

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

January 12, 2016

6:00 pm REGULAR SESSION

Sierra County Office of Education, 109 Beckwith Rd., Room 4, Loyalton, CA 96118

This meeting will be available for videoconferencing at Downieville School, 130 School Street, Downieville CA 95936.

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, 109 Beckwith Road, Room 3, Loyalton, CA, 96118, and posted with the online agenda at <http://www.sierracountyofficeofeducation.org> (Government Code 54957.5)

2016 Elected Officers

*PATTY HALL, President
MIKE MOORE, Vice President
ALLEN WRIGHT, Clerk*

- A. CALL TO ORDER
(Please be advised that this meeting will be recorded.)
- B. ROLL CALL
- C. APPROVAL OF THE AGENDA
- D. FLAG SALUTE
- E. Sierra County Office of Education and Sierra-Plumas Joint Unified School District Audit Presentation by Clay Singleton of SingletonAuman, PC, Certified Public Accountants (via phone)
- F. INFORMATION/DISCUSSION ITEMS
 - 1. Superintendent's Report
 - a. Back to School for the New Year
 - b. Agreement for Professional Services/County of Sierra/Friday Night Live
 - 2. Business Report
 - a. Board Report-Expenditures by Object 07/01/15 to 12/31/15**
 - 3. Staff Reports (5 minutes)
 - 4. SPTA Report (5 minutes)
 - 5. Board Members' Report (5 minutes)
 - 6. 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

G. CONSENT CALENDAR

1. Approval of minutes of the Regular Board meeting held December 8, 2015**
2. Approval of bill warrants for month of December 2015**
3. Approval of Quarterly Report on Williams Uniform Complaints for quarter ending December 31, 2015. 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 December 31, 2015. 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 2015-2016 school year.*
4. Authorization to submit the 2015-2016 Consolidated Application
5. Review and Approval of BP and AR 6145, Extracurricular and Cocurricular Activities, per Education Code §35160.5**

H. ACTION ITEMS

1. Unfinished Business and General Orders

PUBLIC HEARING-Collective Bargaining Disclosure

This is an opportunity for members of the public to directly address the governing board on the Collective Bargaining Agreement in regards to Article 12.5.

- 1516-40 Approval of Amendment of Sierra Plumas Teachers Association Bargaining Agreement**

2. New Business

- 1516-41 Authorization to fill Friday Night Live, Club Live, Friday Night Live Kids Program stipend compensation
- 1516-42 Authorization for Superintendent to assign Parental Advisory Committee for Local Control and Accountability Plan (LCAP)
- 1516-43 Acceptance of the Sierra County Office of Education Audit Report for year ending June 30, 2015**

BOARD POLICIES AND ADMINISTRATIVE REGULATIONS

- 1516-44 Approval of Minor Revisions** (CSBA recommended) for the following Policies and Regulations:
AR 4032 Reasonable Accommodation; BP 4119.11/4219.11/4319.11 Sexual Harassment; BP 5117 Interdistrict Attendance; BP 5123 Promotion/Acceleration/Retention; AR 5125 Student Records; BP 6142.92 Mathematics Instruction; BP 6177 Summer Learning Programs**
- 1516-45 Approval of Board Policy 2121, Superintendent's Contract, revision**

Sierra County Board of Education
Regular Meeting Agenda
January 12, 2016

- 1516-46 Approval of Board Policy (new) and Administrative Regulation (revision) 5111.1, District Residency**
- 1516-47 Approval of Board Policy and Administrative Regulation 5141, Health Care and Emergencies, revision**
- 1516-48 Approval of Board Policy and Administrative Regulation 6142.1, Sexual Health and HIV/AIDS Prevention Instruction, revision**
- 1516-49 Approval of Deletion of Exhibit 5141.6, School Health Services, revision**
- 1516-50 Approval of Deletion of Administrative Regulation 5111.12, Residency Based on Parent/Guardian Employment, revision**

I. ADVANCED PLANNING

- 1. Next Regular Board Meeting will be held on February 9, 2016, at Downieville School, 130 School Street, Downieville CA 95936, beginning with Closed Session, as needed, at 5 pm and the Regular Board Meeting at 6 pm.
- 2. Suggested Agenda Items
 - a. _____

J. ADJOURNMENT



Dr. Merrill M. Grant, Superintendent
Secretary to the County Board of Education

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

Balances through June						Fiscal Year 2015/16
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Fund 01 - Gen Fund						
1100	Teachers Salaries	190,198.00	223,852.00	131,437.62	92,415.22	.84-
1120	Certificated Substitutes	2,100.00	2,100.00		1,710.00	390.00
1200	Certificated Pupil Support Ser	65,054.00	66,255.00	35,983.86	24,091.24	6,179.90
1300	Certificated Supervisor Admini	77,905.00	76,969.00	38,484.48	38,484.47	.05
Total for Object 1000		335,257.00	369,176.00	205,905.96	156,700.93	6,569.11
2100	Instructional Aides' Salaries	79,742.00	74,456.00	44,678.17	32,409.78	2,631.95-
2105	Per Diem - Same Day Travel				29.00	29.00-
2120	Classified Substitutes	700.00	700.00		178.05	521.95
2200	Classified Support Salaries	10,530.00	10,698.00	6,051.21	5,211.94	565.15-
2220	Classified Substitute Salaries	500.00				.00
2300	Classified Supervisors' Admini	101,353.00	101,365.00	50,317.20	50,497.20	550.60
2400	Clerical Technical Office Staf	130,378.00	130,809.00	66,616.51	64,216.56	24.07-
2900	Other Classified Salaries	9,915.00	9,915.00		463.50	9,451.50
Total for Object 2000		333,118.00	327,943.00	167,663.09	153,006.03	7,273.88
3101	STRS Certificated Positions		38,714.00	22,093.68	16,709.69	89.37-
3102	STRS Classified Positions	36,635.00	33,475.00	289.02	192.68	32,993.30
3201	PERS Certificated Positions				8.29	8.29-
3202	PERS Classified Positions	54,763.00	51,765.00	26,622.36	25,512.76	370.12-
3301	OASDI Certificated Positions	68.00	68.00		11.16	56.84
3302	OASDI Classified Positions	19,466.00	19,345.00	9,861.44	9,070.39	413.17
3311	Medicare Certificated Position	4,681.00	5,174.00	2,901.42	2,199.84	72.74
3312	Medicare Classified Positions	4,667.00	4,539.00	2,345.41	2,149.96	43.63
3401	Health & Welfare Benefits Cert	88,592.00	85,182.00	46,611.72	33,727.24	4,843.04
3402	Health & Welfare Benefits Clas	73,935.00	75,998.00	39,019.02	36,973.61	5.37
3403	ACA FEES-CERT		1,000.00			1,000.00
3404	ACA FEES-CLASS		1,000.00			1,000.00
3501	SUI Certificated	234.00	186.00	102.96	78.42	4.62
3502	SUI Classified	234.00	163.00	83.85	76.19	2.96
3601	Workers' Compensation Certific	10,976.00	13,530.00	7,597.38	5,760.17	172.45
3602	Workers' Compensation Classifi	10,939.00	11,840.00	6,141.20	5,629.56	69.24
Total for Object 3000		305,190.00	341,979.00	163,669.46	138,099.96	40,209.58
4300	Materials and Supplies	13,306.00	13,780.00	1,337.18	10,041.69	2,401.13
4320	Custodial Grounds Supplies	1,300.00	2,972.00	581.52	578.69	1,811.79
4330	Office Supplies	1,000.00	1,000.00		446.53	553.47
4350	Vehicle Upkeep	5,500.00	5,500.00	1,882.58	598.85	3,018.57

Balances through June						Fiscal Year 2015/16
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Fund 01 - Gen Fund (continued)						
4400	Noncapitalized Equipment	8,459.00	7,123.00		759.34	6,363.66
	Total for Object 4000	29,565.00	30,375.00	3,801.28	12,425.10	14,148.62
5100	Subagreements for Services	39,626.00	39,626.00	17,095.00		22,531.00
5200	Travel and Conference	24,854.00	31,087.00	4,704.51	4,822.57	21,559.92
5300	Dues and Membership	17,870.00	18,370.00	400.00	10,437.00	7,533.00
5400	Insurance	9,300.00	9,300.00		7,961.00	1,339.00
5500	Operation Housekeeping Service	9,200.00	9,200.00	1,433.17	1,664.55	6,102.28
5600	Rentals, Leases, Repairs, Nonc	2,600.00	2,600.00	265.46	385.35	1,949.19
5800	Professional Consulting	8,400.00	8,400.00			8,400.00
5801	Legal Services	35,500.00	35,500.00		1,842.50	33,657.50
5803	Legal Publications	500.00	500.00			500.00
5805	Personnel Expense	593.00	593.00	270.00	25.00	298.00
5806	Negotiations	1,000.00	1,000.00			1,000.00
5808	Other Services & Fees	1,500.00	1,500.00	931.38	568.62	.00
5810	Contracted Services	365,709.00	435,464.00	161,398.44	140,767.80	133,297.76
5899	SPJUSD to Reimburse			2,681.18	537.11	3,218.29-
5900	Communications	1,600.00	1,600.00		672.99	927.01
	Total for Object 5000	518,252.00	594,740.00	189,179.14	169,684.49	235,876.37
6200	Building and Improvement of Bu	30,032.00	30,032.00			30,032.00
6400	Equipment	13,100.00	13,100.00			13,100.00
	Total for Object 6000	43,132.00	43,132.00	.00	.00	43,132.00
7141	Tuition, excess cost etc betwe	42,224.00	38,111.00			38,111.00
7310	Direct Support/Indirect Costs					.00
	Total for Object 7000	42,224.00	38,111.00	.00	.00	38,111.00
	Total for Fund 01 and Expense accounts	1,606,738.00	1,745,456.00	730,218.93	629,916.51	385,320.56
Fund 16 - FOREST RES						
7211	Transfers of Pass-through Rev	270,349.00	270,349.00			270,349.00
7619	Other Authorized Interfund Tra	47,709.00	47,709.00			47,709.00
	Total for Fund 16, Expense accounts and Object 7000	318,058.00	318,058.00	.00	.00	318,058.00
	Total for Org 001 - Sierra County Office of Education	1,924,796.00	2,063,514.00	730,218.93	629,916.51	703,378.56

MINUTES OF THE REGULAR MEEETING OF THE
SIERRA COUNTY BOARD OF EDUCATION
December 8, 2015
Downieville School, 130 School Street, Downieville CA 95936
5 pm for Closed Session

A. CALL TO ORDER

President TIM DRISCOLL called the meeting to order at 5 pm.

B. ROLL CALL

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

ABSENT: None

VACANT: None

C. APPROVAL OF THE AGENDA

MOORE/HALL
5/0

D. PUBLIC COMMENT FOR CLOSED SESSION

The meeting opened for public comment at 5:01 pm and closed without comment.

E. CLOSED SESSION

HALL/WRIGHT
5/0

The Board of Trustees, Superintendent Dr. Merrill M. Grant and Rose Asquith, Business Manager will move into Closed Session to discuss the following item:

1. Government Code §54957.6, Conference with Labor Negotiators
Agency Negotiator for the Board: Dr. Merrill M. Grant, Superintendent
Employee Organizations:
 Represented Employees: Sierra-Plumas Teachers' Association
 Unrepresented Employees: Classified Employees
 Confidential Employees
 Classified Management Employees
 Administration Employees

F. RETURN TO OPEN SESSION

ADJOURN FOR BREAK at 5:48 pm.

RECONVENE 6 pm

REPORT OUT – Negotiation topics were discussed.

G. FLAG SALUTE

H. BOARD ORGANIZATION

1. Election of Officers for 2016

a. President

MOORE nominated HALL for president/DRYDEN seconded.
5/0

b. Vice-President

DRYDEN nominated MOORE for vice-president/HALL seconded.
5/0

c. Clerk

HALL nominated WRIGHT for clerk/DRYDEN seconded.
5/0

2. Approval of Sierra County Board of Education Meeting Calendar for 2016

WRIGHT motioned/MOORE
5/0

I. INFORMATION/DISCUSSION ITEMS

1. Superintendent's Report

a. Update on Federal Reauthorization of "No Child Left Behind"

Dr. Grant informed the board of the reauthorization of NCLB to ESSA (Every Student Succeeds Act) recently passed in the House and Senate. Still reliant on standardized testing, the ESSA requires annual testing in grades 3-8 and then again in high school. This new law will purportedly allow more control at the state level.

b. CCSESA Audit Committee Report - Dr. Grant is a member of this committee representing the single county school districts.

c. Addition of Counseling Services to Sierra County Schools – Dr. Grant is considering adding counseling services from Sierra County in support of our students. DRYDEN expressed concerns regarding the counseling methods of a

non-employee conforming to the district's mission; WRIGHT recommended a trial period. Dr. Grant will proceed slowly and gather information for further discussion.

2. Business Report
 - a. Board Report-Expenditures by Object 07/01/15 to 11/30/15
 - b. The County and District business office will be closed to the public on:
 - December 21 through January 1
3. Staff Reports (5 minutes)

There were no Staff reports.
4. SPTA Report (5 minutes)

There were no SPTA reports.
5. Board Members' Report (5 minutes)

There were no Board Member reports.
6. Public Comment opened at 6:21 pm and closed without comment.

J. CONSENT CALENDAR

1. Approval of minutes of the Regular Board meeting held November 10, 2015
2. Approval of bill warrants for month of November 2015
WRIGHT/MOORE
5/0

K. ACTION ITEMS

1. Unfinished Business

- 1516-30 Discussion and Adoption of Resolution No. 15-005, K- College Public Education Facilities Bond Act of 2016
MOORE/HALL
TRUSTEE DRISCOLL AYE
TRUSTEE DRYDEN NO
TRUSTEE HALL AYE
TRUSTEE MOORE AYE
TRUSTEE WRIGHT AYE
4/1
- 1516-31 Approval of Educator Effectiveness Spending Plan
MOORE/HALL
5/0

2. New Business

- 1516-32 Appointment of members of the Student Attendance Review Board (Dr. Merrill M. Grant, chairman) as follows:
Sierra County Sheriff, Tim Standley
Jeff Bosworth, Sierra County Chief Probation Officer
Chuck Henson, Sierra County Deputy Probation Officer, Alternate for Jeff Bosworth
Rebecca Dunsing, Sierra County Deputy Probation Officer, Truancy Investigator, (Ex-Officio Member)
Larry Allen, Sierra County District Attorney
J. Lon Cooper, Sierra County Public Defender
Lisa Botzler, Sierra County Child Protective Services
Laurie Marsh, Sierra County Behavioral Health
Kerstin Harrison, Parent Representative

MOORE/HALL

DISCUSSION:

Public Comment: Why do we need SARB?

Dr. Grant answered that the purpose of SARB is to support parents and assist them in enabling their children to attend school consistently, according to law.

5/0

- 1516-33 Approval of S-PTA Friday Night Live Stipends
MOORE motioned to table this item to January/HALL seconded.
5/0

- 1516-34 Adoption of 2015-2016 First Interim Actuals and Criteria & Standards Report as of October 31, 2015
MOORE/HALL
Rose Asquith asked for questions from the board and explained portions of the report.
5/0

BOARD POLICIES AND ADMINISTRATIVE REGULATIONS

MOORE moved to accept 1516-35 through 1516-39. HALL seconded.

5/0

- 1516-35 Approval of Administrative Regulation 3311, Bids, revision
- 1516-36 Approval of Administrative Regulation 3512, Equipment, revision
- 1516-37 Approval of Board Policy and Administrative Regulation 4154, 4254, 4354, Health and Welfare Benefits, revision

1516-38 Approval of Administrative Regulation 5112.2, Exclusions from Attendance, revision

1516-39 Approval of Board Policy and Administrative Regulation 5141.31, Immunizations, revision

L. ADVANCED PLANNING

1. Next Regular Board Meeting will be held on January 12, 2016, at Sierra County Office of Education, 109 Beckwith Rd., Room 4, Loyalton, CA 96118 , beginning with Closed Session, as needed, at 5 pm and the Regular Board Meeting at 6:00 pm

Suggested Agenda Items

1. FNL Stipends
2. Closed Session - Negotiations

M. ADJOURNMENT

Adjourned at 6:50 pm.
WRIGHT/MOORE
5/0

Allen Wright, Clerk

Dr. Merrill M. Grant, Superintendent
Secretary of the Board of Education

Checks Dated 12/01/2015 through 12/31/2015

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
00014288	12/11/2015	ASICS BRENNAN MCLAUGHLIN	01-5200	CHARTER SCHOOL CONCLAVE		999.00
00014289	12/11/2015	ROSE ASQUITH	01-5200	PER DIEM	47.94	
			01-5899	PER DIEM	18.76	66.70
00014290	12/11/2015	AMY FILIPPINI	01-5200	REIMBURSEMENT		18.00
00014291	12/11/2015	GIRARD & EDWARDS ATTORNEYS AT LAW	01-5801	LEGAL FEES		1,842.50
00014292	12/11/2015	JANIS HARDEMAN	01-5810	NURSE SERVICES		1,080.00
00014293	12/11/2015	LES SCHAWB	01-4350	SNOW TIRES	253.68	
			01-5600	SNOW TIRES	126.85	
			01-5899	SNOW TIRES	126.85	507.38
00014294	12/11/2015	LIBERTY UTILITIES CPEC	01-5500	ELECTRICAL SERVICE		364.75
00014295	12/11/2015	MATH-U-SEE, INC.	01-4300	INSTRUCTIONAL SUPPLIES		806.25
00014296	12/11/2015	BARBARA MCKURTIS	01-5810	CONTRACTED CONSULTANT AGREEMENT		8,051.40
00014297	12/11/2015	MARLENE MONGOLO	01-5200	PER DIEM/PARKING		37.00
00014298	12/11/2015	SIERRA COUNTY OFFICE OF EDUCATION	01-5808	BANK SERVICE FEES		257.78
00014299	12/11/2015	SIERRA VALLEY HOME CENTER	01-4300	SHOP SUPPLIES		288.66
00014300	12/11/2015	SIERRA COUNTY ARTS COUNCIL	01-5810	MATCHING FUNDS		5,000.00
00014301	12/11/2015	TRI COUNTY SCHOOLS INSURANCE GROUP	01-9500	FEES RELATED TO ACA	1,997.00	
			01-9535	DEC 15 HEALTH INSURANCE	2,506.00	
			76-9576	DEC 15 HEALTH INSURANCE	13,182.10	17,685.10
00014302	12/11/2015	U.S. BANK	01-4300	CHECK STOCK	64.49	
				INSTRUCTIONAL SUPPLIES	211.65	
				SHOP SUPPLIES	336.72	
			01-4400	SHOP SUPPLIES	759.34	
			01-5200	SUPT. TRAVEL EXPENSES	272.32	
			01-5899	SUPT. TRAVEL EXPENSES	51.69	
				Unpaid Sales Tax	71.31-	1,624.90
00014303	12/11/2015	VOYAGER	01-4350	FUEL EXPENSE	56.18	
			01-5200	FUEL EXPENSE	164.33	
			01-5899	FUEL EXPENSE	164.52	385.03
00014304	12/11/2015	ALLEN WRIGHT	01-5200	PER DIEM		21.57
Total Number of Checks					17	39,036.02

Fund Summary

Fund	Description	Check Count	Expensed Amount
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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.

ESCAPE ONLINE

Checks Dated 12/01/2015 through 12/31/2015

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
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Fund Summary

<u>Fund</u>	<u>Description</u>	<u>Check Count</u>	<u>Expensed Amount</u>
01	County School Service Fund	17	25,925.23
76	Payroll Clearing	1	13,182.10
	Total Number of Checks	17	39,107.33
	Less Unpaid Sales Tax Liability		71.31
	Net (Check Amount)		39,036.02

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.

ESCAPE ONLINE

Sierra County/Sierra-Plumas Joint USD

Board Policy

Extracurricular And Cocurricular Activities

BP 6145

Instruction

The Board of Education recognizes that extracurricular and cocurricular activities enrich the educational and social development of students and enhance students' feelings of connectedness with the schools. The district shall encourage and support student participation in extracurricular and cocurricular activities without compromising the integrity and purpose of the educational program.

(cf. 1330 - Use of School Facilities)

(cf. 5137 - Positive School Climate)

(cf. 6145.2 - Athletic Competition)

(cf. 5148.2 - Before/After School Programs)

No extracurricular or cocurricular program or activity shall be provided or conducted separately on the basis of any actual or perceived characteristic listed as a prohibited category of discrimination in state or federal law, nor shall any student's participation in an extracurricular or cocurricular activity be required or refused on those bases. Prerequisites for student participation in extracurricular and cocurricular activities shall be limited to those that have been demonstrated to be essential to the success of the activity. (5 CCR 4925)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 6145.5 - Student Organizations and Equal Access)

Any complaint alleging unlawful discrimination in the district's extracurricular or cocurricular programs or activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Unless specifically authorized by law, no fee shall be charged to students for participation in extracurricular and cocurricular activities related to the educational program, including materials or equipment related to the activity.

