

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

November 14, 2017

5:00 PM CLOSED SESSION

6:00 pm REGULAR SESSION

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

This meeting will be available for videoconferencing at Downieville School, 130 School St., 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)*

A. CALL TO ORDER

(Please be advised that this meeting will be recorded.)

B. ROLL CALL

C. APPROVAL OF THE AGENDA

D. PUBLIC COMMENT FOR CLOSED SESSION

At this time, the meeting opens for any public comments regarding the Closed Session items.

E. CLOSED SESSION

The Board of Trustees and Superintendent Dr. Merrill M. Grant will move into Closed Session to discuss the following items:

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

Administrative Employees

F. RETURN TO OPEN SESSION

ADJOURN FOR BREAK

G. 6 pm - RECONVENE

H. FLAG SALUTE

I. REPORT OUT FROM CLOSED SESSION

**J. INFORMATION/DISCUSSION ITEMS**

1. Superintendent's Report
  - a. Appointment of Lauriel Wentling, Special Education Aide, 1.0 FTE, Loylton High School, effective November 3, 2017
  - b. Appointment of Special Education Aide, .9 FTE, Downieville School
  - c. Downieville Boiler Update\*\*
  - d. New Hires – Status Update
  - e. Facility Inspection Tool (FIT)
  - f. Shoes for Crews
  - g. Report from October California County Superintendents Educational Services Association (CCSESA) meeting
  
2. Business Report
  - a. Account Object Summary-Balance from 07/01/17 to 10/31/17\*\*
  - b. Letter from California Department of Education, 2017-18 Budget Approval\*\*
  - c. Holiday Closures - County Office of Education Closed to the public:
    - November 23 and 24, 2017
    - December 25, 2017 through January 5, 2018 (returning on January 8)
  
3. Staff Reports (5 minutes)
  
4. Board Members' Report (5 minutes)
  
5. 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

**K. CONSENT CALENDAR**

1. Approval of minutes of the Regular Board meeting held October 10, 2017\*\*
2. Approval of Board Report – Checks Dated 10/01/17 through 10/31/17\*\*

**L. ACTION ITEMS**

1. Unfinished Business and General Orders
  1. Approval of Classified Salary Schedule, Instructional Aide (Severely Handicapped) revision\*\* (Grant)
  
2. New Business
  1. In accordance with the Rodda Act, the Sierra-Plumas Teachers Association is Sunshining their proposal for the 2017-2018 school year\*\* (President)

2. Adoption of Resolution 18-006, Exception for the 180-Day Wait Period (Tomatis)\*\*(Griesert)


**Approval of BOARD POLICIES AND ADMINISTRATIVE REGULATIONS as follows:**

3. Board Policy 3280, Sale or Lease of District-Owned Property, revision\*\*
4. Board Policy and Administrative Regulation 4254, (Classified) Health and Welfare Benefits\*\*
5. Board Policy and Administrative Regulation 5113.1, Chronic Absence and Truancy, revision\*\*
6. Board Policy and Administrative Regulation 5113.12, NEW\*\*
7. Board Policy and Administrative Regulation 5117, revision\*\*
8. Administrative Regulation 5125.2, Withholding Grades, Diploma or Transcripts, revision\*\*
9. Board Policy 5131.6, Alcohol and Other Drugs, revision\*\*
10. Approval to Delete Exhibit 5131.63, Steroids

