for the following:

- ✓ 1. Insurance for athletic team members, with an exemption for financial hardship (Education Code 32221)
(cf. 5143 - Insurance)
- ✓ 2. Insurance for medical or hospital service for students participating in field trips and excursions (Education Code 35331)
- ✓ 3. Expenses of students' participation in a field trip or excursion to another state, the District of Columbia, or a foreign country, as long as no student is prohibited from making the field trip due to lack of funds (Education Code 35330)
(cf. 6153 - School-Sponsored Trips)
- ✓ 4. Student fingerprinting program (Education Code 32390)
(cf. 5142.1 - Identification and Reporting of Missing Children)
- ✓ 5. School camp programs operated pursuant to Education Code 8760-8773 provided that the fee is not mandatory (Education Code 35335)
(cf. 6142.5 - Environmental Education)
- ✓ 6. Personal property of the district fabricated by students, as long as the cost of the property does not exceed the cost of the materials provided by the district (Education Code 17551)

FEES AND CHARGES (continued)

- ✓ 7. Home-to-school transportation and transportation between regular, full-time day schools and regional occupational centers, programs, or classes, as long as the fee does not exceed the statewide average nonsubsidized cost per student and as long as exemptions are made for indigent and disabled students (Education Code 39807.5)

(cf. 3250 - Transportation Fees)

- ✓ 8. Transportation to and from summer employment programs for youth (Education Code 39837)
- ✓ 9. Deposit for band instruments, music, uniforms, and other regalia which school band members take on excursions to foreign countries (Education Code 38120)
- ✓ 10. Fees for community service classes (Education Code 51815)

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

- ✓ 11. Eye safety devices, at a price not to exceed the district's actual costs (Education Code 32033)

(cf. 5142 - Safety)

12. Actual cost of furnishing copies of any student's records except, if he/she is a former student, up to two transcripts or two verifications of his/her various records (Education Code 49065)

(cf. 5125 - Student Records)

- ✓ 13. Actual costs of duplication for copies of public records (Government Code 6253)

(cf. 1340 - Access to District Records)

- ✓ 14. Actual costs of duplication for reproduction of the prospectus of school curriculum (Education Code 49091.14)

(cf. 5020 - Parent Rights and Responsibilities)

- ✓ 15. Food sold at school subject to free and reduced-price meal program eligibility and other restrictions specified in law (Education Code 38084)

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

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

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3554 - Other Food Sales)

FEES AND CHARGES (continued)

- ✓ 16. Fines or reimbursements for lost or damaged district property or damage to library property (Education Code 19910-19911, 48904)

(cf. 3515.4 - Recovery for Property Loss or Damage)

- ✓ 17. Tuition for district school attendance by an out-of-state and out-of-country resident (Education Code 48050, 48052, 52613; 8 USC 1184)

(cf. 5111.2 - Nonresident Foreign Students)

- ✓ 18. Adult education books, materials, and classes as specified in law (Education Code 52612, 60410)

(cf. 6200 - Adult Education)

Note: Pursuant to Education Code 8239 and 8263, as amended by SB 1016 (Ch. 38, Statutes of 2012), districts are required to charge a fee to families enrolled in part-day preschool programs operated under the California State Preschool Program and/or wraparound child care and development services in accordance with the fee schedule established by the Superintendent of Public Instruction; see AR 5148.3 - Preschool/Early Childhood Education.

- ✓ 19. Preschool and child care and development services (Education Code 8239, 8263)

(cf. 5148 - Child Care and Development)

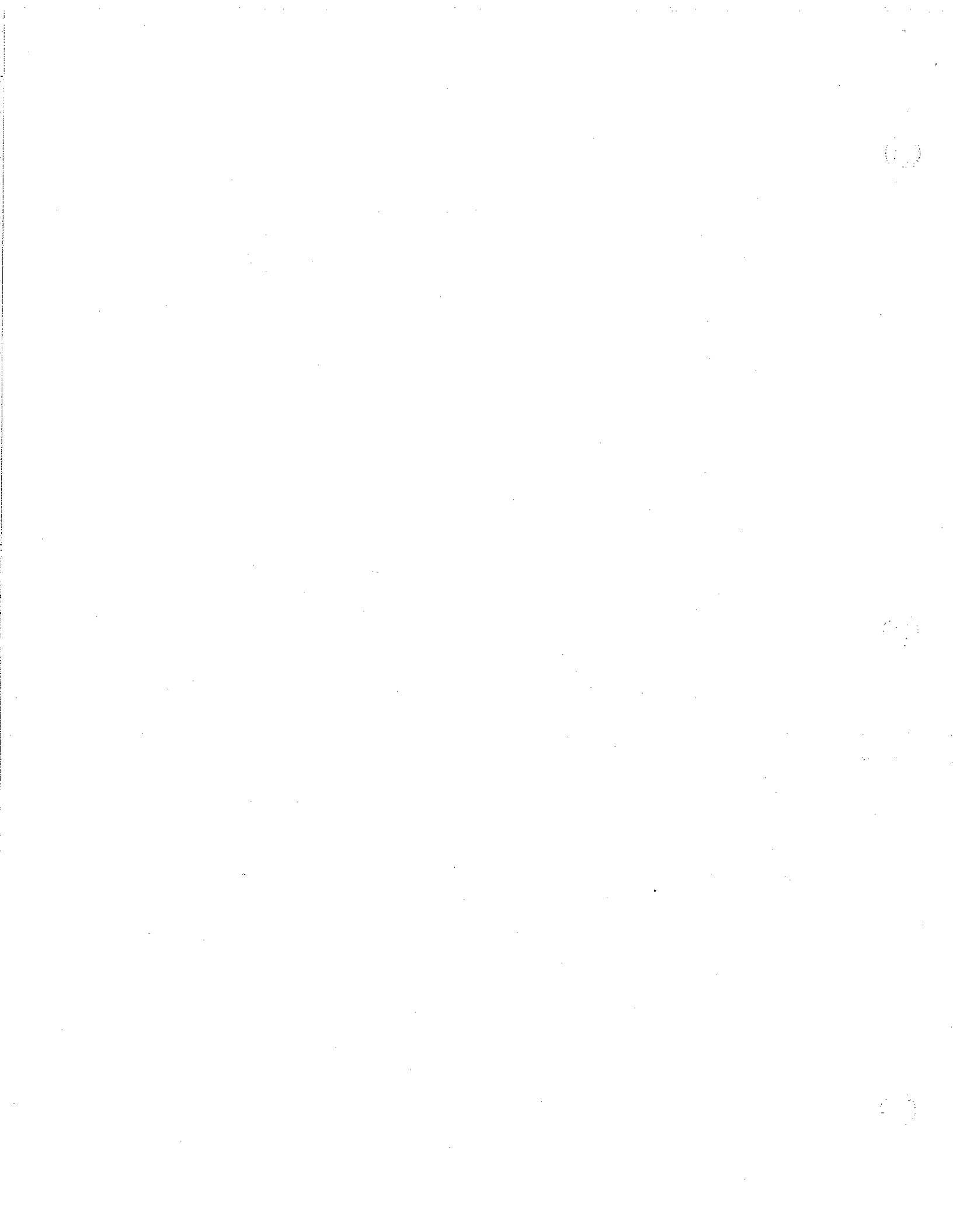
(cf. 5148.3 - Preschool/Early Childhood Education)

Note: In Fiscal Management Advisory 97-02, the California Department of Education (CDE) opines that it is permissible for a district to require students to purchase their own gym clothes of a district-specified design and color, as long as the design and color are of a type sold for general wear outside of the school. According to the CDE, once the gym uniforms become specialized (e.g., logos, school name), they then become "school supplies" and the district must provide the items free of charge. It is important to note that Education Code 49066 provides that a student's grade may not be adversely affected due to the fact that he/she does not wear standardized physical education apparel due to circumstances beyond his/her control, such as lack of funds.

- ✓ 20. Physical-education uniforms

(cf. 6142.7 - Physical Education and Activity)

Regulation
approved: 4/10/07



IMMUNIZATIONS

Required Immunizations

Note: The following **optional** paragraph may be revised to reflect district practice. The California Department of Public Health's (CDPH) California Immunization Handbook for Schools and Child Care Programs recommends that districts provide parents/guardians with a written notice of immunization requirements. The CDPH's Guide to the Requirements of the California School Immunization Law for Parents of Children in or Entering School or Child Care, which is available in English and Spanish, may be used for this purpose.

✓ The Superintendent or designee shall provide parents/guardians, upon school registration, a written notice summarizing the state's immunization requirements.

Note: The following paragraph should be revised to reflect the grade levels and programs offered by the district. See 17 CCR 6020 and the CDPH's Guide to Immunizations Required for School Entry and California Immunization Handbook for Schools and Child Care Programs for details regarding the ages/grades at which specific immunizations are required and the doses needed.

✓ The Superintendent or designee shall not unconditionally admit any student to a district elementary or secondary school, preschool, or child care and development program nor advance a student to specified grade levels unless the student has presented documentation of full immunization, in accordance with the age/grade and dose required by the California Department of Public Health (CDPH), against the following diseases: (Health and Safety Code 120335; 17 CCR 6020)

1. Measles, mumps, and rubella (MMR)
2. Diphtheria, tetanus, and pertussis (whooping cough) (DTP, DTaP, or Tdap)
3. Poliomyelitis (polio)
4. Hepatitis B
5. Varicella (chickenpox)
6. Haemophilus influenza type b (Hib meningitis)
7. Any other disease designated by the CDPH

(cf. 5141.22 - Infectious Diseases)
(cf. 5148 - Child Care and Development)
(cf. 5148.3 - Preschool/Early Childhood Education)

IMMUNIZATIONS (continued)

Note: According to the CDPH's Guide to Immunizations Required for School Entry, the immunization record must be either a personal record with entries made by an authorized health care provider or a school immunization record from the student's previous school (either the California School Immunization Record or another state's school record). Pursuant to 17 CCR 6070, the record must include at least the month and year each dose was received. However, for measles, mumps, and rubella vaccine administered during the month of the first birthday, the record must show the month, day, and year.