(cf. 3260 - Fees and Charges)

(cf. 3452 - Student Activity Funds)

Eligibility Requirements

To be eligible to participate in extracurricular and cocurricular activities, students in grades 7 through 8 must demonstrate weekly satisfactory academic progress including but not limited to:

1. Maintenance of a grade report that reflects no "F" or failing grade.
 - a. Students may practice with an "F" grade but are not allowed to participate in games, tournaments, or travel with the team.
 - b. Students who are ineligible three times in a season will be dropped from the team for the remainder of the season.

To be eligible to participate in extracurricular and cocurricular activities, students in grades 9 through 12 must demonstrate satisfactory educational progress in the previous grading period including but not limited to: (Education Code 35160.5)

1. Maintenance of a minimum of 2.0 grade point average on a 4.0 scale with no "F" grade(s)
 2. Maintenance of minimum progress toward meeting high school graduation requirements
 3. Students must meet eligibility requirements as defined by California Interscholastic Federation (CIF)
- (cf. 5121 - Grades/Evaluation of Student Achievement)
 (cf. 6146.1 - High School Graduation Requirements)
 (cf. 6162.52 - High School Exit Examination)

The Superintendent or designee may grant ineligible students a probationary period not to exceed one semester. Students granted probationary eligibility must meet the required standards by the end of the probationary period in order to remain eligible for participation. (Education Code 35160.5)

Any decision regarding the eligibility of any child in foster care or a child of an active duty military family for extracurricular or cocurricular activities shall be made by the Superintendent or designee in accordance with Education Code 48850 and 49701.
 (cf. 6173.1 - Education for Foster Youth)
 (cf. 6173.2 - Education of Children of Military Families)

Pupils or adult education students who choose to engage in independent study are to have the same access to existing services and resources as the other pupils or adult education students of the school in which the independent study pupil or adult education student is enrolled; and pupils or adult education students who choose to engage in independent study are to have equality of rights and privileges with the pupils or adult education students of the district or county office of education who choose to continue in the regular program. (5 CCR 11701.5)

Students who participate in more than one extra-curricular and/or co-curricular activity will not be penalized for reasonably selecting one individual activity, i.e., field trip, game, practice, over another. Student must notify activity advisors and the site administrator in writing of the scheduling conflict and his/her decision at least one week in advance of the conflicting date. When necessary, the site administrator shall mediate between the student and staff involved in order to agree on a reasonable solution to the scheduling conflict.

Annual Policy Review

The Board shall annually review this policy and implementing regulations.

The Superintendent or designee may revoke a student's eligibility for participation in extracurricular and cocurricular activities when the student's poor citizenship is serious enough to warrant loss of this privilege.

Student Conduct at Extracurricular/Cocurricular Events

When attending or participating in extracurricular and cocurricular activities on or off campus, district students are subject to district policies and regulations relating to student conduct. Students who violate district policies and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of participation in extracurricular or cocurricular activities in accordance with Board policy and administrative regulation. When appropriate, the Superintendent or designee shall notify local law enforcement.

- (cf. 5131 - Conduct)
 (cf. 5131.1 - Bus Conduct)
 (cf. 5144 - Discipline)
 (cf. 5144.1 - Suspension and Expulsion/Due Process)
 (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Legal Reference:

EDUCATION CODE

35145 Public meetings

35160.5 District policy rules and regulations; requirements; matters subject to regulation

35179 Interscholastic athletics; associations or consortia

35181 Students' responsibilities

48850 Participation of foster youth in extracurricular activities and interscholastic sports

48930-48938 Student organizations

49024 Activity Supervisor Clearance Certificate

49700-49704 Education of children of military families

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

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

5531 Supervision of extracurricular activities of pupils

UNITED STATES CODE, TITLE 42

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

COURT DECISIONS

Hartzell v. Connell, (1984) 35 Cal. 3d 899

Management Resources:

CSBA PUBLICATIONS

Student Fees Litigation Update, ELA Advisory, May 20, 2011

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Pupil Fees, Deposits, or Other Charges, Fiscal Management Advisory 11-01, November 9, 2011

CALIFORNIA TASK FORCE REPORT TO THE LEGISLATURE

Compact on Educational Opportunity for Military Children: Preliminary Final Report, March 2009

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010

WEB SITES

CSBA: <http://www.csba.org>California Association of Directors of Activities: <http://www.cadal.org>California Department of Education: <http://www.cde.ca.gov>Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

Policy SIERRA COUNTY OFFICE OF EDUCATION

adopted: April 10, 2007 Sierraville, California

revised: October 9, 2007

revised: August 14, 2012

revised: October 9, 2012

Administrative Regulation

Extracurricular And Cocurricular Activities

AR 6145

Instruction

Definitions

For purposes of applying eligibility criteria for student participation, extracurricular and cocurricular activities shall be defined as follows: (Education Code 35160.5)

1. Extracurricular activities are not part of the regular school curriculum, are not graded, do not offer credit, do not take place during classroom time, and have all of the following characteristics:
 - a. The program is supervised or financed by the school district.
 - b. Students participating in the program represent the school district.
 - c. Students exercise some degree of freedom in the selection, planning, or control of the program.
 - d. The program includes both preparation for performance and performance before an audience or spectators.

2. Cocurricular activities are programs that may be associated with the curriculum in a regular classroom.

An activity is not an extracurricular or cocurricular activity if either of the following conditions applies:
(Education Code 35160.5)

1. It is a teacher-graded or required program or activity for a course which satisfies the entrance requirements for admission to the California State University or the University of California.
(cf. 6143 - Courses of Study)
2. It is a program that has as its primary goal the improvement of academic or educational achievement of students.

Eligibility Requirements

Grades 7-8

The grade point average (GPA) used to determine eligibility shall be based on the grades entered into the district's attendance/grading program on a designated day of every school week, i.e., Tuesday.

Grades 9-12

The grade point average (GPA) used to determine eligibility for extracurricular and cocurricular activities shall be based on grades of the last previous grading period during which the student attended class at least a majority of the time. If a student was not in attendance for all, or a majority of, the grading period due to absences excused by the school for reasons such as serious illness or injury, approved travel, or work, the GPA used to determine eligibility shall be the grading period immediately prior to the excluded grading period(s). (Education Code 35160.5)

(cf. 5113 - Absences and Excuses)

When a student becomes ineligible to participate in extracurricular or cocurricular activities in the upcoming grading period, or when he/she is subject to probation, the principal or designee shall provide written notice to the student and his/her parent/guardian.

Supervision

All extracurricular activities conducted under the name or auspices of a district school or any class or organization of the school, regardless of where the activities are held, shall be under the direct supervision of certificated employees. (5 CCR 5531)

Any noncertificated person working with students in a district-sponsored extracurricular student activity program shall possess an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing or shall have cleared a Department of Justice and Federal Bureau of Investigation criminal background check prior to beginning his/her duties, in accordance with BP 4127/4227/4327 - Temporary Athletic Team Coaches. (Education Code 49024)

(cf. 1240 - Volunteer Assistance)

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

(cf. 4212.5 - Criminal Record Check)

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

Regulation SIERRA COUNTY OFFICE OF EDUCATION

approved: April 10, 2007 Sierraville, California

revised: October 9, 2007

revised: August 14, 2012

revised: October 9, 2012

SIERRA COUNTY SUPERINTENDENT OF SCHOOLS/SIERRA COUNTY BOARD OF
EDUCATION, AND
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT GOVERNING BOARD

**AMENDMENT TO THE
SIERRA-PLUMAS TEACHERS' ASSOCIATION (S-PTA)
COLLECTIVE BARGAINING AGREEMENT**

AMENDMENT

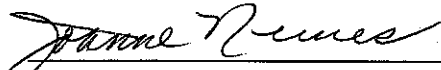
By mutual agreement with Sierra-Plumas Teachers' Association (S-PTA) and Sierra County Superintendent of Schools/Sierra County Board of Education, AND Sierra-Plumas Joint Unified School District Governing Board, the Sierra-Plumas Teachers' Association's Collective Bargaining Agreement, Article 12.5, Positional Compensation, shall be amended as follows:

<u>Position</u>	<u>Compensation</u>		<u>Grade</u>
	<u>Downieville Schools</u>	<u>Loyalton Schools</u>	
Friday Night Live	Tier 2	Tier 4	9-12
Club Live	Tier 2	Tier 4	7-8
Friday Night Live Kids	Tier 2	Tier 4	K-6

The SIERRA-PLUMAS TEACHERS' ASSOCIATION (S-PTA) voluntarily accept and ratify the Amendment of Article 12.5, effective 2015-2016 school year.

Accepted and Ratified
For the S-PTA:

Accepted and Adopted
For the Employer:



JoAnne Nunes, President
Sierra-Plumas Teachers' Association

Date: 1/15/16

Merrill M. Grant, Ed.D.
Superintendent
Sierra County Office of Education
Sierra-Plumas Joint Unified School District
Date

Patty Hall, President
Sierra County Board of Education
Date

Tim Driscoll, President
Sierra-Plumas Joint Unified School District
Governing Board
Date

MINOR REVISIONS
December 2015
Page 1 of 2

AR 4032 - Reasonable Accommodation

Add new 2nd paragraph under item #2 to reflect Government Code 12940, as amended by AB 987 (Ch. 122, Statutes of 2015), as follows:

No employee or job applicant who requests an accommodation for his/her physical or mental disability shall be subjected to discrimination or to any punishment or sanction, regardless of whether the request for accommodation was granted. (Government Code 12940)

Revise the subsequent paragraph to change designation of coordinator for nondiscrimination in employment from BP 4030 to AR 4030, as follows:

The district designates the position specified in ~~BP~~ **AR 4030 - Nondiscrimination in Employment** as the coordinator of its efforts to comply with the Americans with Disabilities Act (ADA) and to investigate any and all related complaints.

BP 4119.11/4219.11/4319.11 - Sexual Harassment

Revise 6th paragraph to change cite to administrative regulation containing procedures for employee complaints of sexual harassment from AR 4031 to AR 4030, as follows:

Complaints of sexual harassment shall be filed in accordance with ~~AR 4031—Complaints Concerning Discrimination in Employment~~ **AR 4030 - Nondiscrimination in Employment**. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

BP 5117 - Interdistrict Attendance

Add new paragraph at the end of the BP to reflect Education Code 48301, as amended by AB 306 (Ch. 771, Statutes of 2015), as follows:

A child of an active military duty parent/guardian shall not be prohibited from transferring out of the district to a school district of choice, if the other school district approves the application for transfer. (Education Code 48301)

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

BP 5123 - Promotion/Acceleration/Retention

Revise last paragraph of BP as follows to clarify that provision of supplemental instruction to students "at risk" of retention is optional:

~~When a student is~~ **any student in grades 2-9 is retained or recommended for retention or is identified as being at risk for retention**, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. **The Superintendent or designee also may offer supplemental instruction to a student in grades 2-6 who is identified as being at risk for retention.** (Education Code 37252.2, 37252.8, 48070.5)

AR 5125 - Student Records

In section "Access for Limited Purpose/Legitimate Educational Interest," revise 1st paragraph of item #6 to reflect Education Code 69432.9 and 69432.92, as amended and added by AB 1091 (Ch. 637, Statutes of 2015), as follows:

6. The Student Aid Commission, ~~for the purpose of providing~~ **to provide** the grade point average (GPA) of all district students in grade 12 **and, when requested, verification of high school graduation or its equivalent of all students who graduated in the prior academic year, for use in** ~~to~~ the Cal Grant postsecondary financial aid program. ~~except~~ **However, such information shall not be submitted** when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, **69432.92**)

BP 6142.92 - Mathematics Instruction

Under the 6th paragraph, add the following paragraph to reflect Education Code 51224.7, as added by SB 359 (Ch. 508, Statutes of 2015):

The Superintendent or designee shall develop protocols to ensure that students are appropriately placed in mathematics courses and are not unnecessarily required to repeat a course that they have successfully completed in an earlier grade level.

(cf. 6152.1 - Placement in Mathematics Courses)

BP 6177 - Summer Learning Programs

In section "Summer School," delete item #2 to reflect the suspension of the high school exit examination through the 2017-18 school year pursuant to Education Code 60851.5, as added by SB 172 (Ch. 572, Statutes of 2015), as follows. Renumber remaining items in list.

- ~~2. Have not made sufficient progress toward passing the state exit examination required for high school graduation~~

Minor Revision Policies and Regulations: (see next page)

Please make sure all options and blanks are address before returning your updates to CSBA.

CSBA Sample Administrative Regulation

All Personnel

AR 4032(a)

REASONABLE ACCOMMODATION

Note: Pursuant to the federal Americans with Disabilities Act (ADA) (42 USC 12101-12213) and the state's Fair Employment and Housing Act (FEHA) (Government Code 12900-12996), the district has a duty to reasonably accommodate qualified employees and job applicants with known disabilities, except when such accommodation would cause an undue hardship to the district. This accommodation is not required for individuals who are not otherwise qualified for the job.

Pursuant to 28 CFR 35.150 and 35.160, the district must also afford individuals with disabilities (including community members, students, and employees) an equal opportunity to participate in or enjoy the benefits of a service, program, or activity. Therefore, the district may need to provide auxiliary aids and services to ensure that existing services and facilities are readily accessible to and usable by individuals with disabilities. See BP 0410 - Nondiscrimination in District Programs and Activities, BB 9320 - Meetings and Notices, and BB 9322 - Agenda/Meeting Materials.

The following **optional** administrative regulation is consistent with the recommendations contained in the Equal Employment Opportunity Commission's (EEOC) Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act and clarifies a district's responsibility under the ADA.

Except when undue hardship would result to the district, the Superintendent or designee shall provide reasonable accommodation:

1. In the job application process, to any qualified job applicant with a disability
2. To enable any qualified employee with a disability to perform the essential functions of the position he/she holds or desires to hold or to enjoy equal benefits or other terms, conditions, and privileges of employment as other similarly situated employees without disabilities

Note: Government Code 12940, as amended by AB 987 (Ch. 122, Statutes of 2015), prohibits retaliation against any employee or job applicant who requests accommodation for his/her physical or mental disability, even if the request was not granted.

No employee or job applicant who requests an accommodation for his/her physical or mental disability shall be subjected to discrimination or to any punishment or sanction, regardless of whether the request for accommodation was granted. (Government Code 12940)

Note: Pursuant to 28 CFR 35.107, each district having 50 or more (full- or part-time) employees must designate at least one employee to coordinate its efforts to comply with the ADA, including complaint investigation. This coordinator may be the same individual designated by the district pursuant to 34 CFR 106.8 to coordinate efforts to comply with and investigate complaints regarding Title IX (discrimination on the basis of gender). Districts that have not so designated an individual in BP 4030 - Nondiscrimination in Employment should modify the following paragraph to include the title of the individual designated by the

REASONABLE ACCOMMODATION (continued)

The district designates the position specified in **AR 4030** - Nondiscrimination in Employment as the coordinator of its efforts to comply with the Americans with Disabilities Act (ADA) and to investigate any and all related complaints.

(*cf.* 4030 - Nondiscrimination in Employment)

Definitions

Note: The following section contains some basic definitions of terminology used in the ADA. P.L. 110-325 amended 42 USC 12101 to expand the definition of "disability" and requires EEOC to revise its regulations and guidance to reflect the amendment. However, because FEHA has long provided additional protections under California law, the amendments will not likely have much impact in California.

Government Code 12926 and 12926.1 provide definitions of "physical disability" and "mental disability" that require a "limitation of a major life activity," but do not require a "substantial limitation." Government Code 12926 and 12926.1, and the amended federal law, provide that a condition limiting a major life activity shall be determined without respect to any mitigating measures (e.g., medications, assistive devices), unless the mitigating measure itself limits an individual's ability to participate in a major life activity.

The terminology used in the law is complex and is often the subject of litigation. The district should consult legal counsel if a question arises as to whether an individual has a qualifying disability and/or if an accommodation cannot be provided due to "undue hardship."

Disability, with respect to an individual, is defined as any of the following: (Government Code 12926; 20 CFR 1630.2)

1. A physical or mental impairment that limits one or more of the major life activities
2. A record of such an impairment
3. Being regarded as having such an impairment

Limits shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics or reasonable accommodations, unless the mitigating measure itself limits a major life activity. (Government Code 12926)

Note: Pursuant to 29 CFR 1630.2 and the EEOC's Enforcement Guidance, evidence as to whether a job function is "essential" includes the district's judgment, written job descriptions, the consequences of not requiring the incumbent to perform the function, the terms of a collective bargaining agreement, and work experience of past and current employees in the job. These considerations underscore the importance of developing and maintaining detailed, up-to-date job descriptions, preferably signed by individuals holding the position.

Essential functions are the fundamental job duties of the position the individual with a disability holds or desires. The term does not include the marginal functions of the position.

REASONABLE ACCOMMODATION (continued)

Reasonable accommodation means: (Government Code 12926; 29 CFR 1630.2)

1. For a qualified job applicant with a disability, modifications or adjustments to the job application process that enable him/her to be considered for the position he/she desires
2. For a qualified employee with a disability, modifications or adjustments to the work environment, or to the manner or circumstances under which the position the employee holds or desires is customarily performed, that enable him/her to perform the essential functions of that position or to enjoy equal benefits and privileges of employment as are enjoyed by the district's other similarly situated employees without disabilities

Note: Pursuant to 29 CFR 1630.15, the district may require that, in order to be qualified for a job, a person must not pose a "direct threat" to the health and safety of himself/herself or others in the workplace. In 2002, the U.S. Supreme Court in Chevron USA v. Echazabal upheld the regulation as it relates to the health and safety of the employee requesting the accommodation.

Pursuant to 29 CFR 1630.2, a "direct threat" is a significant risk that cannot be eliminated or reduced by reasonable accommodation. Before finding that a person is not qualified by reason of posing such a threat, the district must consider whether reasonable accommodation could reduce the risk of harm to an acceptable level. If no such accommodation exists, the district may refuse to hire the applicant or may discharge the employee.

Qualified individual with a disability means a job applicant or employee with a disability who: (29 CFR 1630.15, 1630.2)

1. Satisfies the requisite skill, experience, education, and other job-related requirements of the employment position he/she holds or desires
2. Can perform the essential functions of the position with or without reasonable accommodation
3. Would not pose a significant risk of substantial harm, which cannot be eliminated or reduced by reasonable accommodation, to himself/herself or others in the job he/she holds or desires

Note: In US Airways, Inc. v. Barnett, the U.S. Supreme Court laid out the burdens of proof for an individual with a disability and an employer in an ADA lawsuit alleging failure to provide reasonable accommodation. Once the employee shows that a requested accommodation is reasonable on its face, the burden shifts to the employer to provide case-specific evidence proving that reasonable accommodation would cause an undue hardship in the particular circumstances.

29 CFR 1630.2 lists factors relevant to the determination of undue hardship; see section below entitled "Granting Reasonable Accommodation."

REASONABLE ACCOMMODATION (continued)

Undue hardship is a determination based on an individualized assessment of current circumstances that shows that the provision of a specific accommodation would cause significant difficulty or expense to the district. (29 CFR 1630.2)

Request for Reasonable Accommodation

Note: The EEOC's Enforcement Guidance clarifies that, in requesting reasonable accommodation, the employee or job applicant is not required to mention the ADA, use the term "reasonable accommodation," or put the request in writing. Government Code 12940 requires that the district and employee or job applicant engage in an informal, interactive process to clarify the individual's needs and identify the appropriate reasonable accommodation.

Generally, according to the EEOC's Enforcement Guidance, a district is not obligated to ask an employee whether a reasonable accommodation is needed when the employee has not informed the district that an accommodation is necessary. However, the district should initiate the reasonable accommodation interactive process without being asked if the district (1) knows that the employee has a disability; (2) knows, or has reason to know, that the employee is experiencing workplace problems because of the disability; and (3) knows, or has reason to know, that the disability prevents the employee from requesting a reasonable accommodation.

With regard to job applicants, the EEOC's Enforcement Guidance states that the district may tell applicants what the hiring process involves and may ask applicants whether they will need reasonable accommodation for the process. Generally, the district may not ask an applicant whether he/she needs a reasonable accommodation for the job.

When requesting reasonable accommodation, an employee or his/her representative shall inform the employee's supervisor that he/she needs a change at work for a reason related to a medical condition. The supervisor shall inform the coordinator of the employee's request as soon as practicable.

When requesting reasonable accommodation for the hiring process, a job applicant shall inform the coordinator that he/she will need a reasonable accommodation during the process.