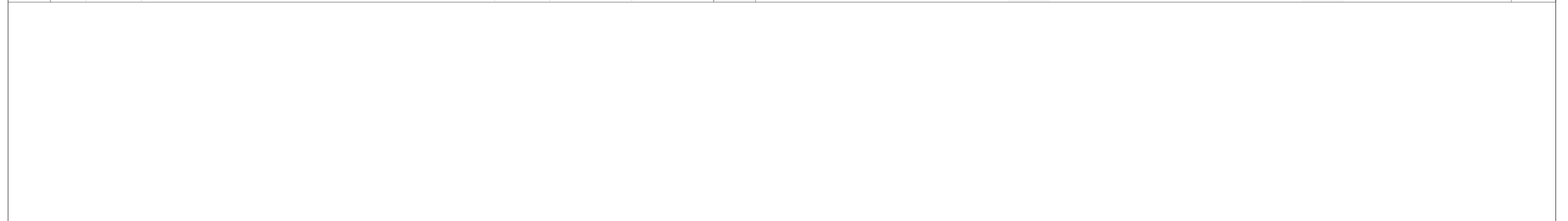
**M. ADVANCED PLANNING**

1. Next Regular Board Meeting will be held on December 12, 2017, at Downieville School, 130 School St., Downieville, CA, 95936, beginning with Closed Session, as needed, at 5 pm and the Regular Board Meeting at 6:00 pm
2. Suggested Agenda Items
  - a. \_\_\_\_\_

**N. ADJOURN**

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

\*\*\* prior month handout  
\*\* enclosed  
\* handout



Project: 2017.10.24 - Schedule Date: Wed 10/25/17	Task		Project Summary		Duration-only		Finish-only		Progress
	Split		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress
	Milestone		Inactive Summary		Manual Summary		External Milestone		
	Summary		Manual Task		Start-only		Deadline		

Balances through October						Fiscal Year 2017/18
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
<b>Fund 01 - Gen Fund</b>						
1100	Teachers Salaries	253,033.00	253,033.00	249,576.00	69,637.34	66,180.34-
1120	Certificated Substitutes				330.00	330.00-
1200	Certificated Pupil Support Ser	62,735.00	62,735.00	50,188.32	12,827.08	280.40-
1300	Certificated Supervisor Admini	122,205.00	122,205.00	81,470.08	39,485.04	1,249.88
1310	Teacher in Charge			8,000.00	2,000.00	10,000.00-
1900	Other Certificated Salaries		18,800.00		3,350.00	15,450.00
2100	Instructional Aides' Salaries	127,814.00	127,814.00	61,544.04	20,635.17	45,634.79
2200	Classified Support Salaries	11,472.00	11,472.00	8,542.59	3,942.65	1,013.24-
2300	Classified Supervisors' Admini	90,686.00	90,686.00	60,383.24	30,048.00	254.76
2400	Clerical Technical Office Staf	135,885.00	135,885.00	93,321.18	44,166.28	1,602.46-
2900	Other Classified Salaries	16,284.00	18,084.00		1,589.26	16,494.74
3101	STRS Certificated Positions	79,671.00	82,384.00	55,647.04	18,141.33	8,595.63
3102	STRS Classified Positions			531.28	132.82	664.10-
3202	PERS Classified Positions	62,566.00	62,846.00	38,284.72	16,865.10	7,696.18
3302	OASDI Classified Positions	23,436.00	23,548.00	13,368.62	6,032.42	4,146.96
3311	Medicare Certificated Position	5,861.00	6,134.00	5,315.44	1,760.60	942.04-
3312	Medicare Classified Positions	5,484.00	5,510.00	3,183.69	1,432.41	893.90
3401	Health & Welfare Benefits Cert	100,460.00	100,460.00	83,192.08	24,158.18	6,890.26-
3402	Health & Welfare Benefits Clas	73,741.00	73,741.00	67,811.04	30,397.76	24,467.80-
3501	SUI Certificated	218.00	227.00	194.64	64.72	32.36-
3502	SUI Classified	193.00	194.00	111.87	49.70	32.43
3601	Workers' Compensation Certific	15,002.00	15,714.00	13,885.44	4,603.61	2,775.05-
3602	Workers' Compensation Classifi	14,036.00	14,104.00	8,316.82	3,742.82	2,044.36
4100	Approved Textbooks Core Curric	614.00	614.00			614.00
4300	Materials and Supplies	38,755.00	44,607.00	5,096.34	3,522.56	35,988.10
4320	Custodial Grounds Supplies	500.00	500.00			500.00
4330	Office Supplies	1,000.00	1,000.00			1,000.00
4350	Vehicle Upkeep	5,500.00	5,500.00	2,105.47	144.53	3,250.00
4400	Noncapitalized Equipment	22,766.00	22,766.00	980.23		21,785.77
5100	Subagreements for Services	44,000.00	44,000.00	41,101.98	1,879.62	1,018.40
5200	Travel and Conference	26,817.00	35,842.00	5,906.79	2,563.97	27,371.24
5300	Dues and Membership	19,205.00	19,205.00	659.07	10,921.68	7,624.25
5400	Insurance	9,300.00	9,300.00		8,506.00	794.00
5500	Operation Housekeeping Service	9,200.00	9,200.00	2,742.90	257.10	6,200.00
5600	Rentals, Leases, Repairs, Nonc	3,100.00	3,100.00	348.54	218.83	2,532.63
5801	Legal Services	20,500.00	20,500.00			20,500.00
5803	Legal Publications	500.00	500.00			500.00