✓ The student's immunization record shall be provided by the student's health care provider or from the student's previous school immunization record. The record must show the date that each dose was administered.

Exemptions

Exemption from immunization requirements shall be granted under either of the following circumstances: (Health and Safety Code 120365, 120370; 17 CCR 6051)

- ✓ 1. The student's parent/guardian provides a written statement by a licensed physician that, due to the physical condition or medical circumstances of the student, one or more immunizations are considered unsafe or are permanently not indicated. The physician's statement shall indicate the specific nature and probable duration of the medical condition or circumstances that contraindicate immunization. In such circumstances, the student shall be exempted from one or more vaccines to the extent indicated by the physician's statement.

Note: Health and Safety Code 120365 exempts a student from one or more immunization requirements if the parent/guardian states in writing that the immunizations are contrary to his/her beliefs. AB 2109 (Ch. 821, Statutes of 2012) amended Health and Safety Code 120365 to require that this written statement also document which immunizations have been given and to specify which immunizations are contrary to the parent/guardian's beliefs. On or after January 1, 2014, the parent/guardian statement must be accompanied by (1) a CDPH form signed by a physician attesting that he/she has provided certain information to the parent/guardian, as provided below, and (2) the parent/guardian's acknowledgment of the receipt of the information.

2. The student's parent/guardian provides a letter or affidavit documenting which immunizations required by Health and Safety Code 120355 have been given and which immunizations have not been given on the basis that they are contrary to the parent/guardian's beliefs.

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

- ✓ When immunization(s) are contrary to the parent/guardian's personal beliefs but there is good cause to believe that the student has been exposed to one of the communicable diseases listed in Health and Safety Code 120325, the student may be temporarily excluded from school until the local public health officer is satisfied that the student is no longer at risk of developing the disease.

IMMUNIZATIONS (continued)

On or after January 1, 2014, the parent/guardian shall also submit a form prescribed by the CDPH which includes a signed attestation by a health care practitioner that indicates he/she has provided the parent/guardian with information regarding the benefits and risks of the immunization and the health risks of the communicable diseases listed in Health and Safety Code 120335 to the person and the community. The parent/guardian shall sign a statement indicating that he/she has received this information. Neither the health care practitioner nor the parent/guardian shall sign these statements more than six months prior to the date that the student is subject to the immunization requirement. In lieu of the original form, the district shall accept a photocopy of the signed form or a letter by a health care practitioner that includes all information and attestations included on the form.

Exclusions Due to Lack of Immunizations

Any student without the required evidence of immunization may be excluded from school until the immunization is obtained or an exemption is granted in accordance with the section "Exemptions" above.

(cf. 5112.2 - Exclusions from Attendance)
(cf. 6183 - Home and Hospital Instruction)

✓ Before an already admitted student is excluded from school attendance because of lack of immunization, the Superintendent or designee shall notify the parent/guardian that he/she has 10 school days to supply evidence of proper immunization or an appropriate exemption. (Education Code 48216; 17 CCR 6040)

✓ This notice shall refer the parent/guardian to the student's usual source of medical care or, if the student has no usual source of medical care, then to the county health department or school immunization program, if any. (Education Code 48216)

(cf. 5141.6 - School Health Services)

✓ The Superintendent or designee shall exclude from further attendance any already admitted student who fails to obtain the required immunization within 10 school days following the parent/guardian's receipt of the notice specified above, unless the student is exempt from immunization for medical reasons or personal beliefs. The student shall remain excluded from school until he/she provides written evidence that he/she has received a dose of each required vaccine due at that time. The student shall also be reported to the ~~attendance supervisor or~~ principal. (17 CCR 6055)

Conditional Enrollment

✓ The Superintendent or designee may conditionally admit a student with documentation from an authorized health care provider that: (Health and Safety Code 120340; 17 CCR 6000, 6035)

IMMUNIZATIONS (continued)

- ✓ 1. The student has received some but not all required immunizations and is not due for any vaccine dose at the time of admission.
- ✓ 2. The student has a temporary exemption from immunization for medical reasons.

The Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses when they become due as specified in 17 CCR 6035.

✓ The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, he/she shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375; 17 CCR 6070)

Records

Note: The CDPH requires that school staff record all immunization dates from each student's personal immunization record onto the California School Immunization Record (often referred to as the "blue card") and then complete the documentation section of the card which includes the type of record provided and the status of the student's immunizations. The record also may be maintained electronically.

An immunization record that is directly related to a student is an "education record" subject to the Family Educational Rights and Privacy Act (20 USC 1232g; 34 CFR 99.1-99.67) and therefore generally requires parent/guardian consent to be lawfully disclosed. However, pursuant to 20 USC 1232g and 34 CFR 99.31 and 99.36, an exception exists when knowledge of the information is necessary to address an articulable and significant threat to the health or safety of the student or other individuals.

✓ The Superintendent or designee shall record each new entrant's immunizations in the California School Immunization Record and retain it as part of the student's mandatory permanent student record. District staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law. (Health and Safety Code 120375, 120440; 17 CCR 6070)

(cf. 5125 - Student Records)

Regulation 4/10/07
approved: 6/14/2011

CSBA MANUAL MAINTENANCE SERVICE
November 2012

DISCIPLINE

Note: The following policy is **optional**. In amending Education Code 48900 through AB 1729 (Ch. 425, Statutes of 2012), the legislature declared that the public policy guiding the development of discipline policies for California schools should be for the creation of a safe, positive, supportive, and equitable school environment which enables students to learn rather than unnecessary exclusion of students from instruction and other school activities. As amended, Education Code 48900 authorizes the use of age-appropriate alternatives to suspension and expulsion of students. In addition, Education Code 48900.5, as amended by AB 1729, provides alternative methods of discipline that should be considered before suspension is imposed. Such alternative methods include conferences with the student and his/her parents/guardians, use of study teams, and participation in restorative justice programs. Education Code 48900.5 also authorizes a district to document in a student's records other means of correction that may have been used to address the student's behavior.

For further information about disciplinary strategies, see the accompanying administrative regulation and CSBA's publication Safe Schools: Strategies for Governing Boards to Ensure Student Success.

Revised
✓

The Governing Board desires to provide a safe, supportive, and positive school environment conducive to student learning and to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, and parent involvement can minimize the need for discipline.

New

RTI

The Superintendent or designee shall approve, for each school, a complement of effective, age-appropriate strategies for correcting student behavior. Such strategies may include, but are not limited to, conferences with students and their parents/guardians; use of study, guidance, or other intervention-related teams; enrollment in a program teaching prosocial behavior or anger management; and participation in a restorative justice program. Staff shall use preventative measures and positive conflict resolution techniques whenever possible. Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as suspension and expulsion, shall be imposed only when required by law and when other means of correction have failed. (Education Code 48900.5)

- (cf. 5020 - Parent Rights and Responsibilities)
- (cf. 5137 - Positive School Climate)
- (cf. 5138 - Conflict Resolution/Peer Mediation)
- (cf. 5145.9 - Hate-Motivated Behavior)
- (cf. 6020 - Parent Involvement)
- (cf. 6164.5 - Student Success Teams)

✓

Board policies and administrative regulations shall outline acceptable student conduct and provide the basis for sound disciplinary practices.

- (cf. 5131 - Conduct)
- (cf. 5131.1 - Bus Conduct)
- (cf. 5131.2 - Bullying)

Note: Education Code 35291.5 authorizes, but does not require, school sites to adopt rules and procedures for student discipline. The following paragraph is **optional**.

DISCIPLINE (continued)

✓ The administrative staff at each school may develop disciplinary rules to meet the school's particular needs. However, the rules shall be consistent with law, Board policy, and district regulations. The Board may review, at an open meeting, the approved school discipline rules for consistency with Board policy and state law. (Education Code 35291.5)

(cf. 9320 - Meetings and Notices)

New | At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health and opportunity to learn.

| Persistently disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy, and administrative regulation.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

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

(cf. 5136 - Gangs)

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

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

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

✓ Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the district's nondiscrimination policies.

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

✓ The Superintendent or designee shall provide professional development as necessary to assist staff in developing consistent classroom management skills, implementing effective disciplinary techniques, and establishing cooperative relationships with parents/guardians.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

New | At the beginning of every school year, the Superintendent or designee shall report to the Board regarding disciplinary strategies used in each school in the immediately preceding school year and their effect on student learning in the school.