Note: According to the EEOC's Enforcement Guidance, the district may ask the individual for reasonable documentation about his/her disability when the need for accommodation is not obvious. The following paragraph is consistent with the EEOC's Enforcement Guidance.

When the disability or the need for accommodation is not obvious, the coordinator may ask the employee to supply reasonable documentation about his/her disability. In requesting this documentation, the coordinator shall specify the types of information that are being sought about the employee's condition, the employee's functional limitations, and the need for reasonable accommodation. The employee may be asked to sign a limited release allowing the coordinator to submit a list of specific questions to his/her health care or vocational professional.

REASONABLE ACCOMMODATION (continued)

Note: The EEOC's Enforcement Guidance states that if the employee provides insufficient documentation, the district may require the employee to undergo a medical examination, as specified below. However, before requiring the employee to submit to such an examination, the district should specify why the documentation is insufficient and give him/her an opportunity to provide the missing information in a timely manner.

If the documentation submitted by the employee does not indicate the existence of a qualifying disability or explain the need for reasonable accommodation, the coordinator shall request additional documentation that specifies the missing information. If the employee does not submit such additional documentation in a timely manner, the coordinator may require him/her to submit to an examination by a health care professional selected and paid for by the district.

The district may make a medical or psychological inquiry of a job applicant or require him/her to submit to a medical or psychological examination after he/she has been given a conditional offer of employment but before the commencement of his/her job duties, provided the inquiry or examination is job-related, consistent with business necessity, and required for all incoming employees in the same job classification. (Government Code 12940)

Note: Pursuant to 42 USC 2000ff-1-2000ff-11, the Genetic Information Nondiscrimination Act (P.L. 110-233), it is unlawful for a district to request, require, or purchase an employee's or his/her family member's individual genetic information except in complying with the medical certification requirements for family care and medical leave purposes or with the employee's prior, knowing, voluntary, and written authorization. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. Any such information received by the district must be kept confidential.

The coordinator shall not request any job applicant's or employee's genetic information except as authorized by law. (42 USC 2000ff-1, 2000ff-5)

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

Note: Pursuant to 42 USC 12112, any information regarding the medical history or condition of a qualified individual with a disability must be treated as a confidential medical record. However, the district should inform supervisors of reasonable accommodation granted to qualified individuals with disabilities. In addition, when such an individual's disability may require emergency medical treatment, first aid and safety personnel should be informed. In A.M. v. Albertsons, LLC, a California appeals court held an employer liable when the employer failed to inform a supervisor about the accommodation allowed one of her subordinates and the subordinate suffered some injury when she was denied the accommodation on one occasion.

In accordance with law, the coordinator shall take steps to ensure the confidentiality of information related to medical conditions or history. As applicable, he/she shall notify the supervisor or manager of the qualified individual of any reasonable accommodation granted the individual and may notify first aid and safety personnel when the disability of the qualified individual may require emergency treatment. (42 USC 12112)

REASONABLE ACCOMMODATION (continued)

Granting Reasonable Accommodation

Note: The following process is consistent with 29 CFR 1630.2 and the EEOC's Enforcement Guidance.

Upon receiving a request for reasonable accommodation from a qualified individual with a disability, the coordinator shall:

1. Determine the essential functions of the job involved
2. Engage in an informal, interactive process with the individual to review the request for accommodation, identify the precise limitations resulting from the disability, identify potential accommodations, and assess their effectiveness

Note: According to the EEOC's Enforcement Guidance, the district is not required to provide the reasonable accommodation preferred by the individual. Rather, the district must provide an accommodation that is "effective." An "effective accommodation" is one which enables the employee to perform the essential functions of the job or to gain equal access to a benefit or privilege of employment.

Pursuant to 42 USC 12112, the district must provide reasonable accommodation to qualified individuals unless the district can prove that to do so would cause undue hardship as defined in the section entitled "Definitions" above. The burden of proving undue hardship rests with the district and what may be an undue hardship for one district may not be an undue hardship for another, depending on factors such as cost and district size. The EEOC's Enforcement Guidance clarifies that even if the cost of an accommodation would cause undue hardship to a district, the qualified individual should have the option to pay for the portion of the cost that constitutes undue hardship, or to personally provide the accommodation.

3. Develop a plan for reasonable accommodation which will enable the individual to perform the essential functions of the job or gain equal access to a benefit or privilege of employment without imposing undue hardship on the district

A determination of undue hardship should be based on several factors, including: (29 CFR 1630.2)

- a. The nature and net cost of the accommodation needed, taking into consideration the availability of tax credits and deductions and/or outside funding
- b. The overall financial resources of the facility making the accommodation, the number of persons employed at this facility, and the effect on expenses and resources of the facility
- c. The overall financial resources, number of employees, and the number, type, and location of facilities of the district

REASONABLE ACCOMMODATION (continued)

- d. The type of operation of the district, including the composition, structure, and functions of the workforce and the geographic separateness and administrative or fiscal relationship of the facility making the accommodation to other district facilities
- e. The impact of the accommodation on the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business

The coordinator may confer with the site administrator, any medical advisor chosen by the district, and/or other district staff before making a final decision as to the accommodation.

Reasonable Accommodation Committee

Note: At the suggestion of the Office for Civil Rights, some districts have established a reasonable accommodation committee to help in planning for the reasonable accommodation requested by an applicant or employee. The following optional section should be modified to reflect district practice.

The coordinator may appoint a committee to review or assist in the development of appropriate plans to reasonably accommodate qualified individuals who request modifications or adjustments in their work duties or environment because of known physical or mental disabilities.

Committee members shall be selected on the basis of their knowledge of the specific functions and duties required in the position, the physical work environment, available accommodations, and other relevant issues. The committee may include a district administrator, site administrator, medical advisor or rehabilitation specialist, and as necessary, a certificated and/or classified employee. Membership may change on a case-by-case basis.

At the coordinator's discretion, the employee or applicant requesting accommodation may participate in the committee's meetings. If the employee or applicant is excluded from the committee's meetings, the coordinator shall communicate with him/her so that he/she has the opportunity to interact and contribute to planning the reasonable accommodation.

Appeal Process

Any qualified individual with a disability who is not satisfied with the decision of the coordinator may appeal in writing to the Superintendent or designee. This appeal shall be made within 10 working days of receiving the decision and shall include:

1. A clear, concise statement of the reasons for the appeal

REASONABLE ACCOMMODATION (continued)

2. A statement of the specific remedy sought

The Superintendent or designee shall consult with the coordinator and review the appeal, together with any available supporting documents. The Superintendent or designee shall give the individual his/her decision within 15 working days of receiving the appeal.

Any further appeal for reasonable accommodation shall be considered a complaint concerning discrimination in employment and may be taken to the Governing Board in accordance with the district's procedure for such complaints.

Note: The employee or applicant also may appeal directly to the Office for Civil Rights at any point.

Legal Reference:

CIVIL CODE

51 *Unruh Civil Rights Act*

GOVERNMENT CODE

12900-12996 *Fair Employment and Housing Act*

UNITED STATES CODE, TITLE 29

701-794e *Vocational Rehabilitation Act*

UNITED STATES CODE, TITLE 42

2000ff-1-2000ff-11 *Genetic Information Nondiscrimination Act of 2008*

12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 *Americans with Disabilities Act, especially:*

35.107 *Designation of employee*

36.101-36.608 *Nondiscrimination on the basis of disability by public facilities*

CODE OF FEDERAL REGULATIONS, TITLE 29

1630.2 *Definitions*

COURT DECISIONS

A.M. v. Albertsons, LLC, (2009) Cal.App.4th 455

Colmenares v. Braemar Country Club, Inc., (2003) 29 Cal.4th 1019

Chevron USA v. Echazabal, (2002) 536 U.S. 73, 122 S.Ct. 2045

US Airways, Inc. v. Barnett, (2002) 535 U.S. 391, 122 S.Ct. 1516

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

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

WEB SITES

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

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

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

(3/03 7/10) 12/15

CSBA Sample Board Policy

All Personnel

BP 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

Note: Education Code 231.5 **mandates** the district to have a written policy on sexual harassment. As part of this mandate, the district also should adopt a sexual harassment policy related to students; see BP/AR 5145.7 - Sexual Harassment.

Generally, courts recognize two types of conduct as constituting sexual harassment. "Quid Pro Quo" ("this for that") sexual harassment is considered to have occurred when a person in a position of authority makes another individual's educational or employment benefits conditional upon that other person's willingness to engage in unwanted sexual behavior (e.g., promising a promotion for sex). "Hostile environment" sexual harassment, on the other hand, is conduct by the perpetrator that is so severe, persistent, or pervasive that it creates a hostile, intimidating, or abusive educational or professional environment for another. Sexual harassment also covers retaliatory behavior against a complainant, witness, or other participant in the complaint process.

Sexual harassment may be a violation of Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17) and/or Title IX of the Education Amendments of 1972 (42 USC 2000h-2-2000h-6), as well as the California Fair Employment and Housing Act, Government Code 12900-12996.

Government Code 12940 and 34 CFR 106.9 extend protection against sexual harassment to job applicants. In addition, pursuant to Government Code 12940, employers may be held liable for sexual harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment.

The Governing Board prohibits sexual harassment of district employees and job applicants. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and administrative regulation.

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

(cf. 4030 - Nondiscrimination in Employment)

Note: Federal and state courts have provided guidance that may help employers avoid liability or mitigate damages in sexual harassment cases. In Department of Health Service v. Superior Court (McGinnis), the California Supreme Court outlined ways in which employers may be able to reduce damages including establishing anti-harassment policies, communicating those policies to employees, consistently enforcing their policies, preserving the confidentiality of employees who report harassment, and preventing retaliation against reporting employees. The United States Supreme Court has held, in Burlington Industries v. Ellerth, that, for certain claims under federal law, an employer may defend against sexual harassment claims by proving that: (1) reasonable care was exercised to prevent and promptly correct any sexually harassing behavior, and (2) the employee (victim) failed to take advantage of the preventive and corrective opportunities provided by the employer.

SEXUAL HARASSMENT (continued)

Pursuant to Government Code 12950.1, employers with 50 or more employees are required to provide two hours of sexual harassment training to supervisory employees. See the accompanying administrative regulation for timelines and training requirements.

Items #1-4 below reflect the courts' guidance and Government Code 12950.1 and should be modified to reflect district practice.

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

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

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

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

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

Note: Because an employee's (especially a supervisor's) knowledge or notice of sexual harassment may subject the district to liability, it is recommended that the district require its employees with knowledge or notice of sexual harassment to report the harassment to the appropriate authorities.

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

A supervisor, principal or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

Note: In Faragher v. City of Boca Raton, one of the factors relied on by the court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.

BP 4119.11(c)
4219.11
4319.11

SEXUAL HARASSMENT (continued)

Complaints of sexual harassment shall be filed in accordance with **AR 4030 - Nondiscrimination in Employment**. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

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

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

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

Note: In addition to district sanction against employees who engage in sexual harassment, Government Code 12940 provides that such employees may be held personally liable in a court of law for any damage to the victim(s).

Legal Reference: (see next page)

SEXUAL HARASSMENT (continued)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination on the basis of sex*

GOVERNMENT CODE

12900-12996 *Fair Employment and Housing Act, especially:*

12940 *Prohibited discrimination*

12950.1 *Sexual harassment training*

LABOR CODE

1101 *Political activities of employees*

1102.1 *Discrimination: sexual orientation*

CODE OF REGULATIONS, TITLE 2

11021 *Retaliation*

11023 *Sexual harassment training and education*

CODE OF REGULATIONS, TITLE 5

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

UNITED STATES CODE, TITLE 42

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

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 *Dissemination of policy*

COURT DECISIONS

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

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

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

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

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

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

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

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

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

(3/04 7/05) 12/15

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CSBA Sample Board Policy

Students

BP 5117(a)

INTERDISTRICT ATTENDANCE

Note: The Education Code provides a number of options under which a student may attend school in a district other than the district where he/she resides. Under an "interdistrict attendance permit" or "reciprocal agreement" pursuant to Education Code 46600-46611, a student may attend school in a different district when both the district of residence and the district of proposed attendance agree (Option 1 below). Under the "school district of choice program," pursuant to Education Code 48300-48316, the Governing Board may declare the district to be a "school district of choice" willing to accept a specific number of interdistrict transfers into the district through a random selection process (Option 2 below). In order to maintain the integrity of the random selection process, it is recommended that a school district of choice not also accept transfers under the interdistrict attendance permit option except when extraordinary circumstances exist, as provided in Option 2 below. Districts that wish to use both sources of authority should consult legal counsel.

In addition, Education Code 48204 authorizes a student in a participating district to be deemed a "resident" in order to attend a school in the district where his/her parent/guardian is employed (Allen bill transfer); see AR 5111.12 - Residency Based on Parent/Guardian Employment. A student attending a school identified as low achieving on the state's Open Enrollment List may transfer to a school in any other district in the state, pursuant to Education Code 48350-48361; see BP/AR 5118 - Open Enrollment Act Transfers.

The Governing Board recognizes that parents/guardians of students who reside in one district may, for a variety of reasons, choose to enroll their child in a school in another district.

(cf. 0520.3 - Title I Program Improvement Districts)
(cf. 5111.12 - Residency Based on Parent/Guardian Employment)
(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5118 - Open Enrollment Act Transfers)

OPTION 1: Interdistrict Attendance Permits

Note: The following section is for use by districts that have entered into an agreement with one or more other districts to accept transfers through interdistrict attendance permits pursuant to Education Code 46600-46611. Districts selecting this option should also select Option 1 in the accompanying administrative regulation.

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

Note: Education Code 46600 requires that the interdistrict attendance agreement specify the terms and conditions under which individual permits may be granted or denied. In addition, pursuant to Education Code 46600, students who have been granted an interdistrict attendance permit must be allowed to continue to attend the school without having to reapply unless the agreement between the two districts contains specific agreed-upon standards for reapplication; see the accompanying administrative regulation. Districts also may include in the agreement their agreed-upon standards for revocation of students' interdistrict

attendance. Examples of conditions that may result in revocation include falsification of information stated on the permit application, unsatisfactory attendance, continual disruption, or poor academic achievement.

BP 5117(b)

INTERDISTRICT ATTENDANCE (continued)

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

Note: Pursuant to Education Code 46600, it is the responsibility of the attendance supervisor of the district of residence, subject to Board policies of the district of residence and terms of the agreement, to issue an individual permit verifying the district's approval of an interdistrict transfer out of the district. The permit shall become valid when endorsed by the board's designee in the district of proposed attendance.

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

OPTION 2: School District of Choice Program

Note: The following section is for use by districts that elect to participate in the school district of choice program pursuant to Education Code 48300-48316. Districts selecting this option should also select Option 2 in the accompanying administrative regulation. Pursuant to Education Code 48315, the school district of choice program has been reauthorized until July 1, 2016 and any district may participate in the program. Education Code 48301 authorizes the Board to annually determine the number of student transfers that will be accepted into the district.

The Board has designated the district as a "school district of choice" and shall accept students who reside in other California districts who wish to attend a district school. Each year, the Superintendent or designee shall recommend to the Board the number of transfer students that the district will be able to accept and shall identify the schools, grade levels, and programs that will be able to accept these students.

Upon receiving the Superintendent's recommendation, the Board shall determine the number of students that will be accepted into the district through this program. This number shall be reflected in the minutes of the Board's meeting.

(cf. 9324 - Minutes and Recordings)

The Superintendent or designee shall establish a selection process which ensures that students are admitted to district schools through a random, unbiased process that prohibits evaluation of whether a student should be enrolled based upon his/her academic or athletic performance. If the number of student applications exceeds the number of transfers the Board has designated for acceptance under the program, the Superintendent or designee shall conduct a random drawing in public at a regularly scheduled Board meeting. (Education Code 48301)

INTERDISTRICT ATTENDANCE (continued)

Note: Because the school district of choice program requires a random selection process, it is recommended that participating districts not admit students through the interdistrict attendance permit process described in Option 1 above except under extraordinary circumstances. Such circumstances might include approving interdistrict attendance permits for students who are victims of an act of bullying. Such students are given priority for interdistrict attendance permits pursuant to Education Code 46600, as amended by AB 1156 (Ch. 732, Statutes of 2011); see the accompanying administrative regulation.

Because the district admits students in accordance with the school district of choice program, the Superintendent or designee shall not admit students based on individual interdistrict attendance permits pursuant to Education Code 46600-46611 except under extraordinary circumstances.

The Superintendent or designee shall maintain a record of requests for admittance that contains all of the following: (Education Code 48313)

1. The number of requests granted, denied, or withdrawn and, for denied requests, the reason for the denial
2. The number of students transferred out of and transferred into the district pursuant to this program
3. The race, ethnicity, gender, self-reported socio-economic status, and the district of residence for each student in item #2 above
4. The number of students in item #2 above who are classified as English learners or students with disabilities

The Superintendent or designee shall report to the Board, at a regularly scheduled meeting, the information specified in items #1-4 above. By May 15 of each year, the Superintendent or designee shall provide the same information, as well as information regarding the district's status as a school district of choice in the upcoming school year, to each geographically adjacent school district, the county office of education, the California Department of Education, and the Department of Finance. (Education Code 48313)

Note: Education Code 48301 requires a district of choice, at its expense, to ensure that the annual audit of district funds conducted pursuant to Education Code 41020 include a review of the district's compliance with the requirements in Education Code 48301 regarding a random, unbiased selection process and factually accurate communications to parents/guardians (see the accompanying administrative regulation for details of the communication). A summary of any audit exceptions found by the auditor must be included in the reports to the Board and other agencies. See AR 3460 - Financial Reports and Accountability for requirements pertaining to the annual audit.

The report to the Board and other agencies shall also include a summary of audit exceptions, if any, resulting from the compliance review of components of the district of choice program conducted as part of the annual district audit. (Education Code 48301, 48313)

BP 5117(d)

INTERDISTRICT ATTENDANCE (continued)

Transportation

Note: The following **optional** section is for use by all districts and should be revised to reflect district practice. Districts are not required to provide transportation or transportation assistance to students admitted under an interdistrict attendance permit pursuant to Education Code 46600-46611 or through the school district of choice program pursuant to Education Code 48300-48316.

The district shall not provide transportation beyond any school attendance area. Upon request, the Superintendent or designee may authorize transportation for interdistrict transfer students to and from designated bus stops within the attendance area if space is available.

Limits on Student Transfers Out of the District to a School District of Choice

Note: The following **optional** section is for use by all districts. Even if a district has not designated itself as a school district of choice, it has the authority pursuant to Education Code 48307 to limit the number of students transferring out of the district into other districts that have designated themselves as school districts of choice. A district with an average daily attendance (ADA) of more than 50,000 may annually limit the number of such transfers to one percent of its current year estimated ADA. A district with less than 50,000 ADA may limit the number of such transfers to three percent of its current estimated ADA and may limit the maximum number of such transfers for the duration of the program to 10 percent of the ADA for that period. In Walnut Valley Unified School District v. Superior Court of Los Angeles County, the appellate court held that the 10 percent cap on outbound transfers "for the duration of the program" should be based on the district's ADA over the entire life of the district of choice program (i.e., from the program's inception in 1994 until the present day).

The district may revise the following paragraph to reflect the applicable percentage in Education Code 48307 based on its ADA.

The Superintendent or designee may limit the number of student transfers out of the district to a school district of choice based on the percentages of average daily attendance specified in Education Code 48307.

Note: Education Code 48307 authorizes a district of residence that has a negative status on the most recent budget certification made by the County Superintendent of Schools to limit the number of student transfers out of the district during that fiscal year to other districts that have designated themselves as a school district of choice. In addition, when a County Superintendent has determined that the district would not meet the state's standards and criteria for fiscal stability for the subsequent fiscal year exclusively as a result of the impact of student transfers under the school district of choice program, Education Code 48307 allows the district of residence to limit the number of transfers out of the district. The limitation is based on the County Superintendent's determination of the number of additional transfers that would exclusively result in a qualified or negative fiscal certification. However, Education Code 48307 provides that these limitations do not apply to students who, prior to June 30, 2009, had already transferred out and were already attending a school district of choice.

In addition, transfers out of the district may be limited during a fiscal year when the County Superintendent of Schools has given the district a negative budget certification or when the

BP 5117(e)

INTERDISTRICT ATTENDANCE (continued)

County Superintendent has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice. (Education Code 48307)

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

Note: Pursuant to Education Code 48301, the district may prohibit a transfer under the school district of choice program if the Board determines that the transfer would negatively impact a court-ordered desegregation plan, a voluntary desegregation plan, or the racial and ethnic balance of the district. In Crawford v. Huntington Beach Union High School District, a California appellate court held that a district's intradistrict open enrollment policy, which contained a racial and ethnic balance component as authorized by Education Code 35160.5, was unconstitutional. The court did not consider whether a policy based on a court-ordered or voluntary desegregation plan would be constitutional. According to the court, the constitutional provisions added by Proposition 209 in 1996 prohibit a district from adopting a policy containing different admission criteria on the basis of race.