Selection Filtered by User Permissions, (Org = 1, Online/Offline = N, Fiscal Year = 2018, Period = 4, Unposted JEs? = N, Assets and Liabilities? = N, Restricted Accts? = Y, Object = 1-7, SACS Fund? = N, Fund Page Break? = N, Obj Lvl = 4, Obj Digits = 0, Page Break? = N)

Balances through October						Fiscal Year 2017/18
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
<b>Fund 01 - Gen Fund (continued)</b>						
5805	Personnel Expense	613.00	613.00	34.00	81.00	498.00
5806	Negotiations	1,000.00	1,000.00			1,000.00
5808	Other Services & Fees	1,500.00	1,500.00	1,070.69	429.31	.00
5810	Contracted Services	445,615.00	445,615.00	293,286.07	55,876.88	96,452.05
5899	SPJUSD to Reimburse			3,581.40	24,891.88	28,473.28-
5900	Communications	1,900.00	1,900.00			1,900.00
6200	Building and Improvement of Bu	18,867.00	18,867.00			18,867.00
6400	Equipment	20,000.00	20,000.00			20,000.00
7141	Tuition, excess cost etc betwe	24,428.00	24,428.00			24,428.00
7310	Direct Support/Indirect Costs					.00
<b>Total for Fund 01 and Expense accounts</b>		<b>1,916,462.00</b>	<b>1,956,133.00</b>	<b>1,259,781.61</b>	<b>444,685.65</b>	<b>251,665.74</b>
<b>Fund 16 - FOREST RES</b>						
7211	Transfers of Pass-through Rev	80,000.00	80,000.00			80,000.00
7619	Other Authorized Interfund Tra	13,360.00	13,360.00			13,360.00
<b>Total for Fund 16 and Expense accounts</b>		<b>93,360.00</b>	<b>93,360.00</b>	<b>.00</b>	<b>.00</b>	<b>93,360.00</b>
<b>Total for Org 001 - Sierra County Office of Education</b>		<b>2,009,822.00</b>	<b>2,049,493.00</b>	<b>1,259,781.61</b>	<b>444,685.65</b>	<b>345,025.74</b>



CALIFORNIA  
DEPARTMENT OF  
EDUCATION

**TOM TORLAKSON**  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

October 3, 2017

**RECEIVED**

OCT 06 2017

Merrill Grant, Ed.D., Superintendent  
Sierra County Office of Education  
Sierra Plumas Unified School District  
P.O. Box 955  
Loyalton, CA 96118

**S-PJUSD**

Dear Superintendent Grant, Ed.D.:

Subject: 2017–18 County Office of Education and School District Budgets

Pursuant to California *Education Code (EC)* sections 1622(b) and 42127(c), we have examined your budgets to determine whether they comply with the Criteria and Standards for fiscal stability adopted by the State Board of Education, allow your county office and school district to meet their financial obligations during the fiscal year, and are consistent with a financial plan that will enable them to satisfy their multiyear financial commitments. Based on our review, your July 1 budgets meet the above specified criteria and are approved.