DISCIPLINE (continued)

Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001)

However, corporal punishment does not include any pain or discomfort suffered by a student as a result of his/her voluntary participation in an athletic or other recreational competition or activity. In addition, an employee's use of force that is reasonable and necessary to protect himself/herself, students, staff, or other persons, to prevent damage to property, or to obtain possession of weapons or other dangerous objects within the control of the student is not corporal punishment. (Education Code 49001)

(cf. 4158/4258/4358 - Employee Security)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 6145.2 - Athletic Competition)

Legal Reference: (see next page)

New

DISCIPLINE (continued)

Legal Reference:

EDUCATION CODE

- 32280-32288 School safety plans
- 35146 Closed sessions
- 35291 Rules
- 35291.5-35291.7 School-adopted discipline rules
- 37223 Weekend classes
- 44807.5 Restriction from recess
- 48900-48926 Suspension and expulsion
- 48980-48985 Notification of parent/guardian
- 49000-49001 Prohibition of corporal punishment
- 49330-49335 Injurious objects

CIVIL CODE

- 1714.1 Parental liability for child's misconduct
- CODE OF REGULATIONS, TITLE 5
- 307 Participation in school activities until departure of bus
 - 353 Detention after school

Management Resources:

CSBA PUBLICATIONS

- Safe Schools: Strategies for Governing Boards to Ensure Student Success, October 2011
- Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

- Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000

STATE BOARD OF EDUCATION POLICIES

- 01-02 School Safety, Discipline, and Attendance, March 2001

WEB SITES

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

Policy
adopted:

4/10/07
5/10/11

DISCIPLINE

Site-Level Rules

Note: The following section is **optional**. Pursuant to Education Code 35291.5, schools are authorized, but not required, to adopt site-level student discipline rules and procedures. Schools that choose to adopt student discipline rules, or that are directed by the Governing Board to do so, must solicit input from groups specified in items #1-5 below. If the school develops student discipline rules, Education Code 32282 requires that they be included in the comprehensive safety plan; see BP/AR 0450 - Comprehensive Safety Plan.

In developing site-level disciplinary rules, the principal or designee shall solicit the participation, views, and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any

(cf. 3515.3 - District Police/Security Department)

Note: Item #5 below may be deleted by elementary districts.

5. For junior high and high schools, students enrolled in the school

Note: The following paragraph is **optional**.

Each school shall file a copy of its rules with the Superintendent or designee.

Note: Education Code 35291.5 provides that schools may adopt discipline rules at least every four years. The following **optional** paragraph, including the timelines for review of the school's discipline rules, may be revised to reflect district practice.

Each school shall review its site-level discipline rules at least every four years.

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291)

Disciplinary Strategies

Note: Education Code 48900.5, as amended by AB 1729 (Ch. 425, Statutes of 2012), provides methods of correction of student behavior that a district may use. The district should select those strategies that are appropriate for its student population. The following strategies may be modified or expanded to reflect district practice. Also see CSBA's publication Safe Schools: Strategies for Governing Boards to Ensure Student Success.

Yes!
New

DISCIPLINE (continued)

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Disciplinary strategies may include, but are not limited to:

1. Discussion or conference between school staff and the student and his/her parents/guardians

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

- ✓ 2. Referral of the student to the school counselor or other school support service personnel for case management and counseling

(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 6164.2 - Guidance/Counseling Services)

3. Convening of a study, guidance, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and his/her parents/guardians

(cf. 6164.5 - Student Success Teams)

4. When applicable, referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program or a Section 504 plan

(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education under Section 504)

- N/A 5. Enrollment in ~~a program~~ for teaching prosocial behavior or anger management

- N/A 6. Participation in a ~~restorative justice~~ program

- ? 7. A positive behavior support approach with tiered interventions that occur during the school day on campus

- NA 8. After-school programs that ~~address specific behavioral issues~~ or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups

(cf. 5148.2 - Before/After School Programs)

DISCIPLINE (continued)

- ✓ 9. Recess restriction as provided in the section below entitled "Recess Restriction"
10. Detention after school hours as provided in the section below entitled "Detention After School"
11. Community service as provided in the section below entitled "Community Service"
- ✓ 12. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities
- (cf. 6145 - Extracurricular/Cocurricular Activities)*
- ✓ 13. Reassignment to an alternative educational environment
- (cf. 6158 - Independent Study)*
(cf. 6181 - Alternative Schools/Programs of Choice)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)
- ✓ 14. Suspension and expulsion in accordance with law, Board policy, and administrative regulation
- (cf. 5144.1 - Suspension and Expulsion/Due Process)*
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Recess Restriction

Note: Education Code 44807.5 authorizes the district to adopt reasonable regulations allowing a teacher to restrict recess time for disciplinary purposes. The following **optional** section should be revised to reflect district practice.

✓ A teacher may restrict a student's recess time only when he/she believes that this action is the most effective way to bring about improved behavior. When recess restriction may involve the withholding of physical activity from a student, the teacher shall try other disciplinary measures before imposing the restriction. Recess restriction shall be subject to the following conditions:

- ✓ 1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
- ✓ 2. The student shall remain under a certificated employee's supervision during the period of restriction.

DISCIPLINE (continued)

- ✓ 3. Teachers shall inform the principal of any recess restrictions they impose.

(cf. 5030 - Student Wellness)

(cf. 6142.7 - Physical Education and Activity)

Detention After School

Note: 5 CCR 353 limits after-school detention to one hour after the close of the maximum school day except as otherwise provided by 5 CCR 307. 5 CCR 307 allows schools to require students to stay at school and participate in school activities until the departure of the school transportation to which the student has been assigned. The California Department of Education's legal counsel has interpreted these regulations to mean that a school may detain a student up to an hour after school even if the student misses his/her bus, and may require a student to remain at school for more than one hour if the school bus leaves more than one hour after the end of the school day. For safety purposes, when a student will miss his/her transportation due to detention, the school should notify the parent/guardian at least one day in advance so that alternative arrangements may be made.

✓ Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day. (5 CCR 353)

Note: The following paragraph should be modified to reflect district practice.

✓ If a student will miss his/her school bus on account of being detained after school, or if the student is not transported by school bus, the principal or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the principal or designee notifies the parent/guardian.

In cases where the school bus departs ~~more than one hour~~ after the end of the school day, students may be detained until the bus ~~departs~~. (5 CCR 307, 353)

Students shall remain under the supervision of a certificated employee during the period of detention.

Note: The following **optional** paragraph is offered for districts that use Saturday classes for purposes of detention. Education Code 37223 authorizes the use of Saturday classes; however, except in the case of truants, attendance at such classes must be at the election of the student or parent/guardian.

Students may be offered the choice of serving their ~~detention on Saturday~~ rather than after school.

(cf. 6176 - Weekend/Saturday Classes)

DISCIPLINE (continued)**Community Service**

✓ As part of or instead of disciplinary action, the Board, Superintendent, principal, or principal's designee may, at his/her discretion, require a student to perform community service during nonschool hours on school grounds, or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer, or youth assistance programs. (Education Code 48900.6)

| |
|---|
| <p>Note: Education Code 48900.6 provides that the community service option is not available for those students who have been suspended, pending expulsion, for acts qualifying for either "mandatory recommendation for expulsion" or "mandatory expulsion" pursuant to Education Code 48915. See AR 5144.1 - Suspension and Expulsion/Due Process.</p> |
|---|

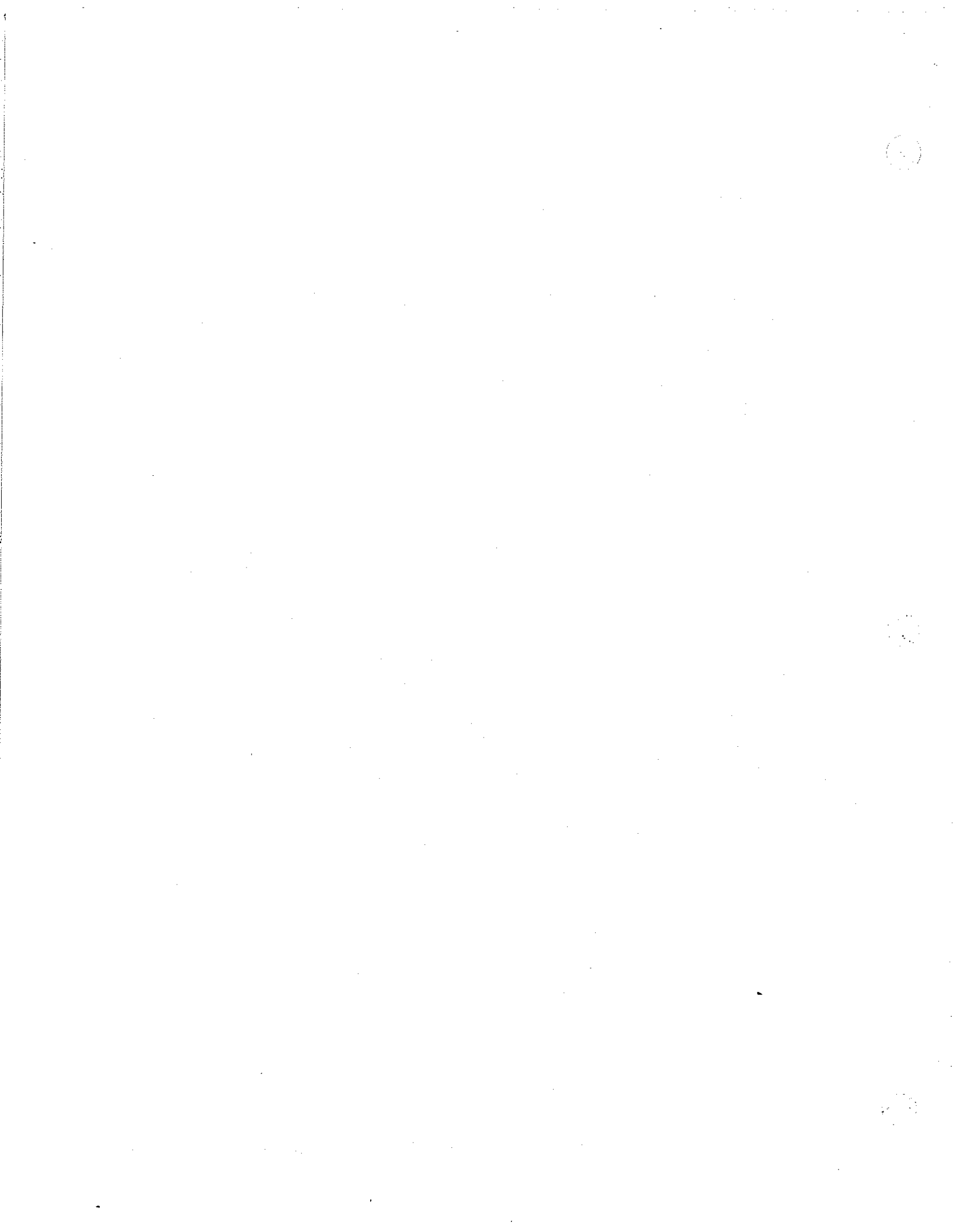
✓ This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then a student may be required to perform community service for the resulting suspension. (Education Code 48900.6)

Notice to Parents/Guardians and Students

✓ At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline. (Education Code 35291, 48980)

(cf. 5145.6 - Parental Notifications)

✓ The Superintendent or designee shall also provide written notice of the rules related to discipline to transfer students at the time of their enrollment in the district.



SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

Note: Pursuant to Education Code 60200 and 60400, the Governing Board is responsible for the adoption of textbooks and other instructional materials, as defined in Education Code 60010, for use in district schools. See the accompanying administrative regulation for required and optional criteria for the selection of instructional materials. See BP 6161.11 - Supplementary Instructional Materials and BP/AR 6163.1 - Library Media Centers for selection processes regarding supplementary materials.

The Governing Board desires that district instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect society's diversity, and enhance the use of multiple teaching strategies and technologies. The Board shall adopt instructional materials based on a determination that such materials are an effective learning resource to help students achieve grade-level competency and that the materials meet criteria specified in law. Textbooks, technology-based materials, and other educational materials shall be aligned with academic content standards and the district's curriculum to ensure that they effectively support the district's adopted courses of study.

(cf. 0440 - District Technology Plan)

(cf. 6000 - Concepts and Roles)

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6162.5 - Student Assessment)

(cf. 6163.1 - Library Media Centers)

Note: The following paragraph is for use by districts that maintain any of grades K-8 and may be revised to reflect grade levels offered by the district. Pursuant to Education Code 60200, the State Board of Education (SBE) is required to adopt basic instructional materials in specified subjects that districts may select for use in grades K-8. AB 1246 (Ch. 668, Statutes of 2012) amended Education Code 60200, 60203, 60207, and 60209 to revise the process and timelines used by the state to adopt such materials.

AB 1246 also added Education Code 60210, which authorizes the Board to select materials that have not been approved by the SBE, provided they are aligned with state academic content standards or Common Core Standards. In addition, if the district uses materials not adopted by the SBE, the majority of participants in the review process must be teachers assigned to the subject area or grade level for which the materials will be used; see section below entitled "Review Process."

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

The Board shall select instructional materials for use in grades K-8 that have been approved by the State Board of Education (SBE) or have otherwise been determined to be aligned with the state academic content standards adopted pursuant to Education Code 60605 or the Common Core Standards adopted pursuant to Education Code 60605.8. (Education Code 60200, 60210)

Note: The following paragraph is for use by districts that maintain high schools.

New The Board shall adopt instructional materials for grades 9-12 upon determining that the materials meet the criteria specified in law and administrative regulation. (Education Code 60400)

Note: The following **optional** paragraph is consistent with priorities established in Education Code 60119 to ensure that each student is provided with sufficient standards-aligned instructional materials in four core curriculum areas: English/language arts, mathematics, science, and history-social science. The Instructional Materials Funding Realignment Program (Education Code 60420-60424), which had provided a block grant for instructional materials with a priority on materials that are aligned to state standards in those core courses, was repealed by AB 1246 (Ch. 668, Statutes of 2012).

✓ The Board's priority in the selection of instructional materials is to ensure that all students are provided with standards-aligned instructional materials in the core curriculum areas of English/language arts, mathematics, science, and history-social science.

Review Process

Note: The following **optional** section may be revised to reflect district practice.

✓ The Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the Board. Toward that end, he/she may establish an instructional materials review committee to evaluate and recommend instructional materials.

(cf. 1220 - Citizen Advisory Committees)

Note: Pursuant to Education Code 60002, the Board must provide for "substantial" teacher involvement in the selection of instructional materials and must promote the involvement of parents/guardians and other members of the community in the selection of instructional materials. The Education Code does not define "substantial."

✓ The review process shall involve teachers in a substantial manner and shall encourage the participation of parents/guardians and community members. (Education Code 60002)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

New In addition, the instructional materials review committee may include administrators, other staff who have subject-matter expertise, and students as appropriate.

Note: The following paragraph is for use by districts that maintain any of grades K-8. Education Code 60210, as added by AB 1246 (Ch. 668, Statutes of 2012), adds the following requirement for the review of K-8 materials that have not been adopted by the SBE.

New If the district chooses to use instructional materials for grades K-8 that have not been adopted by the SBE, the Superintendent or designee shall ensure that a majority of the participants in the district's review process are classroom teachers who are assigned to the subject area or grade level of the materials. (Education Code 60210)

✓ Individuals who participate in the selection or review of instructional materials shall not have a conflict of interest, as defined in administrative regulation, in the materials being reviewed.

(cf. 9270 - Conflict of Interest)

New The committee shall review instructional materials using criteria provided in law and administrative regulation, and shall provide the Board with documentation supporting its recommendations.

✓ All recommended instructional materials shall be available for public inspection at the district office.

(cf. 5020 - Parent Rights and Responsibilities)

Note: SBE Policy on Guidelines for Piloting process for piloting instructional materials that at the process, and additional considerations, such as consideration of standards maps.

No changes past this point.

...als provides a sample to pilot, a chronology of s with publishers, and

✓ The district may pilot instructional materials, using a representative sample of classrooms for a specified period of time during a school year, in order to determine how well the materials support the district's curricular goals and academic standards. Feedback from teachers piloting the materials shall be made available to the Board before the materials are adopted.

Public Hearing on Sufficiency of Instructional Materials

Note: As a condition of receiving funds for instructional materials from any state source, Education Code 60119 requires the Board to annually hold a public hearing to determine whether each student in the district has sufficient standards-aligned textbooks or instructional materials in English/language arts, mathematics, science, and history-social science that are consistent with the content and cycles of the curriculum framework adopted by the SBE.

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

Education Code 1240 requires the County Superintendent of Schools to review the textbooks or instructional materials of schools ranked in deciles 1-3 of the Academic Performance Index (API). If the County Superintendent determines that a school does not have sufficient materials, he/she must prepare a report outlining the noncompliance and give the district a chance to remedy the deficiency. If the deficiency is not remedied by the second month of the school year, the County Superintendent may request that the California Department of Education (CDE) purchase textbooks or materials for the district, and the cost must be repaid by the district. The CDE will issue a public statement at an SBE meeting indicating the district's failure to provide instructional materials.

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

Note: Education Code 60119 specifies that the hearing must be held within eight weeks of the beginning of the school year. Option 1 is for use by districts without any schools on a multitrack year-round calendar. Option 2 is for use by districts with schools on a multitrack year-round calendar.

OPTION 1: The hearing shall be held on or before the end of the eighth week from the first day students attend school for that year. (Education Code 60119)

OPTION 2: The hearing shall be held on or before the end of the eighth week from the first day of the school year of any district school that operates on a multitrack year-round calendar that begins its school year in August or September. (Education Code 60119)

Note: The remainder of this policy applies to all districts.

✓ The Board encourages participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. Ten days prior to the hearing, the Superintendent or designee shall post a notice in three public places within the district containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

(cf. 9322 - Agenda/Meeting Materials)

Note: Education Code 60119 requires the Board to adopt a resolution indicating whether or not each student in each school has sufficient standards-aligned textbooks or instructional materials. AB 1246 (Ch. 668, Statutes of 2012) amended Education Code 60119 to provide that the materials may be aligned to either state content standards adopted pursuant to Education Code 60605 or Common Core Standards adopted pursuant to Education Code 60605.8. See the accompanying Exhibit for a sample resolution.

Pursuant to Education Code 60119, the determination of the sufficiency of textbooks or instructional materials for mathematics, science, history-social science, and English/language arts is a condition for receipt of state instructional materials funding. The Board must also make a written determination during the hearing as to the sufficiency of textbooks or instructional materials in foreign language and health courses, as well as science laboratory equipment in science laboratory courses, although the provision of the materials or the equipment in these courses is not a condition for receipt of state instructional materials funding.