Although the provisions in Education Code 48301 relative to racial and ethnic balance remain in law, because of the continuing legal uncertainty, the following paragraph does not reflect those provisions of Education Code 48301. Districts that choose to deny interdistrict transfers on that basis should consult legal counsel.

The following **optional** paragraph is for use by districts with either a court-ordered or voluntary desegregation plan.

The district may deny a transfer of a student out of the district to a school district of choice if the Board determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan of the district. (Education Code 48301)

Note: Pursuant to Education Code 48301, as amended by AB 306 (Ch. 771, Statutes of 2015), a district must not prohibit the transfer of a student whose parent/guardian is in active military duty.

A child of an active military duty parent/guardian shall not be prohibited from transferring out of the district to a school district of choice, if the other school district approves the application for transfer. (Education Code 48301)

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

Legal Reference: (see next page)

INTERDISTRICT ATTENDANCE (continued)

Legal Reference:

EDUCATION CODE

41020 Annual district audits

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48900 Grounds for suspension or expulsion; definition of bullying

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

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

ATTORNEY GENERAL OPINIONS

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

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

COURT DECISIONS

Walnut Valley Unified School District v. the Superior Court of Los Angeles County, (2011) 192 Cal.App.4th 234

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

Management Resources:

CSBA PUBLICATIONS

Transfer Law Comparison, Fact Sheet, March 2011

WEB SITES

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

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

CSBA Sample Board Policy

Students

BP 5123(a)

PROMOTION/ACCELERATION/RETENTION

Note: Education Code 48070 and 48070.5 **mandate** that the Governing Board adopt a policy, at a public meeting, regarding the promotion and retention of students, including, but not limited to, promotion and retention at specified grade levels and with specified provisions.

The Governing Board expects students to progress through each grade level within one school year. Toward this end, instruction shall be designed to accommodate the variety of ways that students learn and provide strategies for addressing academic deficiencies as needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

(cf. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

(cf. 6170.1 - Transitional Kindergarten)

When high academic achievement is evident, the teacher may recommend a student for acceleration to a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student.

Note: Education Code 48070.5 **mandates** that the Board's policy provide for the identification of students who should be retained and who are at risk of being retained at the end of grades 2, 3, 4, the intermediate grades (usually grade 6), and the middle school grades (usually grade 8). Items #1-5 below should be revised to reflect the grade levels offered by the district. If the Board chooses to expand these requirements to cover other grade levels, the following list should be revised accordingly.

Education Code 48070.5 further **mandates** that the Board's policy provide for students to be identified as early in the school year, and as early in their school careers, as practicable.

Teachers shall identify students who should be retained or who are at risk of being retained at their current grade level as early as possible in the school year and as early in their school careers as practicable. Such students shall be identified at the following grade levels: (Education Code 48070.5)

1. Between grades 2 and 3

2. Between grades 3 and 4
3. Between grades 4 and 5

BP 5123(b)

PROMOTION/ACCELERATION/RETENTION (continued)

Note: If all the schools in the district are configured in the same manner, the district may specify the actual grade levels in items #4 and 5 below (e.g., between grades 6 and 7, between grades 8 and 9).

4. Between the end of the intermediate grades and the beginning of the middle school grades
5. Between the end of the middle school grades and the beginning of the high school grades

Note: Education Code 48070.5 **mandates** that the district's policy establish the basis for identifying students who should be retained and who are at risk of being retained. If a student performs below the minimum standard based on indicators established by the district, the student shall be retained, unless the teacher determines that retention is not the appropriate intervention for the student's academic deficiencies; see the accompanying administrative regulation.

Pursuant to Education Code 48070.5, the district may use either of the following: (1) the student's grades and other indicators of academic achievement designated by the district (Option 1 below) or (2) the results of state assessments administered pursuant to Education Code 60640-60649 and minimum levels of proficiency recommended by the State Board of Education (SBE) (Option 2 below). With regards to special education students, the determination as to the appropriate standards for promotion or retention should be made as part of the IEP process; see BP/AR 6159 - Individualized Education Program.

Education Code 48070.5 provides that, when a district chooses to identify students on the basis of grades pursuant to Option 1, the Board shall also designate other indicators of academic achievement that will be used. These other indicators of achievement (e.g., state or district assessments, portfolios, attendance) should be specified in the blanks provided below.

OPTION 1: Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by grades and the following additional indicators of academic achievement:

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

Note: Pursuant to Education Code 60640-60649, as amended by AB 484 (Ch. 489, Statutes of 2013), beginning in the 2013-14 school year, the state assessment system will transition from the Standardized Testing and Reporting (STAR) program to the California Assessment of Student Performance and Progress; see BP/AR 6162.51 - State Academic Achievement Tests. Thus, districts selecting Option 2 below should determine the availability and appropriateness of state assessments for the purpose of identifying students who should be retained and who are at risk of being retained.

The California Department of Education's [FAQs Pupil Promotion and Retention](#) states that STAR results may not be the exclusive criterion for promotion or retention since the test has not been certified for that

BP 5123(c)

PROMOTION/ACCELERATION/RETENTION (continued)

purpose; thus, other indicators must also be used. These other indicators of achievement (e.g., grades, district assessments, portfolios, attendance) should be specified in the blanks provided below.

OPTION 2: Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by the results of state assessments administered pursuant to Education Code 60640-60649 and the following additional indicators of academic achievement:

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - State Academic Achievement Tests)

Note: The remainder of this policy is for use by all districts.

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts, and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. (Education Code 48070.5)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

Note: Education Code 48070.5 **mandates** that the district's policy specify the teacher(s) responsible for the promotion/retention decision in cases where the student does not have a single regular classroom teacher. The following paragraph should be revised to indicate the specific teacher(s) who will be responsible (e.g., teachers responsible for core subjects).

If a student does not have a single regular classroom teacher, the Superintendent or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

Note: Education Code 48070.5 **mandates** that the district's policy include a process by which the teacher's decision to promote or retain a student may be appealed; see the accompanying administrative regulation.

The teacher's decision to promote or retain a student may be appealed in accordance with AR 5123 - Promotion/Acceleration/Retention.

Note: Education Code 37252.2 requires districts to provide supplemental instruction to students in grades 2-9 who have been retained or recommended for retention. Education Code 37252.8 authorizes, but not does require, districts to provide supplemental instruction to students in grades 2-6 who have been identified as at

BP 5123(d)

PROMOTION/ACCELERATION/RETENTION (continued)

risk of retention. Pursuant to Education Code 48070.5, the Board must adopt policy indicating the manner in which instruction for these purposes will be provided. See BP 6179 - Supplemental Instruction for language fulfilling this mandate.

When any student in grades 2-9 is retained or recommended for retention, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. The Superintendent or designee also may offer supplemental instruction to a student in grades 2-6 who is identified as being at risk for retention. (Education Code 37252.2, 37252.8, 48070.5)

(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)
(cf. 6179 - Supplemental Instruction)

Legal Reference:

EDUCATION CODE

37252-37254.1 Supplemental instruction

46300 Method of computing average daily attendance

48010 Admittance to first grade

48011 Promotion/retention following one year of kindergarten

48070-48070.5 Promotion and retention

56345 Elements of individualized education plan

60640-60649 California Assessment of Student Performance and Progress

60850-60859 Exit examination

CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

FAQs Promotion, Retention, and Grading (students with disabilities)

FAQs Pupil Promotion and Retention

Kindergarten Continuance Form

WEB SITES

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

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

Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Students

AR 5125(a)

STUDENT RECORDS

Definitions

Student means any individual who is or has been in attendance at the district and regarding whom the district maintains student records. (34 CFR 99.3)

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

Note: Guidance issued by the U.S. Department of Education (USDOE) and U.S. Department of Health and Human Services clarifies that a student's immunization and health record maintained by the district is a "student record" subject to the Family Educational Rights and Privacy Act (FERPA). Also see BP/AR 5141.6 - School Health Services.

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and maintained by the district, required to be maintained by an employee in the performance of his/her duties, or maintained by a party acting for the district. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

1. Directory information

(cf. 5125.1 - Release of Directory Information)

2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee

Note: USDOE guidance ([Balancing Student Privacy and School Safety](#)) clarifies that records created by the district's law enforcement unit, such as student images appearing on security videotapes, are not considered student records under FERPA as long as the records are created for a law enforcement purpose.

3. Records of the law enforcement unit of the district, subject to 34 CFR 99.8

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

AR 5125(b)

STUDENT RECORDS (continued)

4. Records created or received by the district after an individual is no longer a student and that are not directly related to the individual's attendance as a student
5. Grades on peer-graded papers before they are collected and recorded by a teacher

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

Mandatory interim student records are those records which the schools are directed to compile and maintain for specified periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

Permitted student records are those records having clear importance only to the current educational process of the student. (5 CCR 430)

Disclosure means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic. (34 CFR 99.3)

Access means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record or an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

Personally identifiable information includes, but is not limited to: (34 CFR 99.3)

1. The student's name
2. The name of the student's parent/guardian or other family members
3. The address of the student or student's family
4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)

5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not

AR 5125(c)

STUDENT RECORDS (continued)

have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty

7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the student record relates

Adult student is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent. (Education Code 49061, 56050, 56055)

Note: Education Code 49063 requires districts to include the criteria for defining "legitimate educational interest" and "school officials and employees" in their annual notification; see section "Notification of Parents/Guardians" below.
--

Legitimate educational interest is an interest held by any school official, employee, contractor, or consultant whose duties, responsibilities, or contractual obligations to the district, whether routine or as a result of special circumstances, require him/her to have access to student records.

School officials and employees are officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records.

Note: Pursuant to Education Code 49076, the district may allow any "contractor or consultant" with whom it has a formal written agreement to access information in student records without parent/guardian consent, when the contractor or consultant has a "legitimate educational interest" in that information. However, contrary to 34 CFR 99.31, Education Code 49076 prohibits release of student records to volunteers.
--

Contractor or consultant is anyone with a formal written agreement or contract with the district regarding the provision of services or functions outsourced to him/her by the district. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

Custodian of records is the employee responsible for the security of student records maintained by the district and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

County placing agency means the county social service department or county probation department. (Education Code 49061)

Persons Granted Absolute Access

In accordance with law, absolute access to any student records shall be granted to:

AR 5125(d)

STUDENT RECORDS (continued)

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent (Education Code 49069; Family Code 3025)
2. An adult student, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to his/her student records and grant consent for the release of records (34 CFR 99.3, 99.5)

Note: Pursuant to Education Code 56041.5, all the rights accorded to the parent/guardian of a student with disabilities, including the right to access student records, are transferred to the student when he/she reaches age 18 years except when the student has been declared incompetent under state law.
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3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

(cf. 6159 - Individualized Education Program)

Access for Limited Purpose/Legitimate Educational Interest

The following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

Note: Education Code 49076 and 34 CFR 99.31 require that access to relevant records be given to parents/guardians of a dependent child, defined by 26 USC 152 as one who lives with his/her parent/guardian for more than half the taxable year, has not provided more than half of his/her own support during that year, and has not filed a joint tax return with a spouse.

1. Parents/guardians of a student age 18 or older who is a dependent child as defined under 26 USC 152 (Education Code 49076; 34 CFR 99.31)
2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076; 34 CFR 99.31)
3. School officials and employees, consistent with the definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)
4. Members of a school attendance review board (SARB) who are authorized representatives of the district and any volunteer aide age 18 or older who has been

investigated, selected, and trained by the SARB to provide follow-up services to a referred student (Education Code 49076)

(cf. 5113.1 - Chronic Absence and Truancy)

5. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county,

AR 5125(e)

STUDENT RECORDS (continued)

or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

Note: 34 CFR 99.34 requires the district to make a reasonable attempt to notify the parent/guardian or adult student when the district discloses certain information as described in the following paragraph. However, if the district includes a statement in its annual parental notification that the district may forward education records under these circumstances, it is not obligated to individually notify parents/guardians or adult students. The following **optional** paragraph may be deleted by districts that include such a statement in their annual parental notification. See section below entitled "Notification of Parents/Guardians."

Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the district may disclose students' personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)

Note: Item #6 below is for use by districts that maintain high schools. Education Code 69432.9 provides that all students in grade 12 will be considered Cal Grant applicants and will have their grade point average (GPA) submitted to the Student Aid Commission, unless they opt out or are permitted under Commission rules to submit test scores in lieu of the GPA. AB 1091 (Ch. 637, Statutes of 2015) amended Education Code 69432.9 to require that the report be submitted on a standardized form provided by the Commission. Pursuant to Education Code 69432.92, as added by AB 1091, the Commission may also require that districts submit verification of high school graduation or its equivalent for all students who graduated in the prior academic year, except for students who have opted out.

Education Code 49432.9 requires that parents/guardians be notified that their child's GPA will be forwarded unless they opt out within the time period specified in the notice. This notification could be included in the annual parental notification issued pursuant to Education Code 48980.

6. The Student Aid Commission, to provide the grade point average (GPA) of all district students in grade 12 and, when requested, verification of high school graduation or its equivalent of all students who graduated in the prior academic year, for use in the Cal Grant postsecondary financial aid program. However, such information shall not be submitted when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

No later than October 15 each year, the Superintendent or designee shall notify each student in grade 12, and his/her parents/guardians if the student is under age 18 years, that the student's GPA will be forwarded to the Student Aid Commission unless he/she opts out within a period of time specified in the notice, which shall not be less than 30 days. (Education Code 69432.9)

AR 5125(f)

STUDENT RECORDS (continued)

Students' social security numbers shall not be included in the submitted information unless the Student Aid Commission deems it necessary to complete the financial aid application and the Superintendent or designee obtains permission from the student's parent/guardian, or from the adult student, to submit the social security number. (Education Code 69432.9)

7. Federal, state, and local officials, as needed for an audit, evaluation, or compliance activity related to a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)

<p>Note: Pursuant to Education Code 49076, county placing agencies authorized to assess the effectiveness of a state or federally funded program on behalf of federal, state, or local officials and agencies may be allowed access to student records. Education Code 49076 also authorizes districts, county offices of education, and county placing agencies to develop cooperative agreements to facilitate confidential access to and exchange of student information by email, facsimile, electronic format, or other secure means, provided the agreement complies with the requirements of 34 CFR 99.35.</p>

8. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #7 above (Education Code 49076)
9. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order. (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

10. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)

11. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)
12. Any probation officer, district attorney, or counsel of record for a minor student for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor student a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

AR 5125(g)

STUDENT RECORDS (continued)

When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

13. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 (Education Code 49076)

In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

14. Any foster family agency with jurisdiction over currently enrolled or former students for purposes of accessing those students' records of grades and transcripts and any individualized education program developed and maintained by the district (Education Code 49069.3)

(cf. 6173.1 - Education for Foster Youth)

Note: AB 1068 (Ch. 713, Statutes of 2013) amended Education Code 49076 to add authorization to disclose records pursuant to items #15-17 below.

15. A student age 14 years or older who is both a homeless student and an unaccompanied minor as defined in 42 USC 11434a (Education Code 49076)

(cf. 6173 - Education for Homeless Children)

16. An individual who completes items #1-4 of the caregiver's authorization affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)

17. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility for the care and protection of a student, provided that the information is directly related to providing assistance to address the student's educational needs (Education Code 49076; 20 USC 1232(g))
18. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the district provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

AR 5125(h)

STUDENT RECORDS (continued)

When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in item #12 above. (Education Code 49076)

19. Designated peace officers or law enforcement agencies in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5; 34 CFR 99.1-99.67)

In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district or California private school. (Education Code 49076.5)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released. (Education Code 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent/guardian may grant consent if both parents/guardians notify the district, in writing, that such an agreement has been made. (Education Code 49061)

(cf. 5021 - Noncustodial Parents)

Discretionary Access

At his/her discretion, the Superintendent or designee may release information from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of the student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

AR 5125(i)

STUDENT RECORDS (continued)

When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

Note: The following optional paragraph may be revised to reflect district practice.
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Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.

2. Accrediting associations (Education Code 49076; 34 CFR 99.31)
3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)
 - a. The study is conducted in a manner that does not permit personal identification of parents/guardians and students by individuals other than representatives of the organization who have legitimate interests in the information.
 - b. The information is destroyed when no longer needed for the purposes for which the study is conducted.
 - c. The district enters into a written agreement with the organization that complies with 34 CFR 99.31.
4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in

Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)

5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)

AR 5125(j)

STUDENT RECORDS (continued)

Note: Education Code 49076 includes "contractors" and "consultants," as defined in the section "Definitions" above, among the categories of individuals to whom a student's personally identifiable information may be disclosed under certain circumstances. Unlike 34 CFR 99.34, however, Education Code 49076 prohibits disclosure of such information to volunteers and other parties.

6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract by the district, excluding volunteers or other parties (Education Code 49076)

(cf. 3600 - Consultants)

Note: Items #7 and 8 below are for use by districts that maintain high schools.

7. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or his/her parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid (Education Code 49076; 34 CFR 99.31, 99.36)
8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the provisions of 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.31, 99.37)

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

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

De-identification of Records

Note: 20 USC 1232(g) and Education Code 49076 authorize the district to release student records for specified purposes (e.g., to federal and state officials conducting program audits or to organizations conducting studies) without parent/guardian consent after the removal of all "personally identifiable information" as defined in the section entitled "Definitions" above and provided that the district has made a reasonable determination that a student's identity will not be personally identifiable through single or multiple releases. Education Code 49074 further authorizes the district to provide de-identified statistical data to public or private agencies, postsecondary institutions, or research organizations when such actions would be "in the best educational interests of students."

AR 5125(k)

STUDENT RECORDS (continued)

34 CFR 99.31 lists objective standards under which districts may release information from de-identified records. These standards are applicable to both requests for individual, redacted records and requests for statistical information from multiple records.

When authorized by law for any program audit, educational research, or other purposes, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 34 CFR 99.31)

Process for Providing Access to Records

Note: Education Code 49069 **mandates** procedures for notifying parents/guardians of the location of student records if not centrally located. The following paragraph may be expanded to include notification procedures.

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)

The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons. (5 CCR 433)

Note: 5 CCR 431 **mandates** districts to establish written procedures to ensure the security of student records. The following three paragraphs reflect this mandate and should be modified to reflect any specific physical, technological, or administrative controls developed by the district.

34 CFR 99.31 requires districts to use "reasonable methods" to (1) ensure that school officials, employees, and outside contractors obtain access to only those records, both paper and electronic, in which they have a legitimate educational interest and (2) identify and authenticate the identity of parents/guardians, students, school officials, and any other party to whom the district discloses personally identifiable information from education records. In addition, 34 CFR 99.31 specifies that a district which does not use physical or technological access controls (e.g., a locked file cabinet or computer security limiting access) must ensure that its administrative policy for controlling access is effective and remains in compliance with the "legitimate educational interest" requirement.

The Analysis to Comments and Changes (73 Fed. Reg. 237, page 74817) suggests a balance of physical, technological, and administrative controls to prevent unauthorized access and to ensure that school officials do not have unrestricted access to the records of all students. The Analysis also clarifies that the reasonableness of the method depends, in part, on the potential harm involved. For example, high-risk records, such as social security numbers or other information that could be used for identity theft, should receive greater and more immediate protection.

In addition, as a condition of participation in an interagency data information system (e.g., California Longitudinal Pupil Achievement Data System), Education Code 49076 requires that the district develop

AR 5125(1)

STUDENT RECORDS (continued)

security procedures or devices by which unauthorized personnel cannot access data in the system and procedures or devices to secure privileged or confidential data from unauthorized disclosure.

The custodian of records shall develop reasonable methods, including physical, technological, and administrative controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

When prior written consent from a parent/guardian is required by law, the parent/guardian shall provide a written, signed, and dated consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian, the district shall provide him/her a copy of the records disclosed. (34 CFR 99.30)

Note: Education Code 49069 and 5 CCR 431 **mandate** that the district adopt procedures for granting parent/guardian requests to inspect, review, and obtain copies of records.

Within five business days following the date of request, a parent/guardian or other authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069)

Note: Education Code 49069 **mandates** procedures for the availability of qualified certificated personnel to interpret records when requested. The following paragraph may be expanded to include specific procedures for persons to request and receive the assistance of certificated personnel.

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

Access Log

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the records and the legitimate educational interest of the requester. (Education Code 49064)

AR 5125(m)

STUDENT RECORDS (continued)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

Note: Although Education Code 49064 does not require the district to record access by individuals specified in items #1-5 below, the district may consider recording access by all individuals as part of the reasonable administrative controls required by 34 CFR 99.31; see section above entitled "Process for Providing Access to Records." The following paragraph is **optional**.