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

At the hearing(s), the Board shall determine, through a resolution, whether each student in each school, including each English learner, has sufficient textbooks or instructional materials which are aligned to the state content standards adopted pursuant to Education Code 60605 or the Common Core Standards adopted pursuant to Education Code 60605.8 and which are consistent with the content and cycles of the state's curriculum frameworks. Sufficiency of instructional materials shall be determined in each of the following subjects: (Education Code 60119)

- ✓ 1. Mathematics
(cf. 6142.92 - Mathematics Instruction)
- ✓ 2. Science
(cf. 6142.93 - Science Instruction)
- ✓ 3. History-social science
(cf. 6142.94 - History-Social Science Instruction)
- ✓ 4. English language arts, including the English language development component of an adopted program
(cf. 6142.91 - English/Language Arts Instruction)
(cf. 6174 - Education for English Language Learners)
- ✓ 5. Foreign language
(cf. 6142.2 - World/Foreign Language Instruction)
- ✓ 6. Health
(cf. 6142.8 - Comprehensive Health Education)

| |
|---|
| Note: The following paragraph is for use by districts that maintain any of grades 9-12. |
|---|

- ✓ The Board shall also determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12. (Education Code 60119)

- ✓ In making these determinations, the Board shall consider whether each student has sufficient textbooks and/or instructional materials to use in class and to take home. However, this does not require that each student have two sets of materials. The materials may be in a digital format as long as each student, at a minimum, has and can access the same materials in the

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

class and to take home as all other students in the same class or course in the district and has the ability to use and access them at home. However, the materials shall not be considered sufficient if they are photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage. (Education Code 60119)

Note: Education Code 1240.3 and 42605 specify that, for the 2008-09 through 2014-15 fiscal years, "sufficiency" means that all students in the district who are enrolled in the same course have "identical" standards-aligned textbooks and instructional materials from the same adoption cycle. However, Education Code 1240.3 does not require districts to purchase all of the instructional materials included in an adoption cycle if the materials that are purchased are made available to all the students for whom they are intended in all of the schools within the district.

For example, fourth-grade students at all district schools must have instructional materials from the same SBE science adoption cycle, though fourth-grade students at different schools could be using materials from different publishers within the same adoption cycle. However, the district may use materials from different adoption cycles for grades K-3 and grades 4-8 since those students are not in the same "course."

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

Note: The following paragraph is **optional**. Education Code 1240.3 authorizes the district, until July 1, 2015, to purchase the newest adopted instructional materials for the neediest schools in the district without incurring a duty to purchase these materials for students in other district schools. This provision will be used by the County Superintendent through fiscal year 2014-15 whenever he/she visits schools ranked in deciles 1-3 of the API to determine the sufficiency of instructional materials pursuant to Education Code 1240.

✓ However, the district may purchase the newest adopted instructional materials for students in district schools ranked in deciles 1-3 of the base Academic Performance Index in any one of the past three school years without necessarily purchasing these materials for use in other district schools. (Education Code 1240.3)

Note: Pursuant to Education Code 60119, if the Board makes a determination that there are insufficient textbooks or instructional materials, the Board must take action to ensure that the materials are provided within two months of the beginning of the school year. The CDE's Instructional Materials FAQ states that, if a district has submitted purchase orders to the publisher to purchase materials to remedy the insufficiency, these materials should be received and made available to students by the end of the second month of the school year. Thus, districts are strongly encouraged to hold the public hearing as early in the school year as possible in order to provide sufficient time to correct any deficiencies.

✓ If the Board determines that there are insufficient textbooks or instructional materials, it shall provide information to classroom teachers and to the public setting forth, for each school in which an insufficiency exists, the percentage of students who lack sufficient standards-

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

aligned textbooks or instructional materials in each subject area and the reasons that each student does not have sufficient textbooks or instructional materials. The Board shall take any action, except an action that would require reimbursement by the Commission of State Mandates, to ensure that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. (Education Code 60119)

Complaints

| |
|--|
| Note: Complaints regarding the contents of instructional materials are addressed in BP/AR 1312.2 - Complaints Concerning Instructional Materials. See AR 1312.4 - Williams Uniform Complaint Procedures for language regarding complaints about deficiencies in instructional materials. |
|--|

✓ Complaints concerning instructional materials shall be handled in accordance with law, Board policy, and administrative regulation.

(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference: (see next page)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

Legal Reference:

EDUCATION CODE

- 220 Prohibition against discrimination
 - 1240 County superintendent, general duties
 - 1240.3 Definition of sufficiency for categorical flexibility
 - 33050-33053 General waiver authority
 - 33126 School accountability report card
 - 35272 Education and athletic materials
 - 42605 Tier 3 categorical flexibility
 - 44805 Enforcement of course of studies; use of textbooks, rules and regulations
 - 49415 Maximum textbook weight
 - 51501 Nondiscriminatory subject matter
 - 60000-60005 Instructional materials, legislative intent
 - 60010 Definitions
 - 60040-60052 Instructional requirements and materials
 - 60060-60062 Requirements for publishers and manufacturers
 - 60070-60076 Prohibited acts (re instructional materials)
 - 60110-60115 Instructional materials on alcohol and drug education
 - 60119 Public hearing on sufficiency of materials
 - 60200-60210 Elementary school materials
 - 60226 Requirements for publishers and manufacturers
 - 60240-60252 State Instructional Materials Fund
 - 60350-60352 Core reading program instructional materials
 - 60400-60411 High school textbooks
 - 60510-60511 Donation for sale of obsolete instructional materials
 - 60605 State content standards
 - 60605.8 Common Core Standards
 - 60605.86-60605.88 Supplemental instructional materials aligned with Common Core Standards
- CODE OF REGULATIONS, TITLE 5
- 9505-9530 Instructional materials

Management Resources:

CSBA PUBLICATIONS

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

WEB SITES

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

Association of American Publishers: <http://www.publishers.org>

California Academic Content Standards Commission, Common Core Standards:
<http://www.scoe.net/castandards>

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

Policy adopted: 4/10/07
10/11/11
2/14/2012

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

Criteria for Selection and Adoption of Instructional Materials

In recommending textbooks or other instructional materials for adoption by the Governing Board, the Superintendent or designee shall ensure that such materials:

1. Are aligned to any applicable academic content standards adopted by the State Board of Education (SBE) pursuant to Education Code 60605 and/or Common Core Standards adopted pursuant to Education Code 60605.8

(cf. 6011 - Academic Standards)

Note: The following paragraph is for use by districts that offer any of grades K-8. Pursuant to Education Code 60200, the State Board of Education (SBE) is responsible for adopting at least five basic instructional materials for grades K-8 in specified core subjects and any other subject for which the SBE determines that the adoption of instructional materials is necessary or desirable. AB 1246 (Ch. 668, Statutes of 2012) amended Education Code 60200, 60203, 60207, and 60209 to revise the process and timelines used by the state to adopt such materials. Although Education Code 60200.7 prohibits the SBE from adopting instructional materials until the 2015-16 school year, an exception established in Education Code 60207, as amended by AB 1246, authorizes the SBE to adopt K-8 instructional materials in mathematics by March 30, 2014.

Education Code 60210, as added by AB 1246, authorizes the Governing Board to select instructional materials for grades K-8 that have not been approved by the SBE, provided they are aligned with state academic content standards adopted by the SBE pursuant to Education Code 60605 or Common Core Standards adopted pursuant to Education Code 60605.8 and have been reviewed through a process that requires a majority of the participants in the process to be classroom teachers who are assigned to the subject area or grade level for which the materials will be used; also see the accompanying Board policy.

Because state adoptions of instructional materials are postponed, Education Code 60605.86, as added by SB 140 (Ch. 623, Statutes of 2011), and Education Code 60605.87-60605.88, as added by AB 1719 (Ch. 636, Statutes of 2012), require the California Department of Education (CDE) to recommend and the SBE to approve lists of K-8 supplementary instructional materials aligned with the Common Core Standards in English language arts by September 30, 2012, mathematics by July 30, 2013, and English language development by June 30, 2014. See BP 6161.11 - Supplementary Instructional Materials.

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

New
Law

For grades K-8, the Superintendent or designee shall select instructional materials from among the list of materials adopted by the SBE and/or other materials that have not been adopted by the SBE but are aligned with the state academic content standards and/or the Common Core Standards. (Education Code 60200, 60210)

(cf. 6161.11 - *Supplementary Instructional Materials*)

Note: The following **optional** paragraph is for use by districts offering any of grades 9-12 and may be revised to reflect district practice. One way to ensure that instructional materials in core courses for grades 9-12 are aligned to state standards is through a review of standards maps created by the CDE. A template of the standards map is available on the CDE's web site.

New

For grades 9-12, the Superintendent or designee shall review instructional materials in history-social science, mathematics, English/language arts, and science using a standards map in order to determine the extent to which the materials are aligned to state academic content standards.

Note: Item #2 below is for use by districts that offer any of grades 9-12.

- ✓ 2. For grades 9-12, are provided by publishers that comply with the requirements of Education Code 60040-60052, 60060-60062, and 60226 (Education Code 60400)
- ✓ 3. Do not reflect adversely upon persons because of their race or ethnicity, gender, religion, disability, nationality, sexual orientation, occupation, or other characteristic listed in Education Code 220, nor contain any sectarian or denominational doctrine or propaganda contrary to law (Education Code 51501, 60044)

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

- ✓ 4. To the satisfaction of the Board, are accurate, objective, current, and suited to the needs and comprehension of district students at their respective grade levels (Education Code 60045)
- ✓ 5. With the exception of literature and trade books, use proper grammar and spelling (Education Code 60045)

Note: Education Code 60048 and 60200 require that the Board not adopt basic instructional materials that provide unnecessary exposure to a commercial brand name, product, or corporate or company logo, unless it makes specific findings that the use has an educational purpose or is incidental to the general nature of an illustration, as provided in item #6 below. The SBE publication Standards for Evaluating Instructional Materials for Social Content details standards for the use of brand names and corporate logos in instructional materials.

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

- ✓ 6. Do not expose students to a commercial brand name, product, or corporate or company logo unless the Board makes a specific finding that the use is appropriate based on one of the following: (Education Code 60048, 60200)
- a. The commercial brand name, product, or corporate or company logo is used in text for an educational purpose as defined in guidelines or frameworks adopted by the SBE.
 - b. The appearance of a commercial brand name, product, or corporate or company logo in an illustration is incidental to the general nature of the illustration.

(cf. 1325 - Advertising and Promotion)

- ✓ 7. If the materials are technology-based materials, are both available and comparable to other, equivalent instructional materials (Education Code 60052)

Note: Education Code 60040-60043 require that specific subject matter be included in the district's instructional materials. Education Code 60040 requires that instructional materials include accurate portrayals of the cultural and racial diversity of society as specified. Education Code 60041 requires (1) accurate portrayal of humanity's place in ecological systems and the need to protect the environment and (2) the effects of tobacco, alcohol, and other drug use on the human system. Education Code 60042 requires the Board to adopt materials as it deems necessary to encourage thrift, fire prevention, and the humane treatment of animals and people. Education Code 60043 requires that the Board, when appropriate to the comprehension of students, adopt textbooks for social science, history, or civics classes that contain the Declaration of Independence and the Constitution of the United States. If desired, the district may expand item #8 below to list these specific requirements.

- ✓ 8. Meet the requirements of Education Code 60040-60043 for specific subject content

Note: Items #9-18 below are **optional** and may be revised to reflect district practice. The district may choose to develop subject-specific criteria as well as general criteria.

- ✓ 9. Support the district's adopted courses of study and curricular goals

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6142.2 - World/Foreign Language Instruction)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.91 - English/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6142.93 - Science Instruction)

(cf. 6142.94 - History-Social Science Instruction)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

- ✓ 10. Contribute to a comprehensive, balanced curriculum

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

- ✓ 11. Demonstrate reliable quality of scholarship as evidenced by:
 - a. Accurate, up-to-date, and well-documented information
 - b. Objective presentation of diverse viewpoints
 - c. Clear, concise writing and appropriate vocabulary
 - d. Thorough treatment of subject matter
- ✓ 12. Provide for a wide range of materials at all levels of difficulty, with appeal to students of varied interests, abilities, and developmental levels
- ✓ 13. Include materials that stimulate discussion of contemporary issues and improve students' thinking and decision-making skills
- ✓ 14. Contribute to the proper articulation of instruction through grade levels
- ✓ 15. As appropriate, have corresponding versions available in languages other than English
- ✓ 16. Include high-quality teacher's guides
- ✓ 17. Meet high standards in terms of the quality, durability, and appearance of paper, binding, text, and graphics

Note: 5 CCR 9517.2 sets the following maximum weight standards for each student textbook: three pounds for grades K-4, four pounds for grades 5-8, and five pounds for grades 9-12. 5 CCR 9517.2 requires publishers submitting textbooks to the SBE that exceed those weight standards to provide lighter weight alternatives, such as split volumes or electronic editions, soft cover editions, or other alternate physical formats. For materials for grades 9-12, publishers must disclose the availability of lighter weight alternatives. Item #18 below includes textbook weight as one of the criteria for Board consideration.

- ✓ 18. When available, include options for lighter weight materials in order to help minimize any injury to students by the combined weight of instructional materials

Conflict of Interest

Note: The following **optional** section is for use by districts that choose to require individuals who will participate in the review process to first complete a disclosure statement which provides an opportunity to disclose any conflict of interest or appearance of conflict of interest.

The following conflict of interest rules are not applicable to "public officials" (including Board members and designated staff) who are subject to the district's conflict of interest code pursuant to the Political

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

Reform Act. Such persons who are making decisions concerning instructional materials must comply with the more stringent conflict of interest requirements described in BB 9270 - Conflict of Interest.

To ensure integrity and impartiality in the evaluation and selection of instructional materials, any district employee who is participating in the evaluation of instructional materials and not otherwise designated in the district's conflict of interest code shall sign a disclosure statement indicating that he/she:

Note: Education Code 60061 requires publishers to provide instructional materials free of charge within California to the same extent that they provide free materials to other states or school districts; see Price List of Adopted Instructional Materials on the CDE web site. However, Education Code 60071 forbids publishers from offering "valuable thing(s)" to school officials for the purpose of influencing the purchase of instructional materials. The CDE's Instructional Materials FAQ clarifies that, in accordance with the definition of "technology-based materials" in Education Code 60010, districts may accept electronic equipment necessary to make use of technology-based materials provided that such equipment is used by students and teachers as a learning resource, not to replace computers or related equipment in an existing computer lab or to establish a new computer lab.

1. Shall not accept any emolument, money, or other valuable thing or inducement to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material (Education Code 60072)

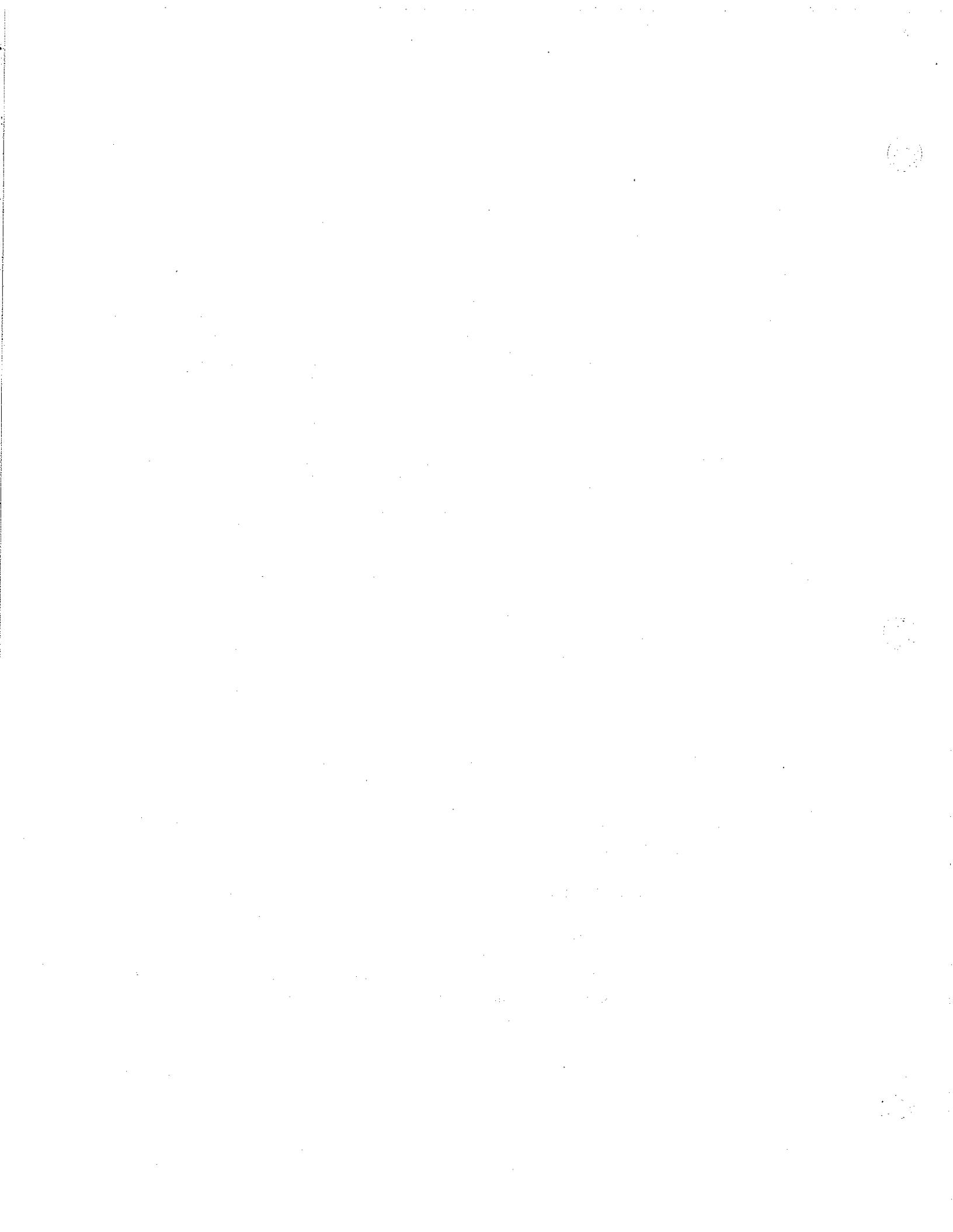
Sample copies of instructional materials are excepted from this prohibition. (Education Code 60075)

Note: Items # 2-4 below are **optional** and should be modified to reflect district practice.

2. Is not employed by nor receives compensation from the publisher or supplier of the instructional materials or any person, firm, organization, subsidiary, or controlling entity representing it
3. Does not have and will not negotiate a contractual relationship with the publisher or supplier of the instructional materials or any person, firm, organization, subsidiary, or controlling entity representing it
4. Does not have an interest as a contributor, author, editor, or consultant in any textbook or other instructional material submitted to the district

(cf. 9270 - Conflict of Interest)

Regulation
approved: 4/10/07
2/14/12



- TEMPLATE -

Only change:
- 2nd page -

Instruction

E 6161.1(a)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

RESOLUTION ON SUFFICIENCY OF INSTRUCTIONAL MATERIALS

Note: As a condition of receiving instructional materials funding from any state source, Education Code 60119 requires that the Governing Board hold an annual public hearing regarding the sufficiency of textbooks or other instructional materials and determine through a resolution whether each student has sufficient materials; see the accompanying Board policy. "Sufficient textbooks or instructional materials," as defined in Education Code 60119, means that each student in the district, including each English learner, has a standards-aligned textbook or instructional materials, which may include materials in a digital format under specified conditions, to use in class or to take home.

The following sample resolution is based on the 2008 sample resolution developed by the California Department of Education (CDE) but has been updated to reflect new law. This resolution may be used to certify compliance with Education Code 60119.