The log may include record of access by: (Education Code 49064)

1. Parents/guardians or adult students
2. Students who are 16 years of age or older or who have completed the 10th grade
3. Parties obtaining district-approved directory information
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials and employees who have a legitimate educational interest

The log shall be accessible only to the parent/guardian, adult student, dependent adult student, student who is age 16 years or older or who has completed the 10th grade, custodian of records, and certain state or federal officials. (Education Code 49064; 5 CCR 432)

Duplication of Student Records

Note: Education Code 49069 **mandates** that the district adopt procedures for granting parent/guardian requests for copies of student records pursuant to Education Code 49065.

To provide copies of any student record, the district shall charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to

two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

(cf. 3260 - Fees and Charges)

Changes to Student Records

Only a parent/guardian having legal custody of a student or an adult student may challenge the content of a record or offer a written response to a record. (Education Code 49061)

AR 5125(n)

STUDENT RECORDS (continued)

(cf. 5125.3 - Challenging Student Records)

No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student. (5 CCR 437)

A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.

(cf. 5145.3 - Nondiscrimination/Harassment)

Retention and Destruction of Student Records

Note: 5 CCR 431 mandates that the district establish written policies and procedures regarding the signing and dating of anecdotal information, as specified below.
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All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student
2. Date and place of birth and method of verifying birth date

(cf. 5111 - Admission)

3. Sex of student
4. Name and address of parent/guardian of minor student

- a. Address of minor student if different from the above
- b. Annual verification of parent/guardian's name and address and student's residence

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

AR 5125(o)

STUDENT RECORDS (continued)

5. Entrance and departure dates of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given

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

7. Verification of or exemption from required immunizations

(cf. 5141.31 - Immunizations)

8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor

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

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

2. A log identifying persons or agencies who request or receive information from the student record
3. Health information, including verification or waiver of the health screening for school entry

(cf. 5141.32 - Health Screening for School Entry)

4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge

(cf. 6159 - Individualized Education Program)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

5. Language training records

(cf. 6174 - Education for English Language Learners)

6. Progress slips/notices required by Education Code 49066 and 49067

AR 5125(p)

STUDENT RECORDS (continued)

7. Parental restrictions/stipulations regarding access to directory information
8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action
9. Parent/guardian authorization or denial of student participation in specific programs
10. Results of standardized tests administered within the past three years

(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6162.52 - High School Exit Examination)

11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

(cf. 6158 - Independent Study)

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including: (5 CCR 432, 437)

1. Objective counselor and/or teacher ratings
2. Standardized test results older than three years
3. Routine disciplinary data

(cf. 5144 - Discipline)

4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

Transfer of Student Records

When a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the student's parent/guardian of his/her rights regarding student records, including the right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

AR 5125(q)

STUDENT RECORDS (continued)

Note: Education Code 48201 requires districts to request records of a transferring student regarding acts that resulted in the student's suspension or expulsion from the previous school, as specified below. Once the record is received, the Superintendent or designee must inform the student's teachers of the acts; see AR 4158/4258/4358 - Employee Security.

When a student transfers into this district from another district, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in his/her suspension or expulsion. (Education Code 48201)

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

(cf. 5119 - Students Expelled From Other Districts)

Note: Pursuant to Education Code 49068, a district is required to transfer a copy of a student's records to another school in which the student is enrolled or intends to enroll within 10 school days of receiving a request for the records. However, this would not affect a situation where a more restrictive timeline is required. For example, a district is required to transfer the records of a student who is a foster youth to the new school within two business days, pursuant to Education Code 48853.5.

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record within 10 school days of the district's receipt of the request for the student's records. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918, 49068; 5 CCR 438)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the district is withholding grades, diploma, or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

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

AR 5125(r)

STUDENT RECORDS (continued)

Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the district speak a single primary language other than English, then the district shall provide these notices to that language. Otherwise, the district shall provide these notices in the student's home language insofar as practicable. The district shall effectively notify parents/guardians or eligible students with disabilities. (Education Code 49063, 48985; 34 CFR 99.7)

(cf. 5145.6 - Parental Notifications)

The notice shall include: (Education Code 49063; 34 CFR 99.7, 99.34)

1. The types of student records kept by the district and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. District criteria for defining school officials and employees and for determining legitimate educational interest
5. District policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights

8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

AR 5125(s)

STUDENT RECORDS (continued)

(cf. 5020 - Parent Rights and Responsibilities)

12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g

Note: Pursuant to 34 CFR 99.34, if the district's annual parental notification contains the information described in **optional** item #13 below, the district does not need to attempt to individually notify a parent/guardian or adult student when the district discloses an education record to officials of another school, school system, or postsecondary institution (see item #5 in the list of persons/agencies with legitimate educational interests in the section entitled "Persons Granted Access" above).

13. A statement that the district forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

Student Records from Social Media

Note: The following **optional** section is for use by districts that have adopted a program, pursuant to Education Code 49073.6, as added by AB 1442 (Ch. 799, Statutes of 2014), to gather or maintain any information obtained from students' social media activity that pertains directly to school safety or student safety. Districts that adopt such a program, as specified in the accompanying Board policy, must comply with the requirements described below. Districts that have not adopted such a program should delete the following section.

For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall: (Education Code 49073.6)

1. Gather or maintain only information that pertains directly to school safety or student safety
2. Provide a student with access to any information that the district obtained from his/her social media activity and an opportunity to correct or delete such information

3. Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in the district, whichever occurs first
4. Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in item #3 above. The notification shall also include, but is not limited to, an explanation of the process by which a student or his/her parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or

AR 5125(t)

STUDENT RECORDS (continued)

- corrections to the information may be made. The notification may be provided as part of the annual parental notification required pursuant to Education Code 48980.
5. If the district contracts with a third party to gather information on a student from social media, ensure that the contract:
 - a. Prohibits the third party from using the information for purposes other than those specified in the contract or from selling or sharing the information with any person or entity other than the district, the student, or his/her parent/guardian
 - b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract, or when the district notifies the third party that the student has turned 18 years of age or is no longer enrolled in the district, whichever occurs first

(11/12 12/14) 12/15

Policy Reference UPDATE Service

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CSBA Sample Board Policy

Instruction

BP 6142.92(a)

MATHEMATICS INSTRUCTION

Note: The following **optional** policy may be revised to reflect district practice and the grade levels offered by the district. Education Code 51210 and 51220 require that mathematics, including mathematical concepts and understandings, operational skills, and problem solving, be included in the course of study offered in grades 1-12; see BP 6143 - Courses of Study. In addition, Education Code 51224.5, as amended by AB 220 (Ch. 165, Statutes of 2015), specifies that the adopted course of study for grades 7-12 must include algebra and that, as part of the two courses in mathematics required for high school graduation pursuant to Education Code 51225.3, students must complete coursework that meets or exceeds the rigor of the content standards for Algebra I or Mathematics I adopted by the State Board of Education (SBE); see BP 6146.1 - High School Graduation Requirements.

The Governing Board desires to offer a rigorous mathematics program that progressively develops the knowledge and skills students will need to succeed in college and career. The district's mathematics program shall be designed to teach mathematical concepts in the context of real-world situations and to help students gain a strong conceptual understanding, a high degree of procedural skill and fluency, and ability to apply mathematics to solve problems.

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

Note: The Common Core State Standards (CCSS) for mathematics, modified in January 2013, are based on the three principles of (1) focus, placing strong emphasis on the concepts in the standards so that students have sufficient time to think about, practice, and integrate new ideas; (2) coherence, linking topics across grade levels and establishing connections with other topics; and (3) rigor, requiring that conceptual understanding, procedural skills and fluency, and applications be pursued with equal intensity.

All California schools are expected to implement the CCSS in the 2014-15 school year. In November 2013, the SBE adopted the Mathematics Framework for California Public Schools: Kindergarten Through Grade Twelve which was updated to reflect these standards. In addition, the state assessment system is transitioning to the California Assessment of Student Performance and Progress which is aligned with the CCSS; see BP/AR 6162.51 - State Academic Achievement Tests. The CCSS and state curriculum framework are available on the California Department of Education's web site. For further information about

the CCSS and recommendations for implementation, see CSBA's Governing to the Core series of governance briefs.

Education Code 51284, as amended by AB 166 (Ch. 135, Statutes of 2013), requires that, concurrent with the next revision of textbooks or the curriculum framework in mathematics, the SBE ensure the integration of financial literacy, including, but not limited to, budgeting and managing credit, student loans, consumer debt, and identity theft security. An appendix to the 2013 curriculum framework provides examples and resources to assist in incorporating problems or exercises that teach financial literacy concepts and skills.

For each grade level, the Board shall adopt academic standards for mathematics that meet or exceed the Common Core State Standards. The Superintendent or designee shall develop or select curricula that are aligned with these standards and the state curriculum framework.

BP 6142.92(b)

MATHEMATICS INSTRUCTION (continued)

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

Note: The CCSS for mathematics include two types of standards: mathematical practice standards (identical for each grade level) and mathematical content standards (different at each grade level). The eight practice standards are grouped into four categories as reflected in items #1-4 below.

The district's mathematics program shall address the following standards for mathematical practices which are the basis for mathematics instruction and learning:

1. Overarching habits of mind of a productive mathematical thinker: Making sense of problems and persevering in solving them; attending to precision
2. Reasoning and explaining: Reasoning abstractly and quantitatively; constructing viable arguments and critiquing the reasoning of others
3. Modeling and using tools: Modeling with mathematics; using appropriate tools strategically
4. Seeing structure and generalizing: Looking for and making use of structure; looking for and expressing regularity in repeated reasoning

Note: The following three paragraphs reflect the mathematic content standards of the CCSS and may be revised to reflect district practice. The district should select the paragraph(s) applicable to the grade levels offered by the district.

In addition, the program shall be aligned with grade-level standards for mathematics content.

For grades K-8, content shall address, at appropriate grade levels, counting and cardinality, operations and algebraic thinking, number and operations in base ten, fractions, measurement and data, geometry, ratios and proportional relationships, functions, expression and

equations, the number system, and statistics and probability. Students shall learn the concepts and skills that prepare them for the rigor of higher mathematics.

Note: The following paragraph is for use by districts that maintain secondary grades. As revised in January 2013, the CCSS for higher mathematics replace the unique Grade 8 Algebra course with an Algebra I course that covers the same content regardless of the grade level of the student taking the course. Thus, students who are not ready to take algebra in grade 8 may take an alternate path. As revised, the higher mathematics standards are organized into both conceptual categories and model courses, which may be delivered using a traditional pathway (i.e., Algebra I, Geometry, Algebra II) or an integrated pathway (i.e., Mathematics I, II, and III) in which each course contains standards from all six conceptual categories. The CCSS also provide for two advanced courses: (1) Advanced Placement Statistics and Probability and (2) Calculus. For further information, see the state curriculum framework or the Common Core State Standards Initiative's guidance, [Appendix A: Designing High School Mathematics Courses Based on the Common Core State Standards](#), available on its web site.

BP 6142.92(c)

MATHEMATICS INSTRUCTION (continued)

The district may revise the following paragraph to reflect the pathway(s) used in the district and/or the grade levels at which higher mathematics shall be offered.

For higher mathematics, the district shall offer a pathway of courses through which students shall be taught concepts that address number and quantity, algebra, functions, modeling, geometry, and statistics and probability.

The Superintendent or designee shall develop protocols to ensure that students are appropriately placed in mathematics courses and are not unnecessarily required to repeat a course that they have successfully completed in an earlier grade level.

(cf. 6152.1 - Placement in Mathematics Courses)

Note: Education Code 51224.7, as added by SB 359 (Ch. 508, Statutes of 2015), requires any district maintaining grade 9 to have a policy in place prior to January 1, 2016 regarding the placement of students in mathematics courses. See BP 6152.1 - Placement in Mathematics Courses for language fulfilling this mandate.

The Superintendent or designee shall ensure that students are appropriately placed in mathematics courses and are not required to repeat a course that they have successfully completed in an earlier grade level. Placement decisions shall be based on consistent protocols and multiple objective academic measures.

(cf. 6152.1 - Placement in Mathematics Courses)

Note: AB 97 (Ch. 47, Statutes of 2013) eliminated the Professional Development Block Grant (Education Code 41530-41532) and the Mathematics and Reading Professional Development Program (Education Code 99230-99242) and redirected that funding into the local control funding formula. At their discretion, districts may provide professional development opportunities to meet the purposes of those programs or other local needs.

The Superintendent or designee shall ensure that certificated staff have opportunities to participate in professional development activities designed to increase their knowledge and skills in effective mathematics teaching practices.

(cf. 4131 - Staff Development)

(cf. 4331 - Staff Development)

Note: As a condition of receiving funds for instructional materials from any state source, Education Code 60119 requires the Governing Board to annually hold a public hearing to determine whether each student in the district has sufficient standards-aligned textbooks or instructional materials in mathematics and other specified subjects to use in class and to take home. For a definition of "sufficiency" for this purpose and a sample Board resolution, see BP/E 6161.1 - Selection and Evaluation of Instructional Materials.

The Superintendent or designee shall ensure that students have access to sufficient instructional materials, including manipulatives and technology, to support a balanced, standards-aligned mathematics program.

BP 6142.92(d)

MATHEMATICS INSTRUCTION (continued)

(cf. 0440 - District Technology Plan)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

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

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

The Superintendent or designee shall provide the Board with data from state and district mathematics assessments and program evaluations to enable the Board to monitor program effectiveness.

(cf. 0460 - Local Control and Accountability Plan)

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - State Academic Achievement Tests)

(cf. 6162.52 - High School Exit Examination)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

51210 Areas of study, grades 1-6

51220 Areas of study, grades 7-12

51224.5 Algebra in course of study for grades 7-12

51224.7 California Mathematics Placement Act of 2015

51225.3 High school graduation requirements

51284 Financial literacy

60605 State-adopted content and performance standards in core curricular areas

60605.8 Common Core standards

Management Resources:

CSBA PUBLICATIONS

Governing to the Core, Governance Briefs

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Mathematics Framework for California Public Schools: Kindergarten Through Grade Twelve, 2013
California Common Core State Standards: Mathematics, rev. January 2013
COMMON CORE STATE STANDARDS INITIATIVE PUBLICATIONS

Appendix A: Designing High School Mathematics Courses Based on the Common Core State Standards

WEB SITES

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

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

Common Core State Standards Initiative: <http://www.corestandards.org/math>

(10/95 4/14) 12/15

Policy Reference UPDATE Service

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CSBA Sample Board Policy

Instruction

BP 6177(a)

SUMMER LEARNING PROGRAMS

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

The Governing Board recognizes that an extended break from the instructional program may result in significant learning loss, especially among disadvantaged and low-achieving students, and desires to provide opportunities during the summer for students to practice essential skills and make academic progress.

Note: Education Code 52060-52077, as added by AB 97 (Ch. 47, Statutes of 2013), require districts to develop a local control and accountability plan (LCAP) which includes goals aligned with state and local priorities, specific actions aligned to meet those goals, and a budget aligned to fund those specific actions; see BP/AR 0460 - Local Control and Accountability Plan. The purposes and content of the district's summer programs should be aligned with the priorities and goals as outlined in the LCAP and other applicable district and school plans.

Summer programs offered by the district shall be aligned with the district's local control and accountability plan (LCAP), other applicable district and school plans, and the educational program provided during the school year. When feasible, summer programs shall blend high-quality academic instruction in core curricular and/or elective subjects with recreation, nutrition programs, social and emotional development, and support services that encourage attendance, student engagement in learning, and student wellness.

(cf. 0200 - Goals for the School District)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)

(cf. 5141.6 - School Health Services)

(cf. 5148 - Child Care and Development Program)

(cf. 6011 - Academic Standards)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6143 - Courses of Study)

Summer School

Note: Summer school programs may be funded through a variety of sources that include, but are not limited to, Title I funding (20 USC 6311-6322), After School Education and Safety Program supplemental funds (Education Code 8482-8484.6), and 21st Century Community Learning Center supplemental funds (Education Code 8484.7-8484.9; 20 USC 7171-7176).

In addition, Education Code 54444.3 requires agencies receiving Title I Migrant Education funding to conduct summer school for eligible migrant students in grades K-12; see BP/AR 6175 - Migrant Education Program.

BP 6177(b)

SUMMER LEARNING PROGRAMS (continued)

The Superintendent or designee, with Board approval, may establish summer school day and/or evening classes.

(cf. 5148.2 - Before/After School Program)
(cf. 6171 - Title I Programs)
(cf. 6175 - Migrant Education Program)

The district's summer school program may be used to provide supplemental instruction to students needing remediation and/or enrichment in core academic subjects.

(cf. 6176 - Weekend/Saturday Classes)
(cf. 6179 - Supplemental Instruction)

Note: The following **optional** list establishes enrollment priorities for the provision of summer school instruction and may be revised to reflect district practice. Item #1 should be deleted by districts that do not maintain high schools.

As appropriate, priority for enrollment in summer school programs shall be given to district students who:

1. Need course credits in order to graduate from high school before the beginning of the next school year

(cf. 5147 - Dropout Prevention)
(cf. 6146.1 - High School Graduation Requirements)

2. Have been retained or are at risk of being retained at their grade level

(cf. 5123 - Promotion/Acceleration/Retention)

3. Demonstrate academic deficiencies in core curriculum areas

(cf. 0460 - Local Control and Accountability Plan)

Note: **Optional** item #4 establishes priority for summer school enrollment to at-risk student groups identified in the district's LCAP. Pursuant to Education Code 52060, the LCAP must include annual goals to be achieved for all students and for each numerically significant subgroup as defined in Education Code 52052. Pursuant to Education Code 52052, as amended by AB 104 (Ch. 13, Statutes of 2015), numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students if there are at least 30 students in the subgroup (or at least 15 foster youth or homeless students) in the school or district. For schools or districts with 11-99 students, numerically significant student subgroups are defined by the Superintendent of Public Instruction with approval by the State Board of Education.

4. Are in targeted student groups identified in the district's LCAP as needing increased or improved services to succeed in the educational program

BP 6177(c)

SUMMER LEARNING PROGRAMS (continued)

OPTION 1: The remaining openings shall be offered to other district students on a first-come first-served basis.

OPTION 2: The remaining openings shall be offered to other district students on a lottery basis.

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

Because summer courses cover extensive instructional content in a relatively short time period, students who have more than three excused absences or one unexcused absence may not receive credit for summer session class(es) unless they make-up missed work in accordance with law, Board policy, and administrative regulation.

(cf. 5113 - Absences and Excuses)

(cf. 6154 - Homework/Makeup Work)

Note: State funding is not available for transportation to summer school. To accommodate students and parents/guardians who need to provide their own transportation, some districts rotate the sites at which summer sessions are offered, as provided in the following **optional** paragraph.

Sites for summer school programs may be rotated in an effort to make summer school programs more accessible to all students, regardless of residence or regular attendance area, and to accommodate the maintenance needs of district schools.

Note: The following **optional** paragraph should be revised to reflect indicators for program evaluation that have been agreed upon by the Board and Superintendent, as well as a timeline for reports to the Board.

The Superintendent or designee shall annually report to the Board on summer school enrollment in the current year and previous year for the program as a whole and

disaggregated by grade level, school that the students attend during the regular school year, and student population. In addition, he/she may report on the extent to which students successfully achieved the outcomes established for the program.

Additional Summer Learning Opportunities

Note: The following **optional** section may be revised to reflect district practice and may be adapted for use during intercessions other than summer break. For further information about summer learning opportunities, see CSBA's Summer Learning and Wellness Resource Guide.

The Superintendent or designee may collaborate with parents/guardians, city and county agencies, community organizations, child care providers, and/or other interested persons to develop, implement, and build awareness of organized activities that support summer learning.