Whereas, the Governing Board of the ^{SCOPE + SPJUSD} (name of school district/county office of education), in order to comply with the requirements of Education Code 60119, held a public hearing on (date), at (time) o'clock, which is on or before the eighth week of school (between the first day that students attend school and the end of the eighth week from that day) and which did not take place during or immediately following school hours, and;

Whereas, the Board provided at least 10 days notice of the public hearing by posting it in at least three public places within the district stating the time, place, and purpose of the hearing, and;

Whereas, the Board encouraged participation by parents/guardians, teachers, members of the community, and bargaining unit leaders in the public hearing, and;

Whereas, information provided at the public hearing detailed the extent to which sufficient textbooks or instructional materials were provided to all students, including English learners, in the (name of school district/county office of education), and;

^{SCOPE + SPJUSD}

Whereas, the definition of "sufficient textbooks or instructional materials" means that each student, including each English learner, has a standards-aligned textbook or instructional materials to use in class and to take home, which may include materials in a digital format but shall not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage, and;

Note: Education Code 1240.3 and 42605 specify that, for the 2008-09 through 2014-15 fiscal years, "sufficiency" means that all students in the district who are enrolled in the same "course" have standards-aligned textbooks and instructional materials from the same adoption cycle; see the accompanying Board policy.

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

Whereas, the definition of "sufficient textbooks or instructional materials" also means that all students who are enrolled in the same course within the *(name of school district/county office of education)*, have standards-aligned textbooks or instructional materials from the same adoption cycle, and;

Note: Pursuant to Education Code 60119, as amended by AB 1246 (Ch. 668, Statutes of 2012), a determination as to whether the instructional materials are "standards-aligned" may be based on alignment to either state academic content standards adopted by the State Board of Education pursuant to Education Code 60605 or the Common Core Standards adopted pursuant to Education Code 60605.8.

New

Whereas, textbooks or instructional materials in core curriculum subjects should be aligned with state academic content standards adopted by the State Board of Education pursuant to Education Code 60605 and/or the Common Core Standards adopted pursuant to Education Code 60605.8;

Finding of Sufficient Textbooks or Instructional Materials

Note: The following section is for use when the Board is making a finding that the district has "sufficient" materials. According to the CDE, *Education Code* 60119 requires documentation of sufficiency of textbooks or instructional materials to be presented at the public hearing. Survey forms are available on the CDE's web site which may be used as a self-study and county office validation tool for grades K-12.

Whereas, sufficient standards-aligned textbooks or instructional materials that are consistent with the cycles and content of the curriculum frameworks were provided to each student, including each English learner, in the following subjects:

Note: To provide complete information about the basis for the Board's determination of sufficiency, the district may wish to include the names of the textbooks or instructional materials provided to students, as well as the applicable state adoption cycle.

- Mathematics: *(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)*

- Science: *(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)*

- History-social science: *(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)*

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

- English language arts, including the English language development component of an adopted program: *(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)*

Note: Pursuant to Education Code 60119, the Board must also include a written determination for the following subject areas, although these determinations are not a condition for receipt of state instructional materials funds.

- Foreign language: *(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)*

- Health: *(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)*

Note: The following paragraph is for use by districts that maintain grades 9-12. The Board may provide a list of the science laboratory classes offered in grades 9-12 and details on the science laboratory equipment available for these classes.

✓ Whereas, laboratory science equipment was available for science laboratory classes offered in grades 9-12, inclusive;

✓ Therefore, it is resolved that for the *(year)* school year, the *(name of school district/county office of education)* has provided each student with sufficient standards-aligned textbooks or instructional materials that are consistent with the cycles and content of the curriculum frameworks.

Finding of Insufficient Textbooks or Instructional Materials

Note: The following section is for use when the Board is making a finding of "insufficient" materials. Education Code 60119 requires that the Board's resolution list, for each school for which an insufficiency exists, the percentage of students at each grade level who lack sufficient materials in each of the subject areas listed below. The provision of sufficient foreign language and health materials is not a condition of receipt of instructional materials funds.

Whereas, information provided at the public hearing and to the Board at the public meeting detailed that insufficient standards-aligned textbooks or instructional materials were provided to students in the following subjects and grade levels at district schools: *(For each school,*

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

list the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in mathematics, science, history-social science, English language arts, foreign language, and health.)

✓ Whereas, sufficient textbooks or instructional materials were not provided at each school listed above due to the following reasons: *(For each school at which there is an insufficiency, list the reasons that each student does not have sufficient instructional materials in each subject and grade level listed above.)*

✓ Therefore, it is resolved, that for the *(year)* school year, the *(name of school district/county office of education)* has not provided each student with sufficient textbooks or instructional materials that are consistent with the cycles and content of the curriculum framework, and;

✓ Be it further resolved, that the following actions will be taken to ensure that all students have sufficient standards-aligned textbooks or instructional materials in all subjects that are consistent with the cycles and content of the curriculum frameworks within two months of the beginning of the school year in which this determination is made. *(List actions to be taken to resolve insufficiency. See Education Code 60119(a)(2)(B) for other funds that may be used to ensure sufficient instructional materials.)*

PASSED AND ADOPTED THIS _____ day of _____, _____ at a meeting, by the following vote:

AYES: _____ NOES: _____ ABSENT: _____

Attest:

Secretary

President

Exhibit version: 4/10/07
2/14/2012

SUPPLEMENTARY INSTRUCTIONAL MATERIALS

Note: The following **optional** policy addresses the selection of instructional materials that are used to supplement the basic textbooks and other instructional materials adopted by the Governing Board for use in grades K-8 pursuant to Education Code 60200 or for grades 9-12 pursuant to Education Code 60400. See BP/AR 6161.1 - Selection and Evaluation of Instructional Materials for requirements pertaining to the selection of those basic instructional materials.

Revised

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

- (cf. 0000 - Vision)*
- (cf. 0200 - Goals for the School District)*
- (cf. 6011 - Academic Standards)*
- (cf. 6161.1 - Selection and Evaluation of Instructional Materials)*
- (cf. 6163.1 - Library Media Centers)*

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

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

- (cf. 6142.91 - English/Language Arts Instruction)*
- (cf. 6142.92 - Mathematics Instruction)*
- (cf. 6142.93 - Science Instruction)*
- (cf. 6142.94 - History-Social Science Instruction)*

New

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

New

SUPPLEMENTARY INSTRUCTIONAL MATERIALS (continued)

(cf. 1260 - Educational Foundation)
 (cf. 3290 - Gifts, Grants and Bequests)
 (cf. 4132/4232/4332 - Publication or Creation of Materials)

Note: In McCarthy v. Fletcher, a California appellate court clarified that the Board may exclude materials from classroom teaching because they are educationally unsuitable and unrelated to the goals specified in Education Code 233.5, but not simply because the materials contain ideas to which Board or community members object.

Revised

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

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

(cf. 6162.6 - Use of Copyrighted Materials)

Supplementary Materials Aligned with Common Core Standards

Note: The following **optional** section is for use by districts that maintain any of grades K-8. Pursuant to Education Code 60605.8, the State Board of Education (SBE) has adopted Common Core Standards in English language arts and mathematics; see BP 6011 - Academic Standards. In November 2012, the SBE adopted updated English language development standards for English learners which are aligned to the Common Core Standards. However, the SBE has not yet adopted K-8 textbooks and instructional materials aligned to the Common Core Standards because Education Code 60200.7 suspended state adoptions of instructional materials until the 2015-16 school year. To bridge the gap, Education Code 60605.86, as added by SB 140 (Ch. 623, Statutes of 2011), and Education Code 60605.87-60605.88, as added by AB 1719 (Ch. 636, Statutes of 2012), require the California Department of Education (CDE) to recommend and the SBE to approve lists of supplementary instructional materials aligned with the Common Core Standards in English language arts by September 30, 2012, mathematics by July 30, 2013, and English language development by June 30, 2014. These lists of supplementary materials will be available on the CDE's web site and are informational only; districts are not required to purchase any of the supplementary materials.

New

To prepare district students to achieve the Common Core Standards in English language arts and mathematics and the English language development standards, as applicable, the Board may select supplementary instructional materials from the lists of materials determined by the State Board of Education (SBE) to be aligned with those standards. (Education Code 60605.86-60605.88)

SUPPLEMENTARY INSTRUCTIONAL MATERIALS (continued)

Note: Pursuant to Education Code 60605.86-60605.88, as added by SB 140 (Ch. 623, Statutes of 2011) and AB 1719 (Ch. 636, Statutes of 2012), the district may select supplementary materials that are not on the SBE-approved lists. Such materials must be reviewed and recommended by content review experts who are selected by the Board, meet specified qualifications, and serve without compensation. The Board must ensure that the selected materials comply with SBE-approved evaluation criteria, which are available on the CDE's web site, and specified legal requirements for instructional materials, including social content review requirements.

New

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

Appropriateness of Materials

Note: The following **optional** section may be revised to reflect district practice, including any district criteria for the appropriateness of supplementary instructional materials and/or circumstances under which materials should be submitted to the principal or other designee for review prior to their use (e.g., when materials relate to controversial issues or are presented in a controversial manner or context, such as when materials contain nudity, sexual content, graphic violence, or extensive profanity). The district is encouraged to consult legal counsel prior to adopting such criteria or processes or when banning films, electronic resources, or other materials solely on the basis of industry ratings.

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

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

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

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

(cf. 6144 - Controversial Issues)

Legal Reference: (see next page)

SUPPLEMENTARY INSTRUCTIONAL MATERIALS (continued)

Legal Reference:

EDUCATION CODE

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

18111 *Exclusion of books by governing board*

51510 *Prohibited study or supplemental materials*

51511 *Religious matters properly included*

51933 *Sex education materials*

60010 *Definitions*

60050 *Social content review of instructional materials*

60060-60062 *Requirements of publishers*

60200.7 *Suspension of state instructional materials adoptions*

60226 *Learner verification of instructional materials*

60242 *Uses of instructional materials funds*

60400 *Adoption of high school instructional materials*

60605.8 *Common Core Standards*

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

60811.3 *English language development standards*

COURT DECISIONS

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

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Standards for Evaluating Instructional Materials for Social Content, 2000

WEB SITES

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

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

Policy
adopted: 4/10/2007
10/11/2011
2/14/2012

CSBA MANUAL MAINTENANCE SERVICE
November 2012

Changes are underlined

Sierra County/Sierra-Plumas Joint USD

Board Policy

Suspension And Expulsion/Due Process

BP 5144.1

Students

The Board of Education desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

To correct the behavior of any student who is subject to discipline, the Superintendent or designee shall, to the extent allowed by law, first use alternative disciplinary strategies specified in AR 5144 - Discipline. (Education Code 48900.5)

(cf. 1020 - Youth Services)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

Alternatives to suspension or expulsion also shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

Except for single acts of a grave nature or offenses for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct or the student's presence causes a continuing danger to himself/herself or others.

(cf. 5131.7 - Weapons and Dangerous Instruments)

Eliminated: "...student involved has a history of misconduct and..."

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be those specified in law and administrative regulation. Suspended or expelled students shall be denied the privilege of participation in all extra curricular activities during the period of suspension or expulsion.

Changes are underlined

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, and in accordance with the district's nondiscrimination policies.

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

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5)

(cf. 5119 - Students Expelled from Other Districts)

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

Removal from Class by a Teacher and Parental Attendance

When suspending a student from class for committing an obscene act, engaging in habitual profanity or vulgarity, disrupting school activities, or otherwise willfully defying valid staff authority, the teacher of the class may require any parent/guardian who lives with the student to attend a portion of the school day in the class from which the student is being suspended, to assist in resolving the classroom behavior problems. (Education Code 48900.1)

Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the teacher and the student and his/her parents/guardians and to improve the student's behavior.

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is required pursuant to law. (Education Code 48900.1)

(cf. 5145.6 - Parental Notifications)

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

At the meeting with the student's parent/guardian, the principal or designee shall explain the district's and school's discipline policies, including the disciplinary strategies that may be used to achieve proper student conduct.

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by telephone, mail, or other method that maintains the confidentiality of the student's records.

Changes are underlined

(cf. 5125 - Student Records)

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

Supervised Suspension Classroom

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

Decision Not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law and administrative regulation. (Education Code 48917)

Monitoring the Use of Suspension and Expulsion

At the end of each school year, the Superintendent or designee shall present a report to the Board regarding the use of suspension and/or expulsion in district schools. The report shall include, but is not limited to, outcome data which the district is required by law to collect and data related to the effect of suspension and/or expulsion on the district's minority student populations or groupings.

(cf. 9320 - Meetings and Notices)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

Changes are underlined

48660-48667 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors, or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

Changes are underlined

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7151 Gun-free schools

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

CSBA PUBLICATIONS

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

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Civil Rights Data Collection Summary, March 2012

WEB SITES

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

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

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Drug-Free Schools:

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

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA COUNTY OFFICE OF EDUCATION

Sierraville, California

Regulation

approved: April 10, 2007

Revised: August 11, 2009

Revised: August 9, 2011

Revised: June 12, 2012

Revised: April 9, 2013

Changes are underlined

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Suspension And Expulsion/Due Process

AR 5144.1

Students

Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Board of Education for students of the same grade level.
2. Referral to a certificated employee designated by the principal to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(u))

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, including suspension and expulsion. (Education Code 35291, 48900.1, 48980)

Changes are underlined

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion

Any student, including a student with disabilities, may be subject to suspension or expulsion when it is determined that he/she:

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon another person, except in self-defense (Education Code 48900(a))

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, such a student may be suspended or expelled pursuant to Education Code 48900(a) when he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(t))

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))

(cf. 5131.6 - Alcohol and Other Drugs)

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))

6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))

7. Stole or attempted to steal school property or private property (Education Code 48900(g))

8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))

Changes are underlined

(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))

10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))

11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

12. Knowingly received stolen school property or private property (Education Code 48900(l))

13. Possessed an imitation firearm (Education Code 48900(m))

Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))

15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))

16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))

17. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events.

18. Engaged in an act of bullying (Education Code 48900(r))

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 (items #20-22 below), that has any of the effects

Changes are underlined

described above on a reasonable student.

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a burn page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability. (Education Code 48900(r))

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

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

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

19. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

A student in grades 4-12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

20. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - Sexual Harassment)

21. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

Changes are underlined

22. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school or within any other school district, at any time, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school

(cf. 5131.1 - Bus Conduct)

3. During the lunch period, whether on or off the school campus

(cf. 5112.5 - Open/Closed Campus)

4. During, going to, or coming from a school-sponsored activity

Removal from Class by a Teacher and Parental Attendance

A teacher may remove any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been removed. (Education Code 48910)

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal. (Education Code 48910)

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed. (Education Code 48910)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Pursuant to Board policy, a teacher may require the parent/guardian of a student whom the teacher has removed

Changes are underlined

to attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
2. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student
3. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

Suspension by Superintendent, Principal, or Designee

The Superintendent, principal, or designee may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above. A student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)

When other means of correcting a student's behavior are implemented prior to imposing suspension upon the student, including supervised suspension, the Superintendent, principal, or designee shall document the other means of correction used and retain them in the student's record. (Education Code 48900.5)

(cf. 5125 - Student Records)

However, the Superintendent, principal, or designee may impose a suspension upon a first offense if he/she determines that the student violated any of items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

In addition, the Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g)
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4

Changes are underlined

5. Possessing an explosive as defined in 18 USC 921

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year unless, for purposes of adjustment, the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48911, 48912)

(cf. 6184 - Continuation Education)

The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903)

Suspensions shall be initiated according to the following procedures:

1. Informal Conference: Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, presented with the evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)

3. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

Changes are underlined

Although the parent/guardian is required to respond without delay to a request for a conference about his/her child's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911)

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

(cf. 6173.1 - Education for Foster Youth)

In addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be

Changes are underlined

held in closed session. (Education Code 35146, 48912)

Supervised Suspension Classroom

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to a supervised suspension classroom in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j))

The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion." (Education Code 48915)

For all other grounds listed above under "Grounds for Suspension and Expulsion," the Board shall order a student expelled upon the recommendation of the Superintendent, principal, or designee, only if the Board makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

Mandatory Recommendation for Expulsion

Unless the Superintendent, principal, or designee determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense

Changes are underlined

2. Possession of any knife as defined in Education Code 48915(g), explosive, or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

Mandatory Recommendation and Mandatory Expulsion

The Superintendent, principal, or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence

However, possession of an imitation firearm, as defined in Education Code 48900(m), shall not be regarded as an offense requiring a mandatory recommendation for expulsion and mandatory expulsion.

2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed one of the acts listed above under "Grounds for Suspension and Expulsion." (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be

Changes are underlined

granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

After a determination that one of the grounds listed above under "Grounds for Suspension and Expulsion" has occurred, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion. The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian.

Rights of Complaining Witness

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

Written Notice of the Expulsion Hearing

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing.

Changes are underlined

2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor.

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

Additional Notice of Expulsion Hearing for Foster Youth

At least 10 days prior to a hearing to determine if a student who is a foster youth as defined under Education Code 48853.5 should be expelled for an offense not requiring a mandatory recommendation for expulsion, the Superintendent or designee shall notify the student's attorney and a representative of an appropriate county child welfare agency. If the hearing is pursuant to an offense requiring a mandatory expulsion recommendation, the Superintendent or designee may provide the same notification. The notice shall be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918(c))

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to

Changes are underlined

attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. Although no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)

a. Any complaining witness shall be given five days' notice before being called to testify.

Changes are underlined

- b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
 - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
 - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
 - (3) The person conducting the hearing may:
 - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
 - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
 - (c) Permit one of the support persons to accompany the complaining witness to the witness stand
- 6. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of

Changes are underlined

whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue its decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (Education Code 48917, 48918)

Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(j))

(cf. 9321.1 - Closed Session Actions and Reports)

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission

Changes are underlined

2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

Decision Not to Enforce Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The conduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student

Changes are underlined

commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)

4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. (Education Code 48919)

The student shall submit a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishment of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

Post-Expulsion Placements

Changes are underlined

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site
3. Not housed at the school site attended by the student at the time of suspension

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

When the placement described above is not available and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and #20-22 under "Grounds for Suspension and Expulsion" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)

Changes are underlined

7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile school, or other such contact with the juvenile justice system. (Education Code 48645.5)

Maintenance of Records

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8)

Expulsion records of any student shall be maintained in the student's mandatory interim record, and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

(cf. 5119 - Students Expelled from Other Districts)

Outcome Data

The Superintendent or designee shall maintain the following data: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion
3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

In addition, the Superintendent or designee shall disaggregate student data collected based on race, color, nationality, religion, disability, and other categories protected from discrimination under the law.

Regulation
approved: April 10, 2007
Revised: August 9, 2011
Revised: June 12, 2012
Revised: April 9, 2013

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
SIERRA COUNTY OFFICE OF EDUCATION
Sierraville, California