BP 6177(d)

SUMMER LEARNING PROGRAMS (continued)

(cf. 1020 - Youth Services)

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

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

Strategies to support summer learning may include, but are not limited to:

1. Providing information to students and parents/guardians about summer reading programs scheduled to be conducted by public libraries or community organizations
2. Collaborating with the local parks and recreation agency and/or community organizations to provide day camps, sports programs, or other opportunities for physical education and activity

(cf. 1330.1 - Joint Use Agreements)

3. Collaborating with workforce development agencies, businesses, and community organizations to provide summer job training opportunities that include an academic component

(cf. 3260 - Fees and Charges)

(cf. 5113.2 - Work Permits)

(cf. 6178.1 - Work-Based Learning)

4. Encouraging reading in the home, such as providing lists of recommended reading to students and parents/guardians, establishing a target number of books or pages, and providing prizes for achievement of reading goals

(cf. 6020 - Parent Involvement)

5. Assigning summer vacation homework in core curricular subject(s) for extra credit

6. Conducting occasional, interactive "fun days" during the summer to provide activities related to art, music, science, technology, mathematics, environmental science, multicultural education, debate, or other subjects
7. Arranging opportunities for community service

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

Legal Reference: (see next page)

BP 6177(e)

SUMMER LEARNING PROGRAMS (continued)

Legal Reference:

EDUCATION CODE

8482-8484.6 After School Education and Safety Program

8484.7-8484.9 21st Century Community Learning Centers

37252-37254.1 Supplemental instruction

39837 Transportation to summer employment programs

41505-41508 Pupil Retention Block Grant

41976.5 Summer school programs, substantially disabled persons or graduating high school seniors

42238.01-42238.07 Local control funding formula

48070-48070.5 Promotion and retention

51210 Areas of study for elementary schools

51220 Areas of study for grades 1-6

51730-51732 Powers of governing boards (authorization for elementary summer school classes)

52052 Definition of numerically significant student subgroup

52060-52077 Local control and accountability plan

54444.3 Summer program for migrant students

56345 Extended-year program for special education students

58700-58702 Credit towards summer school apportionments for tutoring and homework assistance

58806 Summer school apportionments

CODE OF REGULATIONS, TITLE 5

3043 Extended school year, special education students

11470-11472 Summer school

UNITED STATES CODE, TITLE 20

6311-6322 Improving basic programs for disadvantaged students

7171-7176 21st Century Community Learning Centers

Management Resources:

CSBA PUBLICATIONS

Summer Learning and Wellness Resource Guide

School's Out, Now What? How Summer Programs Are Improving Student Learning and Wellness, Policy Brief, April 2013

NATIONAL SUMMER LEARNING ASSOCIATION PUBLICATIONS

Healthy Summers for Kids: Turning Risk into Opportunity, May 2012

New Vision for Summer School, 2010

RAND CORPORATION PUBLICATIONS

Making Summer Count: How Summer Programs Can Boost Children's Learning, 2011

WEB SITES

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

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

National Summer Learning Association: <http://www.summerlearning.org>

Partnership for Children and Youth: <http://partnerforchildren.org>

RAND Corporation: <http://www.rand.org>

Summer Matters: <http://summermatters2you.net>

(4/13 12/13) 12/15

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POLICY GUIDE SHEET

December 2015

BP 2121 - Superintendent's Contract

(BP revised)

Policy updated to reflect contract components recommended in CSBA's new Superintendent Contract Template and federal law which prohibits favoring "highly compensated" individuals (i.e., generally the highest paid 25 percent of all district employees) in terms of the level of benefits provided. Policy also reflects **NEW LAW** (AB 215) which amends the maximum cash settlement that may be granted upon termination of a superintendent contract executed on or after January 1, 2016 and which provides that no cash or noncash settlement may be given if the termination is for fraud or other illegal fiscal practices.

BP/AR 5111.1 - District Residency

(BP added; AR revised)

New policy reflects **NEW LAW** (AB 1101) which mandates any district that elects to conduct investigations of students' residency to adopt policy with specified components, including (1) the circumstances under which the district may initiate an investigation; (2) the investigatory methods that may be used, including whether the district may use the services of a private investigator; (3) a prohibition against surreptitious photographing or video-recording of students who are being investigated; and (4) an appeals process. Policy also contains material formerly in AR re: enrollment not requiring district residency. Regulation updated to reflect **NEW LAW** (SB 200 and AB 224) which provides that a student will be deemed to meet residency requirements if his/her parent/guardian lives with the student in the place of his/her employment within district boundaries at least three days during the school week. Regulation also contains material formerly in AR 5111.12 - Residency Based on Parent/Guardian Employment authorizing districts to grant residency status to students whose parent/guardian is employed within district boundaries for at least 10 hours during the school week (Allen bill transfers), and reflects provisions of SB 200 and AB 224 which provide that this option will sunset July 1, 2017 unless further legislation is passed.

AR 5111.12 - Residency Based on Parent/Guardian Employment

(AR deleted)

Regulation deleted and key concepts incorporated into BP/AR 5111.1 - District Residency.

BP/AR 5141 - Health Care and Emergencies

(BP/AR revised)

Policy and regulation updated to reflect **NEW LAW** (SB 658) which requires the principal of any school that has an automated external defibrillator (AED) to annually provide employees with information on sudden cardiac arrest, the school's emergency response plan, and the proper use of an AED and which eliminates the requirement that the principal designate the trained employees who will be available to respond to an emergency that may involve the use of an AED. Regulation also reflects provisions of SB 658 which require the district to notify the local emergency medical services agency regarding the existence, location, and type of AED acquired, require that instructions on how to use the AED be posted next to every AED, and reduce the inspection requirements to once every 90 days.

E 5141.6 - School Health Services

(Exhibit deleted)

Exhibit containing sample resolution urging outreach to increase children's access to affordable health care programs deleted since current law requires the district's enrollment forms for the 2015-16, 2016-17, and 2017-18 school years to include an informational item about affordable health care options and available enrollment assistance.

BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction

(BP/AR revised)

Policy and regulation updated to reflect **NEW LAW** (AB 329) which requires districts to provide comprehensive sexual health education in grades 7-12 and to integrate such instruction with HIV prevention education. Policy also updated to clarify requirements related to parental consent. Regulation adds new section on "Definitions" and, pursuant to AB 329, expands program criteria and merges the components of sexual health education and HIV prevention education.

Sierra County/Sierra-Plumas Joint USD

Board Policy

Administration

BP 2121

SUPERINTENDENT'S CONTRACT

The Governing Board believes that the Superintendent's employment contract should outline the framework through which the Board and Superintendent are to work together to achieve district goals and objectives. When approving the Superintendent's employment contract, the Board shall consider the need for stability in district administration and shall ensure the best use of district resources.—~~The Board may designate a representative to negotiate with the Superintendent on its behalf.~~

(cf.

0200 - Goals for the School District)

(cf. 2120 - Superintendent Recruitment and Selection)

(cf. 4312.1 - Contracts)

(cf. 9000 - Role of the Board)

Note: The following list of contract components is consistent with a template for superintendent contracts developed by CSBA. The annotated template contract with additional context and suggestions is available by contacting legal@csba.org.

The contract shall be reviewed by the district's legal counsel and ~~shall, at a minimum,~~may include the following:

1. ~~The general duties and responsibilities of the position~~

~~*(cf. 2110 - Superintendent Responsibilities and Duties)*~~

2. ~~The duration~~ Term of the contract, which shall be for no more than four years pursuant to Education Code 35031

3. ~~The salary;~~ 2.Length of the work year and hours of work

Note: The contract should include the salary, health and welfare benefits, and other compensation for the position, as provided in item #3 below. Federal law (26 USC 105; 42 USC 300gg-16; 26 CFR 1.105-11) prohibits favoring "highly compensated" individuals (i.e., the highest paid 25 percent of all employees, with specified exceptions) in terms of the level of benefits provided. Although implementation of this provision with respect to group health plans has been delayed until the issuance of federal regulations or guidance, it is recommended that districts prepare to comply with the expected rules. See AR 4154/4254/4354 - Health and Welfare Benefits.

3. Salary, health and welfare benefits, and other compensation for the position

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

4. Reimbursement of work-related expenses, including mileage reimbursement, consistent with Board policies, regulations, and guidelines applicable to other professional administrative staff

(cf. 3350 - Travel Expenses)

The contract may also address payment for professional dues and activities, the district's provision of cell phones or other technological devices, and the Superintendent's use of his/her personal vehicle.

(cf. 4040 - Employee Use of Technology)

5. Vacation, illness and injury leave, and personal leaves

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

(cf. 4161.5/4261.5/4361.5 - Military Leave)

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

6. General duties and responsibilities of the position

(cf. 2110 - Superintendent Responsibilities and Duties)

7. Criteria, process, and procedure for annual evaluation ~~and of~~ the ~~conditions for~~ ~~reemployment~~ Superintendent

(cf. 2140 - Evaluation of the Superintendent)

8. A statement that any subsequent increase in the Superintendent's salary shall be at the sole discretion of the Board

9. A statement that there shall be no automatic renewal or extension of the contract, although the Board can enter into a new contract with the Superintendent prior to the expiration of the existing contract

Note: Pursuant to Education Code 35031, the Governing Board must notify the Superintendent at least 45 days in advance if it decides to not reemploy him/her. If the Board fails to provide the required prior written notice, the Superintendent shall be deemed reemployed for a term of the same length as the one completed, under the same terms and conditions, and with the same compensation.

10. Timeline for providing written notice to the Superintendent if the Board does not wish to enter into a new contract, which shall be at least 45 days in advance of the expiration of the term of the contract pursuant to Education Code 35031, and the responsibility of the Superintendent to remind the Board in a timely manner of the requirement to give notice

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

11. Conditions and process for termination of the contract, including the maximum cash settlement that the Superintendent may receive ~~upon termination of~~ if the contract is terminated prior to its expiration date

12. Matters related to liability and indemnification against demands, claims, suits, actions, and legal proceedings brought against the Superintendent in his/her official capacity in the performance of duties related to his/her employment

Note: Pursuant to Government Code 54957, personnel matters related to the appointment or employment of an employee, except proposed compensation, may appropriately be discussed in closed session. In addition, pursuant to Government Code 54956, the

Board is prohibited from deliberating on the salary or other compensation of the Superintendent at a special meeting. See BB 9320 - Meetings and Notices and BB 9321 - Closed Session Purposes and Agendas.

The Board shall deliberate in ~~the closed session of a regular meeting~~ about the terms of the contract, except that salary or other compensation shall be discussed in public at a regular meeting. (Government Code 54956, 54957)

(cf. 9320 - Meetings and Notices)
(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

Terms of the contract shall remain confidential until the ratification process commences.

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

The Board shall ratify the Superintendent's contract in an open meeting, which shall be reflected in the Board's minutes. Copies of the contract shall be available to the public upon request. (Government Code 53262)

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)

Termination of Contract

~~During an existing contract, the Board may reemploy the Superintendent on mutually agreed upon terms and conditions. However, the Superintendent's contract shall be extended only by Board action subsequent to a satisfactory evaluation of the Superintendent's performance and in accordance with Government Code 3511.2.~~

~~Decision not to Reemploy~~

~~If the Board determines to not reemploy the Superintendent at~~Note: Pursuant to Government Code 53260, every employee contract must include a provision limiting the maximum cash settlement the employee may receive upon termination of the contract to an amount equal to his/her monthly salary multiplied by the number of months left on the contract. For a superintendent contract executed prior to January 1, 2016, if the unexpired term is greater than 18 months, this maximum is equal to the monthly salary multiplied by 18. For a superintendent contract executed on or after January 1, 2016, Government Code 53260, as amended by AB 215 (Ch. 240, Statutes of 2015), provides that the maximum cash settlement is the monthly salary multiplied by 12. Cash settlements may be less than these maximums. The district must make termination agreements available to the public upon request. See AR 4117.5/4217.5/4317.5 - Termination Agreements.

~~Prior to the expiration of the contract, the Board may his/her contract, the Board shall provide written notice to him/her at least 45 days in advance of the expiration of the term of the contract. (Education Code 35031)~~

~~The Board may~~ terminate the Superintendent's ~~contract of~~ employment contract in accordance with law and applicable contract provisions. ~~If~~

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

In such an event, any cash settlement that the Superintendent may receive upon termination of the contract shall not exceed his/her monthly salary multiplied by the number of months left on the contract or, if the unexpired term of the contract is more than 18 months, the maximum cash settlement shall be and the contract was executed prior to January 1, 2016, no greater than the Superintendent's monthly salary

multiplied by 18. ~~For any contract executed on or after January 1, 2016, any cash settlement shall not exceed the Superintendent's monthly salary multiplied by 12. (Government Code 53260)~~

The cash settlement shall not include any noncash items other than health benefits, which may be continued for the ~~unexpired term same duration~~ of ~~time as covered in the contract up to 18 months settlement~~ or until the Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

Note: AB 215 (Ch. 240, Statutes of 2015) amended Government Code 53260 to eliminate the option to provide a settlement equivalent to up to six months' salary when the Superintendent's contract is terminated for specified causes.

However, when the termination of the Superintendent's contract is based upon the Board's belief and subsequent confirmation through an independent audit that the Superintendent has engaged in fraud, misappropriation of funds, or other illegal fiscal practices, ~~the maximum no cash or noncash settlement of any amount shall be as determined by an administrative law judge but no greater than the Superintendent's monthly salary multiplied by six provided.~~ (Government Code 53260)

In addition, if the Superintendent is convicted of a crime involving an abuse of his/her office or position, he/she shall reimburse the district for payments he/she receives as paid leave salary pending investigation or as cash settlement upon his/her termination, and for any funds expended by the district in his/her defense against a crime involving his/her office or position. (Government Code 53243-53243.4, 53260)

Legal Reference:

EDUCATION CODE

35031 Term of employment

41325-41329.3 Conditions of emergency apportionment

GOVERNMENT CODE

3511.1-3511.2 Local agency executives

53243-53243.4 Abuse of office

53260-53264 Employment contracts

54954 Time and place of regular meetings

~~54956 Special meetings~~

54957 Closed session personnel matters

54957.1 Closed session, public report of action taken

UNITED STATES CODE, TITLE 26

~~105 Self-insured medical reimbursement plan; definition of highly compensated individual~~

UNITED STATES CODE, TITLE 42

~~300gg-16 Group health plan; nondiscrimination in favor of highly compensated individuals~~

CODE OF FEDERAL REGULATIONS

~~1.105-11 Self-insured medical reimbursement plan~~

Management Resources:

CSBA PUBLICATIONS

~~Superintendent Contract Template, 2015~~

WEB SITES

~~CSBA, Governance Consulting Services: <http://www.csba.org>~~

Association of California School Administrators: <http://www.acsa.org>

Policy

adopted: April 10, 2007

revised: February 14, 2012

revised: January 12, 2016

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

Loyalton, California

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Students

AR 5111.1

DISTRICT RESIDENCY

Criteria for Residency

A student shall be deemed to have complied with district residency requirements for enrollment in a district school if he/she meets any of the following criteria:

1. The student's parent/guardian resides within district boundaries. (Education Code 48200)
2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)

Note: State law provides a number of options under which a student may attend school in a district other than the district where he/she resides. For instance, a student attending a school identified as low achieving on the state's Open Enrollment List may transfer to a school in any other district in the state subject to certain conditions, pursuant to Education Code 48350-48361; see BP/AR 5118 - Open Enrollment Act Transfer. If the district chooses to enter into an interdistrict attendance agreement pursuant to Education Code 46600-46611, a student may request a permit to attend school in a different district when both the district of residence and the district of proposed attendance have agreed to allow interdistrict attendance. If the Governing Board has declared the district to be a "school district of choice" pursuant to Education Code 48300-48316, the district may accept a specific number of interdistrict transfers into the district through a random, unbiased selection process. See BP/AR 5117 - Interdistrict Attendance for further information about these options. Pursuant to Education Code 48204, 48301, and 48356, students admitted under any of these options are deemed to have met district residency requirements. The district should revise item #3 as appropriate to reflect options provided by the district.

3. The student has been admitted through an interdistrict attendance option-, such as an interdistrict attendance agreement, "school district of choice" transfer, or Open Enrollment Act transfer. (Education Code 46600, 48204, 48301, 48356)

(cf. 5117 - Interdistrict Attendance)

(cf. 5118 - Open Enrollment Act Transfers)

4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)
5. The student lives with a caregiving adult within district boundaries- and the caregiving adult submits an affidavit to that effect. (Education Code 48204)
6. The student resides in a state hospital located within district boundaries. (Education Code 48204)
7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48204, 48207)

(cf. 6183 - Home and Hospital Instruction)

In addition, district

Note: Education Code 48204, as amended by SB 200 (Ch. 174, Statutes of 2015) and AB 224 (Ch. 554, Statutes of 2015), provides that a student can meet residency requirements based on the location of his/her parent/guardian's employment under the circumstances described in item #8 below.

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

Residency Based on Parent/Guardian Employment (Allen Bill Transfers)

Note: The following section is **optional**. Education Code 48204 permits, but does not require, districts to admit a student whose parent/guardian is employed within district boundaries for a minimum of 10 hours during the school week (so-called "Allen bill transfers"). If the district chooses to grant residency status to such students, it may nevertheless deny enrollment to students under the circumstances identified in items #1-3 below.

SB 200 (Ch. 174, Statutes of 2015) and AB 224 (Ch. 554, Statutes of 2015) amended Education Code 48204 to provide that this option will become inoperative on July 1, 2017 unless extended by future legislation.

District residency status may be granted to a student if at least one parent/guardian of his/her parents/guardians is physically employed within district boundaries for a minimum of 10 hours during the school week. No student seeking residency on this basis shall be denied enrollment based on race, ethnicity, sex, parental income, scholastic achievement, or any of the individual characteristics set forth in Education Code 220. However, the Superintendent or designee may deny enrollment into the district if any of the following circumstances is present: (Education Code 48204)

~~(cf. 5111.12—Residency Based on Parent/Guardian Employment)~~

~~District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. (Education Code 52317)~~

~~(cf. 6178.2—Regional Occupational Center/Program)~~

~~The district may admit a nonresident student living in an adjoining state or foreign country in accordance with Education Code 48050-48052.~~

~~(cf. 5111.2—Nonresident Foreign Students)~~

~~The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. (Education Code 48980)~~

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

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer.
2. Enrollment of the student would adversely affect the district's court-ordered or voluntary desegregation plan as determined by the Governing Board.

3. Other circumstances exist that are not arbitrary.

Note: The following paragraph is optional. In 84 Ops.Cal.Atty.Gen. 198 (2001), the Attorney General opined that overcrowding is not an "arbitrary consideration" within the meaning of Education Code 48204. Therefore, a district may deny an application when the district's school facilities are overcrowded at the relevant grade level. The Attorney General also clarified that, once a student is admitted, he/she must be allowed to continue to attend school in the district through the highest grade level offered by the district, even if the school subsequently becomes overcrowded at the relevant grade level. Although Attorney General opinions are not binding on the courts, they are generally afforded deference when there is no specific statutory or case law to the contrary. The following paragraph is based on this Attorney General opinion.

Such circumstances may include, but are not limited to, overcrowding of school facilities at the relevant grade level.

Once a student establishes residency on this basis, he/she shall not be required to reapply for enrollment in subsequent years. The student may continue to attend school in the district through the highest grade level offered by the district if the parent/guardian so chooses and if at least one parent/guardian of the student continues to be physically employed by an employer situated within district boundaries, subject to the exceptions in items #1-3 above. (Education Code 48204)

Note: Education Code 48204 prescribes limits on the number of net Allen bill transfers out of the district (the difference between the number of students entering and exiting the district) that a district may allow each fiscal year, unless waived by the sending district. The limits are based on the average daily attendance (ADA) of the district, as follows: five percent of ADA for districts with 500 or less ADA; three percent of ADA or 25 students, whichever is greater, for districts with an ADA of 501-2,500; and one percent of ADA or 75 students, whichever is greater, for districts with an ADA of 2,501 or more. The following paragraph may be modified to specify the percentage that applies to the district's ADA.

Even if the district has not authorized Allen bill transfers into the district, Education Code 48204 provides that the district may disallow transfers out of the district, within the specified limits, by students whose parent/guardian is employed within the boundaries of another district.

The Superintendent or designee may deny a transfer out of the district by a student whose parent/guardian is employed within the boundaries of another district if the difference between the number of students entering and exiting the district on the basis of parent/guardian employment exceeds the limits prescribed in Education Code 48204. (Education Code 48204)

Proof of Residency

~~The Superintendent or designee shall annually verify each student's district residency status and retain a copy of the document or written statement offered as verification in the student's mandatory permanent record. (5 CCR 432)~~

~~(cf. 5111—Admission)
(cf. 5125—Student Records)~~

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following: (Education Code 48204.1)

- 1. Property tax payment receipt

2. Rental property contract, lease, or payment receipt
3. Utility service contract, statement, or payment receipt
4. Pay stub
5. Voter registration
6. Correspondence from a government agency
7. Declaration of residency executed by the student's parent/guardian
8. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student

Note: Pursuant to Education Code 48204, a student shall be deemed a resident of the district if he/she lives with a caregiving adult within district boundaries; see item #5 under "Criteria for Residency" above. Family Code 6552 provides an affidavit which authorizes a caregiver 18 years of age or older to enroll a minor in school and requires the caregiver's attestation that the student lives with the caregiver. If the student stops living with the caregiver, Family Code 6550 requires the caregiver to so notify the school.

9. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552

(cf. 5141 - Health Care and Emergencies)

Note: Federal and state law require the immediate enrollment of homeless youth (Education Code 48852.7; 42 USC 11432) and foster youth (Education Code 48853.5) regardless of their ability to provide the school with records normally required for enrollment, including proof of residency. If a dispute arises over the enrollment of a homeless or foster youth, the student must be allowed to attend school while the district liaison conducts a dispute resolution process. See BP/AR/E 6173 - Education for Homeless Children and AR 6173.1 - Education for Foster Youth.

The California Department of Education's web site provides sample forms to obtain a declaration and affidavit from the parent/guardian or other qualified adult relative of a homeless child attesting that the family does not have a fixed, regular, adequate nighttime residence and indicating the current location where the family lives.

The Superintendent or designee shall make a reasonable effort to secure evidence that a homeless or foster youth resides within the district, including, but not limited to, a utility bill, letter from a homeless shelter, hotel/motel receipt, or affidavit from the student's parent/guardian or other qualified adult relative.

However, a homeless or foster youth shall not be required to provide proof of residency as a condition of enrollment in district schools. (Education Code 48852.7, 48853.5; 42 USC 11432)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

~~Failure to Verify Residency~~

~~When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets~~

district residency requirements. (Education Code 48204.1)

~~If the Superintendent or designee, upon investigation, determines that a student's enrollment or attempted enrollment is based on false or unreliable evidence of residency, he/she shall deny or revoke the student's enrollment. Before any such denial or revocation is final, the parent/guardian shall be sent written notice of the facts leading to the decision. This notice also shall inform the parent/guardian that he/she may provide new material evidence of residency, in writing, to the Superintendent or designee within 10 school days. The Superintendent or designee shall review any new evidence and make a final decision within 10 school days. A parent/guardian seeking residency status on the basis of his/her employment within district boundaries shall submit proof of the employment which may include, but not be limited to, a paycheck stub or letter from his/her employer listing a physical address within district boundaries. Such evidence shall also indicate the number of hours or days per school week that the parent/guardian is employed at that location.~~

Safe at Home/Confidential Address Program

Note: Government Code 6205-6210 authorize the Secretary of State to provide victims of domestic violence, stalking, or sexual assault with a substitute address to use in place of their residence, work, or school address in all public records. Under this program, the Secretary of State receives any mail sent to the substitute address and forwards it to the program participant's confidential address. Pursuant to Government Code 6207, the district must accept and use the substitute address designated by the Secretary of State as a participant's substitute address for all communication and correspondence with program participants. The participant will present a laminated identification card containing his/her substitute address and a four-digit authorization number. The district may verify the enrollment of a student in the program by contacting the Safe At Home program.

Program participants have been advised by the Secretary of State to provide administrators with their actual residence location only for school emergency purposes and to establish residency within the district.

When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries but shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. ~~The Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries.~~ (Government Code 6206, 6207)

(cf. 3580 - District Records)

Regulation
approved: April 10, 2007
revised: April 12, 2012
revised: January 12, 2016

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

Loyalton, California

NEW

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Students

BP 5111.1

DISTRICT RESIDENCY

Note: Education Code 48200 requires the district to provide an education to any student who resides within the district's attendance area. Education Code 48204, as amended by AB 224 (Ch. 554, Statutes of 2015), specifies additional circumstances under which students will be deemed to meet the residency requirements for school attendance, including, but not limited to, through parent/guardian employment within district boundaries under certain conditions and interdistrict transfers; see the accompanying administrative regulation.

If the Governing Board elects to authorize investigations to verify students' residency, it is **mandated** to adopt policy with specified components pursuant to Education Code 48204.2, as added by AB 1101 (Ch. 170, Statutes of 2015). See sections "Investigation of Residency" and "Appeal of Enrollment Denial" below.

The Governing Board desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The Superintendent or designee shall develop procedures to facilitate the receipt and verification of students' proof of residency.

(cf. 5116 - School Attendance Boundaries)

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. (Education Code 48980)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall require parents/guardians to provide documentation of the student's residency upon admission to a district school. A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record. (5 CCR 432)

(cf. 5111 - Admission)

(cf. 5125 - Student Records)

Note: The U.S. Department of Education's Office for Civil Rights, in its publication [Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents](#), states that districts may not adopt enrollment procedures that discourage the participation of students based on the student's or the parent/guardian's actual or perceived citizenship or immigration status, as such practices would violate federal laws granting all students equal access to education.

When establishing a student's residency for enrollment purposes, the Superintendent or designee shall not inquire into a student's citizenship or immigration status.

Note: When a district chooses to grant residency status to students whose parent/guardian is employed within district boundaries for at least 10 hours per school week (see section "Residency Based on Parent/Guardian Employment (Allen Bill Transfers)" in

the accompanying administrative regulation), Education Code 48204 encourages the district to notify the parent/guardian in writing when admission is denied and to provide reasons for the denial. The following **optional** paragraph provides that written notice will be provided to parents/guardians whenever enrollment is denied on any basis related to residency and may be revised to reflect district practice.

A student's enrollment may be denied when the submitted documentation is insufficient to establish district residency. In any such case, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

Investigation of Residency

Note: The following section should be revised to reflect district practice. To conduct an investigation into the residency claim of a student as authorized by Education Code 48204.1, a district is **mandated**, pursuant to Education Code 48204.2, as added by AB 1101 (Ch. 170, Statutes of 2015), to adopt a policy with specified components. The policy must (1) identify the circumstances under which the district may initiate an investigation, including, at a minimum, a requirement that the district is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency; (2) describe the investigatory methods that may be used, including whether the district may employ the services of a private investigator; (3) require staff to make reasonable efforts to determine whether the student resides in the district before hiring a private investigator (if allowed at all); (4) prohibit surreptitious photographing or video-recording of students who are being investigated; and (5) provide for an appeals process.

The district should consult legal counsel if questions arise regarding the appropriateness of efforts to verify residency.

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency. (Education Code 48204.1, 48204.2)

The Superintendent or designee may assign a trained district employee to conduct the investigation. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.

If necessary, the Superintendent or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Superintendent or designee shall make other reasonable efforts to determine whether the student resides in the district. (Education Code 48204.2)

The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view. (Education Code 48204.2)

Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation. (Education Code 48204.2)

Appeal of Enrollment Denial

Note: If the district chooses to authorize investigations into the residency claim of a student as described in the section "Investigation of Residency" above, it is **mandated** pursuant to Education Code 48204.2, as added by AB 1101 (Ch. 170, Statutes of 2015), to adopt a policy which provides for an appeals process. The timelines specified in the following section may be revised to reflect district practice.

NEW

If the Superintendent or designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the district, he/she shall provide the student's parent/guardian an opportunity to appeal that determination. (Education Code 48204.2)

The Superintendent or designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 10 school days, appeal the decision and provide new evidence of residency.

The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled. (Education Code 48204.2)

A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the district shall not be permitted to attend any district school unless his/her appeal is successful.

Note: The district may select and/or revise either of the following options to indicate who will be responsible for making the final decision regarding the student's residency claim. Option 1 is for use by districts that assign a district employee other than the Superintendent to make the initial residency determination, and provides that the Superintendent will make the final decision following the appeals process. Option 2 is for use by districts in which the Superintendent is responsible for the initial residency determination, and provides that the decision may be appealed to the Governing Board.

OPTION 1: In an appeal to the Superintendent of a determination that district residency requirements were not met, the Superintendent shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent's decision shall be final.

~~**OPTION 2:** In an appeal of the Superintendent's determination that district residency requirements were not met, the Board shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision at its next regularly scheduled meeting following the parent/guardian's request for the appeal. The Board's decision shall be final.~~

Enrollment Not Requiring District Residency

Note: The following **optional** paragraph is for use by any district maintaining grades 9-12 that (1) has petitioned for certification from the U.S. Department of Homeland Security's Student and Exchange Visitor Program to enroll a nonimmigrant foreign student who is in the United States on an F-1 visa and/or (2) admits high school students from other countries through an international exchange program under the sponsorship of a government-approved agency. For further information about enrollment of nonresident foreign students, see AR 5111.2 - Nonresident Foreign Students, BP/AR 6145.6 - International Exchange, and CSBA's [Legal Guidance Regarding International Student Exchange Placement Organizations](#).

When approved by the Board and the appropriate agency, the district may enroll students from other countries who are in the United States on an F-1 visa or are participating in an international exchange program under the sponsorship of a government-approved agency.

(cf. 5111.2 - Nonresident Foreign Students)
(cf. 6145.6 - International Exchange)

The district may enroll a nonresident student living in an adjoining state or foreign country in accordance with Education Code 48050-48052.

District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. (Education Code 52317)

(cf. 6178.2 - Regional Occupational Center/Program)

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination

35160.5 Intradistrict open enrollment

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance permits

48050-48054 Nonresidents

48200-48208 Compulsory education law, especially:

48204 Residency requirements

48204.1-48204.2 Evidence of residency

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act transfers

48852.7 Education of homeless students; immediate enrollment

48853.5 Education of foster youth; immediate enrollment

48980 Notifications at beginning of term

52317 Regional occupational program, admission of persons including nonresidents

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

6205-6210 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5

432 Retention of student records

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

COURT DECISIONS

Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal.App.4th 47

Management Resources:

CSBA PUBLICATIONS

Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014

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

Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, 2012

WEB SITES

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

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

California Secretary of State, Safe at Home Program: <http://www.sos.ca.gov/safeathome>

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

Regulation

approved: January 12, 2016

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

Sierra County/Sierra-Plumas Joint USD

Board Policy

Health Care And Emergencies

BP 5141

Students

BP 5141(a)

HEALTH CARE AND EMERGENCIES

The Governing Board ~~of Education~~ recognizes the importance of taking appropriate action whenever an emergency threatens the safety, health, or welfare of a student at school or during school-sponsored activities.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.2322 - Infectious Diseases)

(cf. 5142 - Safety)

The Superintendent or designee shall develop procedures to ensure that first aid and/or medical attention is provided as quickly as possible when ~~student~~ accidents and injuries to students occur and that parents/guardians are notified as appropriate.

(cf. 3530 - Risk Management/Insurance)

(cf. 5143 - Insurance)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ask parents/guardians to provide emergency contact information in order to facilitate communication in the event of an accident or illness.

District staff shall appropriately report and document student accidents.

Resuscitation "Do Not Resuscitate" Orders

Note: The following optional section is for use by districts that wish to preclude the acceptance of "do not resuscitate" orders except under very limited circumstances. Districts presented with a "do not resuscitate" order should consult legal counsel as appropriate.

The Board believes that staff members should not be placed in the position of determining whether or not to follow any parental or medical "do not resuscitate" orders. Staff shall not accept or follow any such orders ~~unless they have been informed by~~ except under the specific written direction of the Superintendent or designee ~~that the request to accept such an order has been submitted to the~~ The Superintendent or designee, signed by the may only direct a staff member to follow a "do not resuscitate" order if he/she has received a written ~~parent/guardian, and supported by a written~~

authorization, with an authorized health care provider statement from the student's physician, and an order from of an appropriate court.

The Superintendent or designee shall ensure that ~~all~~ parents/guardians who have submitted a "do not resuscitate" order are informed of this policy.

Automated External Defibrillators

Note: The following optional section is for use by districts that have or are considering purchasing or receiving a donation of automated external defibrillators (AEDs) to be used to treat victims of sudden cardiac arrest. When an AED is placed in a school building, Health and Safety Code 1797.196, as amended by SB 658

(Ch. 264, Statutes of 2015), requires that the principal ensure that employees receive information annually that describes sudden cardiac arrest, the school's emergency response plan, and the proper use of an AED. See the accompanying administrative regulation. Health and Safety Code 1797.196 protects entities and individuals from civil liability resulting from the use of an AED in an emergency as long as certain conditions specified in the law are satisfied.

Districts considering placing an AED on school grounds should work closely with medical professionals, the manufacturer of the device, local officials, nonprofit organizations, and the district's risk manager or insurance specialist to ensure that necessary precautions are taken, such as staff training, equipment maintenance and storage, proper placement of the devices, and record-keeping. Local chapters of the American Red Cross and American Heart Association may help provide training and facilitate the purchase of AEDs. District legal counsel should also be consulted.

The Board authorizes the Superintendent or designee to place automated external defibrillators (AEDs) at designated school sites for use by school employees in an emergency.

The Superintendent or designee shall develop guidelines for employees regarding these devices and shall ensure that employees receive information that describes sudden cardiac arrest, the school's emergency response plan, and the proper use of an AED. The guidelines shall also specify the placement, security, and maintenance of the AED.

The authorization of AEDs in district schools shall not be deemed to create a guarantee that an AED will be present or will be used in the case of an emergency, or that a trained employee will be present and/or able to use an AED in an emergency, or that the AED will operate properly.

Legal Reference:

EDUCATION CODE

32040-32044 First aid equipment

49300-49307 School safety patrols

49407 Liability for treatment

49408 Emergency information

49409 Athletic events; physicians and surgeons; emergency medical care; immunity

49417 Automated external defibrillators

49470 Medical and hospital services for athletic program

49471 Medical and hospital services not provided or available

49472 Medical and hospital services for pupils

49474 Ambulance services

51202 Instruction in personal and public health and safety

CIVIL CODE

1714.21 Defibrillators; CPR; immunity from civil liability

FAMILY CODE

6550-6552 Caregivers

HEALTH AND SAFETY CODE1797.196 ~~Automatic~~Automated external defibrillators, immunity from civil liability1799.200 Emergency medical services agency1799.102 Personal liability immunityCODE OF REGULATIONS, TITLE 8

5193 California Bloodborne Pathogens Standard

CODE OF REGULATIONS, TITLE 22100031-100042 Automated external defibrillators*Management Resources:*WEB SITESAmerican Heart Association: <http://www.americanheart.org>American Red Cross: <http://www.redcross.org>California Department of Health Care Services: <http://www.dhcs.ca.gov>

Policy

adopted: April 10, 2007

revision: January 12, 2016

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA COUNTY OFFICE OF EDUCATION

Sierraville, California

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

AR 5141

Students _____ AR 5141(a)

HEALTH CARE AND EMERGENCIES

Emergency Contact Information

In order to facilitate contact in case of an emergency or accident, the principal or designee shall annually request that parents/guardians provide the following information:

1. Home address and telephone number
2. Parent/guardian's business address and telephone number
3. Parent/guardian's cell phone number and email address, if applicable
4. Name, address, and telephone number of an alternative contact person to whom the student may be released and who is authorized by the parent/guardian to care for the student in cases of emergency or when the parent/guardian cannot be reached
5. Local physician to call in case of emergency

(cf. 5021 - Noncustodial Parents)

(cf. ~~5141.21 - Administering Medication and Monitoring Health Conditions~~)

(~~cf. 5142 - Safety~~)

In addition, parents/guardians shall be encouraged to notify the school whenever their emergency contact information changes.

Notification/Consent for Medical Treatment

Whenever a student requires emergency or urgent medical treatment while at school or a school-sponsored activity, the principal or designee shall contact the parent/guardian or other person identified on the emergency contact form in order to obtain consent for the medical treatment.

Note: Pursuant to Education Code 49407, the district may not be held liable for the reasonable treatment of a student during regular school hours if the parent/guardian cannot be reached, unless the parent/guardian has previously filed a written objection to any medical treatment other than first aid.

If the student's parent/guardian or other contact person cannot be reached to provide consent, the principal may seek reasonable medical treatment for the student as needed, unless the

parent/guardian has previously filed with the district a written objection to any medical treatment other than first aid.

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

Note: Family Code 6550 provides authorization for a caregiver 18 years of age or older who has signed a caregiver's affidavit to enroll a minor in school and to consent to school-related medical care on behalf of the minor when the minor is residing with the caregiver. A sample caregiver's affidavit can be found in Family Code 6552. See also AR 5111.1 - District Residency.

Pursuant to Family Code 6550, any person who provides medical care in good-faith reliance on a caregiver's affidavit is not subject to criminal or civil liability or professional disciplinary action for such reliance unless he/she has actual knowledge of facts contrary to those stated on the affidavit.

A person who has filed with the district a completed caregiver's authorization affidavit pursuant to Family Code 6550-6552 shall have the right to consent to or refuse school-related medical care on behalf of the minor student. The caregiver's authorization shall be invalid if the district receives notice ~~from the caregiver~~ that the minor student is no longer living with the caregiver or if the Superintendent or designee has actual knowledge of facts contrary to those stated on the affidavit. (Family Code 6550)

(cf. 5111.1 - District Residency)

The caregiver's consent to medical care shall be superseded by any contravening decision of the parent or other person having legal custody of the student, provided that this contravening decision does not jeopardize the student's life, health, or safety. (Family Code 6550)

Automated External Defibrillators

Note: The following **optional** section is for use by districts that choose to place automated external defibrillators (AEDs) in school facilities.

SB 658 (Ch. 264, Statutes of 2015) amended Health and Safety Code 1797.196 to require notification of the local emergency medical services agency regarding the existence, location, and type of AED acquired. Pursuant to Health and Safety Code 1797.200, the local emergency medical services agency is designated by each county and may be the county health department, another agency that the county has established or contracted with, or a joint powers agency.

Education Code 49417 and Health and Safety Code 1797.196 clarify that the district or district employee will not be liable for civil damages resulting from any act or omission in the rendering of emergency care or treatment provided the employee complies with the requirements of Health and Safety Code 1797.196 and does not act with gross negligence or willful or wanton misconduct by using, attempting to use, or maliciously failing to use an AED to render emergency care or treatment.

When an automated external defibrillator (AED) is placed in a district school, the Superintendent or designee shall ~~ensure that there is a written plan in place which describes~~ notify an agent of the procedures to be followed in the event of an local emergency that may involve the use medical services agency of an AED, including, but not limited to, requirements for immediate notification of the 911 emergency telephone number the existence, location, and trained office personnel at the start of the procedures. type of AED acquired. (Health and Safety Code 1797.196, 1797.200)

The Superintendent or designee shall ensure that any AED placed at a district school is maintained and tested according to the operation and maintenance guidelines set forth by the manufacturer. (Health and Safety Code 1797.196)

The Superintendent or designee shall develop a written plan which describes the procedures to be followed in the event of a medical emergency, including an emergency that may involve the use of an AED. These procedures should include, but not be limited to, requirements for immediate notification of the 911 emergency telephone number in the event of an emergency that may involve the use of an AED.

(cf. 0450 - Comprehensive Safety Plan)

Note: Health and Safety Code 1797.196, as amended by SB 658 (Ch. 264, Statutes of 2015), requires that the principal annually provide school employees ~~a brochure that describes the proper use of an AED and is approved in content and style by the American Heart Association or American Red Cross.~~ Similar information shall be specified below. It also requires that instructions on how to use the AED be in no less than 14-point type and posted next to every AED.

As amended, Health and Safety Code 1797.196 repeals a requirement for completion of a training course and no longer requires principals to designate the trained employees who are available to respond to an emergency that may involve the use of an AED.

The principal of any district school with an AED shall annually provide information to school employees that describes: (Health and Safety Code 1797.196)

1. Sudden cardiac arrest
2. The school's emergency response plan
3. The proper use of an AED

Instructions on how to use the AED, in no less than 14-point type, shall be posted next to every AED. In addition, school employees shall be notified annually of the location of all AED units on campus. (Health and Safety Code 1797.196)

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

~~The principal shall designate the trained employees who shall be available to respond to an emergency that may involve the use of an AED during the hours of classroom instruction or when a school-sponsored activity is occurring on school grounds. (Health and Safety Code 1797.196)~~

~~The Superintendent or designee shall ensure that all AEDs are maintained and regularly tested in accordance with applicable laws and the operation and maintenance guidelines set forth by the manufacturer, American Heart Association, and American Red Cross. (Health and Safety Code 1797.196)~~

Note: SB 658 (Ch. 264, Statutes of 2015) amended Health and Safety Code 1797.196 to reduce the inspection requirements from once every 30 days to once every 90 days.

Each AED shall be checked for readiness at least biannually and after each use ~~and at least every 30 days if the AED.~~ In addition, the Superintendent or designee shall ensure that an inspection is made of all AEDs at least every 90 days for potential issues related to operability of the device, including a blinking light or other obvious defect that may suggest tampering or that another problem has not been used in the preceding 30 days. arisen with the functionality of the AED. The Superintendent or designee shall maintain records of these checks. (Health and Safety Code 1797.196)

(cf. 3580 - District Records)

Regulation

approved: April 10, 2007

revised: March 10, 2015

revised: January 12, 2016

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA COUNTY OFFICE OF EDUCATION

Loyalton, California

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Sexual Health And HIV/AIDS Prevention Instruction AR 6142.1

Instruction and Materials

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION

Note: The Superintendent or designee shall ensure following administrative regulation is for use by districts that the district maintain any of grades 7-12. As amended by AB 329 (Ch. 398, Statutes of 2015), Education Code 51934 requires districts to provide both comprehensive sexual health education and HIV/AIDS prevention education to students in grades 7-12.

If the district chooses to provide age-appropriate sexual health education prior to grade 7 as authorized by Education Code 51934, as amended by AB 329, it may revise the following administrative regulation accordingly.

Definitions

Comprehensive sexual health education means education regarding human development and sexuality, including education on pregnancy, contraception, and sexually transmitted infections. (Education Code 51931)

HIV prevention education means instruction and materials are: (Education Code 51933, 51934): on the nature of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), methods of transmission, strategies to reduce the risk of HIV infection, and social and public health issues related to HIV and AIDS. (Education Code 51931)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

Age appropriate refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. (Education Code 51931)

Medically accurate means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists. (Education Code 51931)

General Criteria for Instruction and Materials

3. Available on an equal basis to a student who is an English learner, consistent with the existing curriculum and alternative options for an English learner, as otherwise provided in the Education Code

Note: Education Code 51933 lists criteria for comprehensive sexual health and HIV prevention instruction and materials. AB 329 (Ch. 398, Statutes of 2015) expanded these criteria to add items #8-13 below.

The Superintendent or designee shall ensure that the district's comprehensive sexual health and HIV prevention instruction and materials: (Education Code 51933)

1. Are age appropriate
2. Are factually and medically accurate and objective
3. Align with and support the following purposes as specified in Education Code 51930:
 - a. To provide students with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy
 - b. To provide students with the knowledge and skills they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family
 - c. To promote understanding of sexuality as a normal part of human development
 - d. To ensure students receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention instruction and provide educators with clear tools and guidance to accomplish that end
 - e. To provide students with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors
4. ~~Appropriate~~ Are appropriate for use with students of all races, genders, sexual orientations, and ethnic and cultural backgrounds, ~~and~~; students with disabilities; ~~and~~ English learners

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

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 6174 - Education for English Language Learners)

5. ~~_____~~ Accessible

5. Are available on an equal basis to a student who is an English learner, consistent with the existing curriculum and alternative options for an English learner as otherwise provided in the Education Code

6. Are accessible to students with disabilities, including, but not limited to, the provision of a modified curriculum, materials, and instruction in alternative formats and auxiliary aids

6. ~~_____~~ Not teaching

7. Do not reflect or promote bias ~~or promoting prejudice~~ against ~~students~~ any person in protected categories of discrimination pursuant to Education Code 220

8. Affirmatively recognize that people have different sexual orientations and, when

discussing or providing examples of relationships and couples, shall be inclusive of same-sex relationships

9. Teach students about gender, gender expression, and gender identity, and explore the harm of negative gender stereotypes

10. Encourage students to communicate with their parents/guardians and other trusted adults about human sexuality and provide the knowledge and skills necessary to do so

11. Teach the value of and prepare students to have and maintain committed relationships such as marriage

12. Provide students with knowledge and skills they need to form healthy relationships that are based on mutual respect and affection and are free from violence, coercion, and intimidation

(cf. 5145. 3 - Nondiscrimination/Harassment)

~~Other district courses that may include subject matter related to that which is presented in either HIV/AIDS prevention or comprehensive sexual health instruction, shall not be subject to the requirements of Education Code 51930-51939 pertaining to instructional content, teacher training, and parental notification and consent, if such courses contain: (Education Code 51932)~~

13. Provide students with knowledge and skills for making and implementing healthy decisions about sexuality, including negotiation and refusal skills to assist students in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities

~~1. Solely a description or illustration of human reproductive organs that may appear in a textbook adopted pursuant to law on physiology, biology, zoology, general science, personal hygiene, or health~~

~~*(cf. 6142.8 - Comprehensive Health Education)*
(cf. 6142.93 - Science Instruction)~~

~~2. Instruction or materials that discuss gender, sexual orientation, or family life and do not discuss human reproductive organs and their function~~

~~*(cf. 6143 - Courses of Study)*~~

~~Additional Requirements for HIV/AIDS Prevention Instruction~~

~~HIV/AIDS prevention instruction shall be offered at least once in junior high or middle school and once in high school. (Education Code 51934)~~

~~Instruction shall accurately reflect the latest information and recommendations from the United States Surgeon General, the federal Centers for Disease Control and Prevention, and the National Academy of Sciences. The district's curriculum shall satisfy the criteria listed in items #1-7 in the section entitled "Instruction and Materials" above and shall also include: (Education Code 51931, 51934)~~

~~1. Information on the nature of HIV/AIDS and its effects on the human body~~

~~2. Information on the manner in which HIV is and is not transmitted, including information on activities that~~

present the highest risk of HIV infection

3. ~~Discussion of methods to reduce the risk of HIV infection, including:~~

~~a. Emphasis that sexual abstinence, monogamy, the avoidance of multiple sexual partners, and abstinence from intravenous drug use are the most effective means for HIV/AIDS prevention~~

~~b. Statistics based upon the latest medical information citing the failure and success rates of condoms and other contraceptives in preventing sexually transmitted HIV infection~~

~~c. Information on other methods that may reduce the risk of HIV transmission from intravenous drug use~~

4. ~~Discussion of the public health issues associated with HIV/AIDS~~

5. ~~Information on local resources for HIV testing and medical care~~

6. ~~Development of~~

7. ~~Discussion about societal views on HIV/AIDS, including stereotypes and myths regarding persons with HIV/AIDS and emphasizing compassion for persons living with HIV/AIDS~~

Additional Requirements for

14. Do not teach or promote religious doctrine

Components of Sexual Health Instruction and HIV Prevention Education

The district's Note: In addition to meeting the requirements listed above in the section "General Criteria for Instruction and Materials," the district's comprehensive sexual health education curriculum shall satisfy and HIV prevention instruction must include the components or topics specified in Education Code 51934, as amended by AB 329 (Ch. 398, Statutes of 2015).

The district's comprehensive sexual health education and HIV prevention education for students in grades 7-12, in addition to complying with the criteria listed in items #1-7 above in the section entitled "'General Criteria for Instruction and Materials" above as well as," shall include all of the following criteria: (Education Code 51931, 51933, 51934)

~~1. Instruction and materials shall encourage a student to communicate with his/her parents/guardians about human sexuality.~~

~~2. Instruction and materials shall teach respect for marriage and committed relationships. Information on the nature of HIV and other sexually transmitted infections and their effects on the human body~~

~~2. Information on the manner in which HIV and other sexually transmitted infections are and are not transmitted, including information on the relative risk of infection according to specific behaviors, including sexual behaviors and injection drug use~~

~~3. Information that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other sexually transmitted infections, and~~

~~3. Beginning in grade 7, instruction and materials shall teach that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy, teach that abstinence from sexual activity is the only certain way to prevent sexually transmitted diseases, and~~

The instruction shall provide information about the value of abstinence delaying sexual activity while also providing medically accurate information on other methods of preventing HIV and other sexually transmitted infections and pregnancy~~and sexually transmitted diseases.~~

*(cf. 5141.25 - Availability of Condoms)
(cf. 5146 - Married/Pregnant/Parenting Students)*

4. ~~Beginning in grade 7, instruction and materials shall provide information~~
Information about sexually transmitted diseases. This instruction shall include how sexually transmitted diseases are and are not transmitted, the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods of reducing that prevent or reduce the risk of contracting HIV and other sexually transmitted diseases, and information on local resources infections, including use of antiretroviral medication, consistent with the Centers for Disease Control and Prevention

5. Information about the effectiveness and safety of reducing the risk of HIV transmission as a result of injection drug use by decreasing needle use and needle sharing

6. Information about the treatment of HIV and other sexually transmitted infections, including how antiretroviral therapy can dramatically prolong the lives of many people living with HIV and reduce the likelihood of transmitting HIV to others

7. Discussion about social views on HIV and AIDS, including addressing unfounded stereotypes and myths regarding HIV and AIDS and people living with HIV

This instruction shall emphasize that successfully treated HIV-positive individuals have a normal life expectancy, all people are at some risk of contracting HIV, and that testing is the only way to know if one is HIV-positive

8. Information about local resources, how to access local resources, and students' legal rights to access local resources for sexual and reproductive health care such as testing and medical care for sexually transmitted diseases, HIV and other sexually transmitted infections and pregnancy prevention and care, as well as local resources for assistance with sexual assault and intimate partner violence

~~5. Beginning in grade 7, instruction and materials shall provide information~~

9. Information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception.

Instruction on pregnancy shall include an objective discussion of all legally available pregnancy outcomes, including, but not limited to:

a. Parenting, adoption, and abortion

~~6. Beginning in grade 7, instruction and materials shall provide students with skills for making and implementing responsible decisions about sexual conduct.~~

7. ~~Beginning in grade 7, instruction and materials shall provide students with information~~

b. Information on the law ~~concerning~~ surrendering physical custody of a minor child 72 hours of age or younger, pursuant to Health and Safety Code 1255.7 and Penal Code 271.5-

c. The importance of prenatal care

Note: Education Code 51934, as amended by AB 329 (Ch. 398, Statutes of 2015), requires that comprehensive sexual health education include information about sexual harassment, sexual assault, adolescent relationship abuse, intimate partner violence, and sex trafficking, as provided in item #10 below.

In addition, pursuant to Education Code 51225.36, as added by SB 695 (Ch. 424, Statutes of 2015), any district that has a health education course requirement for graduation from high school must include instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard pursuant to Education Code 67386. See AR 6146.1 - High School Graduation Requirements. Education Code 51225.36 also requires that teachers delivering health instruction consult information related to sexual harassment and violence in the health curriculum framework.

For further information about adolescent dating abuse, see CSBA's governance brief Promoting Healthy Relationships for Adolescents: Board Policy Considerations.

10. Information about sexual harassment, sexual assault, adolescent relationship abuse, intimate partner violence, and sex trafficking

Professional Development

The district's ~~instruction~~ comprehensive sexual health education and HIV prevention education shall be provided by instructors trained in the appropriate courses who are knowledgeable of the most recent medically accurate research on human sexuality, healthy relationships, pregnancy, and HIV and other sexually transmitted ~~diseases~~ infections. (Education Code ~~5193251931~~, 51933, 51934)

The Superintendent or designee shall cooperatively plan and conduct in-service training for all district personnel who provide HIV/~~AIDS~~ prevention education, through regional planning, joint powers agreements, or contract services. (Education Code 51935)

(cf. 4131 - Staff Development)

In developing and providing in-service training, the Superintendent or designee shall cooperate and collaborate with the teachers who provide HIV/~~AIDS~~ prevention education and with the California Department of Education (CDE). (Education Code 51935)

The district shall periodically conduct in-service training to enable district personnel to learn new developments in the scientific understanding of HIV/~~AIDS~~. In-service training shall be voluntary for ~~district~~ personnel who have demonstrated expertise or received in-service training from the CDE or ~~federal~~ Centers for Disease Control and Prevention. (Education Code 51935)

The Superintendent or designee may expand HIV/~~AIDS~~ in-service training to cover the topic of comprehensive sexual health education for district personnel teaching comprehensive sexual health education to learn new developments in the scientific understanding of sexual health. (Education Code 51935)

Use of Consultants or Guest Speakers

Note: Pursuant to Education Code 51933, 51934, and 51936, the district's comprehensive sexual health and HIV prevention education may be taught by outside consultants or delivered by guest speakers at an assembly and any such instruction must comply with the same requirements as instruction provided by the district and in accordance with Education Code 51930-51939. If the district elects to use outside consultants or guest speakers, parents/guardians must be provided additional notice about the speaker and his/her organization; see item #4 in the section below entitled "Parent/Guardian Notification."

The Superintendent or designee may contract with outside consultants ~~with expertise in comprehensive sexual health or HIV/AIDS prevention education or guest speakers~~, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver ~~the instruction or to provide training for district personnel. comprehensive sexual health and HIV prevention education or to provide training for district personnel.~~ All outside consultants and guest speakers shall have expertise in comprehensive sexual health education and HIV prevention education and knowledge of the most recent medically accurate research on the relevant topic(s) covered in the instruction. The Superintendent or designee shall ensure that any instruction provided by an outside speaker or consultant complies with Board policy, administrative regulation, and Education Code 51930-51939. (Education Code 51933, 51934, 51936)

(cf. 6145.8 - Assemblies and Special Events)

Parent/Guardian Notification

Note: Education Code 51938 requires the district to provide parents/guardians the following notification. A sample notification letter is available on the California Department of Education's web site.

At the beginning of each school year, or at the time of a student's enrollment, ~~parents/guardians—the Superintendent or designee shall be notified~~ notify parents/guardians about instruction in comprehensive sexual health education and HIV/AIDS prevention education, as well as research on student health behaviors and risks, planned for the coming year. The notice shall advise parents/guardians: (Education Code 48980, 51938)

1. That written and audiovisual educational materials to be used in comprehensive sexual health and HIV/AIDS prevention education are available for inspection
2. That parents/guardians ~~may request in writing that have a right to excuse~~ their child ~~not receive from comprehensive sexual health or HIV/AIDS prevention education, or research on student health behaviors and risks, provided they submit their request in writing to the district~~
3. That parents/guardians have a right to request a copy of Education Code 51930-51939
4. Whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by district personnel or outside consultants

If the district chooses to use outside consultants or to hold an assembly with guest speakers to ~~teach the deliver~~ comprehensive sexual health or HIV/AIDS prevention education, the notification shall include: (Education Code 51938)

- a. The date of the instruction
- b. The name of the organization or affiliation of each guest speaker

- c. Information stating the right of the parent/guardian to request a copy of Education Code 51933-
51934, and 51938

If the arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the ~~district~~ Superintendent or designee shall notify parents/guardians by mail or another commonly used method of notification no fewer than 14 days before the instruction is given. (Education Code 51938)

(cf. 5145.6 - Parental Notifications)

Parents/guardians shall be asked Nonapplicability to sign Certain Instruction or Materials

~~Note: Pursuant to Education Code 51932, Education Code 51930-51939 requirements pertaining to instructional content, teacher training, and return to the school an acknowledgment that they have received the parental notification. If a parent/guardian wishes to excuse his/her child from and consent do not apply to instruction, he/she must provide a that is not sexual health instruction or HIV prevention education as defined. When gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family are addressed in a separate written request, as specified in Board policy instructional context, such as social studies, which does not also discuss human reproductive organs and their function, this instruction shall not be considered comprehensive sexual health instruction or HIV prevention education.~~

The requirements of Education Code 51930-51939 pertaining to instructional content, teacher training, and parental notification and consent shall not apply to the following: (Education Code 51932)

1. A description or illustration of human reproductive organs that may appear in a textbook, adopted pursuant to law, if the textbook does not include other elements of comprehensive sexual health education or HIV prevention education

(cf. 6142.93 - Science Instruction)

2. Instruction or materials that discuss gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and do not discuss human reproductive organs and their functions

Regulation
 approved: April 10, 2007
 revised: August 9, 2011
 revised: January 12, 2016

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

 Loyalton, California

Sierra County/Sierra-Plumas Joint USD

Board Policy

Sexual Health And Hiv/Aids Prevention Instruction

BP 6142.1

Instruction

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION

Note: The Board following policy is for use by districts that offer any of grades 7-12. As amended by AB 329 (Ch. 398, Statutes of 2015), Education recognizes that Code 51934 requires districts to provide both comprehensive sexual health education and HIV prevention education to students in grades 7-12. See the purpose accompanying administrative regulation for definitions and program requirements.

Education Code 51934, as amended by AB 329, also authorizes, but does not require, districts to provide age-appropriate comprehensive sexual health education prior to grade 7 on any of the topics specified in Education Code 51934. Sexual health education taught at any grade level must comply with the requirements of Education Code 51933. Districts that choose to provide such instruction prior to grade 7 may revise the following policy and administrative regulation accordingly.

The Governing Board desires to provide a well-planned, integrated sequence of medically accurate and inclusive instruction on comprehensive sexual health and human immunodeficiency virus (HIV) prevention. The district's sexual health and HIV/AIDS prevention instruction is to educational program shall provide students with the knowledge and skills necessary to protect them from sexually transmitted infections and unintended pregnancy and sexually transmitted diseases and to encourage students to develop to have healthy, positive, and safe relationships and behaviors. The district's educational program shall also promote understanding of sexuality as a normal part of human development and the development of healthy attitudes and behaviors concerning adolescent growth and development, body image, gender roles, sexual orientation, dating relationships, marriage, and family. The Board therefore desires to provide a well-planned sequence of instruction on comprehensive sexual health and HIV/AIDS prevention.

(cf. 5030 - Student Wellness)

(cf. 6142.8 - Comprehensive Health Education)

Note: The following paragraph may be revised to reflect the grade levels offered by the district.

Comprehensive sexual health education and HIV prevention education shall be offered to all students in grades 7-12, including at least once in junior high or middle school and at least once in high school. (Education Code 51934)

Note: Voluntary state content standards for health education, as adopted by the State Board of Education in 2008, include standards related to growth, development, and sexual health. See BP/AR 6142.8 - Comprehensive Health Education.

The district's curriculum shall support the purposes of the California Healthy Youth Act as specified in Education Code 51930-51939, be unbiased and inclusive of all students in the classroom, and be aligned with the state's content standards, ~~based on medically accurate and factual information, and designed to teach students to make healthy choices and reduce high-risk behaviors. The district's program shall comply with the requirements of law, Board policy, and administrative regulation and. The district~~ shall respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children.

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.25 - Availability of Condoms)

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

(cf. 6143 - Courses of Study)

The Superintendent or designee may appoint a coordinator and/or an advisory committee regarding the district's comprehensive sexual health program and HIV prevention curriculum. The advisory committee shall represent a divergence of viewpoints and may participate in planning, implementing, and evaluating the district's ~~comprehensive sexual health education program. The Board shall consider the advisory committee's recommendations when approving the district's program-program.~~

(cf. 1220 - Citizen Advisory Committees)

Parent/Guardian Consent

A Note: Education Code 51938 requires districts to notify parents/guardians of the comprehensive sexual health and HIV prevention education and of the opportunity to request that their child not receive the instruction. See the accompanying administrative regulation for details of the required notice.

Pursuant to Education Code 51938, as amended by AB 329 (Ch. 398, Statutes of 2015), districts must use a "passive consent" or "opt-out" process regarding sexual health and HIV prevention education and any assessments related to that instruction. Thus, each student must receive the instruction unless the parent/guardian notifies the district in writing that the student should not receive the instruction.

In addition, Education Code 51938 requires districts to use a passive consent or "opt-out" process when administering to students in grades 7-12 an anonymous, voluntary, and confidential research and evaluation tool to measure students' health behaviors and risks, including a test or survey regarding sexual attitudes or practices. For any such research and evaluation tool administered prior to grade 7, Education Code 51513 requires that parents/guardians must give permission before the instrument is administered to their child (i.e., "active consent"). 20 USC 1232h mandates districts to adopt a policy regarding the district's arrangements to protect student privacy when such a survey is administered. See BP/AR 5022 - Student and Family Privacy Rights for language implementing this requirement.

Annually, parents/guardians shall be notified, in the manner specified in the accompanying administrative regulation, that they may request in writing that ~~his/her~~their child be excused from

participating in ~~HIV/AIDS prevention or comprehensive~~ sexual health and HIV prevention education.- Students so excused by their parents/guardians shall be given an alternative educational activity. (Education Code 51240, 51938, 51939)

(cf. 5022 - Student and Family Privacy Rights)

A student shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/guardian declines to permit the student to receive the instruction. (Education Code 51939)

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination

33544 Inclusion of sexual harassment and violence in health curriculum framework

48980 Notice at beginning of term

51202 Instruction in personal and public health and safety

51210.8 Health education curriculum

51225.35 Instruction in sexual harassment and violence; districts that require health education for graduation

51240 Excuse from instruction due to religious beliefs

51513 Materials containing questions about beliefs or practices

51930-51939 California Healthy Youth Act

67386 Student safety: affirmative consent standard

HEALTH AND SAFETY CODE

1255.7 Parents surrendering physical custody of a baby

PENAL CODE

243.4 Sexual battery

261.5 Unlawful sexual intercourse

271.5 Parents voluntarily surrendering custody of a baby

UNITED STATES CODE, TITLE 20

1232h Protection of student rights

7906 Sex education

Management Resources:

CSBA PUBLICATIONS

Promoting Healthy Relationships for Adolescents: Board Policy Considerations, Governance Brief, August 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade 12, 2008

Health Framework for California Public Schools: Kindergarten through Grade 12, 2003

WEB SITES

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

California Department of Education, Sex Education and HIV/STD Instruction: <http://www.cde.ca.gov/ls/he/se>

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

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

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

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

U.S. Food and Drug Administration: <http://www.fda.gov>

Policy

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

Loyalton, California