We note that 2017–18 negotiations with the certificated and classified bargaining units were not settled at the time the budgets were adopted. To the extent that collective bargaining agreements result in additional ongoing costs, we advise you that such increased costs should be supported by additional ongoing revenues or ongoing reduction of expenditures. Further, the Criteria and Standards specify that upon settlement, the county office of education must provide the California Department of Education with an analysis of the cost of the settlement and its impact on the operating budget. The public disclosure documents prepared in compliance with *Government Code* Section 3547.5 can be used to satisfy this requirement.

Pursuant to *Government Code* Section 3547.5(b), a school district superintendent and its chief business official must certify in writing that the costs incurred under a negotiated bargaining agreement can be met by the school district during the term of the agreement. Upon settlement, please provide our office with a copy of the certification and an itemization of the budget revisions needed to implement the agreement.

MINUTES OF THE REGULAR MEETING  
OF THE  
SIERRA COUNTY BOARD OF EDUCATION

October 10, 2017

6:00 pm Regular Session

Downieville School, 130 School St., Downieville, CA 95936

This meeting was available for videoconferencing at Sierra County Office of Education, 109 Beckwith Rd., Loyalton, CA 96118

A. CALL TO ORDER

Vice President WRIGHT called the meeting to order at 6 pm

B. PRESENT:

Mr. Allen Wright, Vice President

Mr. Tim Driscoll, Clerk

Ms. Patty Hall, Member

Mr. Mike Moore, Member

ABSENT: Ms. Sharon Dryden, President

C. APPROVAL OF THE AGENDA

MOORE/HALL

4/0

1 Absent

D. FLAG SALUTE

E. INFORMATION/DISCUSSION ITEMS

1. Superintendent's Report

- a. Notice of resignation from Barbara Weaver, WorkAbility aide, effective September 29, 2017. Five (5) hour per week position.
- b. Assignment of Andrea Ceresola (White) - Not to exceed five working days for State Adopted Local Control Accountability Plan compliance documentation
- c. Job Description No. 214.3 Instructional Aide Special Education Severely Handicapped (SH)
- d. Classified Salary Schedule - Added Special Education Aide (SH) on salary schedule, effective September 21, 2017. The Board requested additional information on this item.
- e. After-School Tutoring: Erin Folchi, Loyalton Elementary School teacher, Pat Doyle, Loyalton Elementary School teacher and Robin Bolle, Downieville High School teacher were assigned.
- f. Assignment of Hilary Lozano to the 2017-2018 Friday Night Live and Club Live Program Advisor positions, Downieville Site
- g. Letter from CDE/Foster Youth Funds/Ohana House

2. Business Report

- a. Account Object Summary-Balance from 07/01/17 to 9/30/17
- b. Details on \$63,000 salary encumbrance-Dr. Grant explained that several teacher hires came in lower than budgeted amount.

3. Staff Reports (5 minutes)

- a. SELPA Team meets monthly. Dr. Grant stated that new teachers are taking on challenging roles. Barbara Jaquez, Loyalton High School special education teacher, demonstrates eagerness in receiving new students and creating learning platforms. Polycam and Google Meet are utilized to reach across the county to include all special education staff.



4. Board Members' Report (5 minutes)
5. Public Comment – 6:13 pm
  - a. Current location- None
  - b. Videoconference location - Megan Meschery spoke on Sierra Schools Foundation's golf tourney and the new scholarship program to provide senior project grant support. Seniors can apply for a grant to fund their senior project for travel, equipment or training. Look for the upcoming newsletter!

F. CONSENT CALENDAR

1. Approval of minutes of the Regular Board meeting held September 12, 2017
2. Approval of Board Report – Checks Dated 9/01/17 through 9/30/17
3. Approval of Quarterly Report on Williams Uniform Complaints for quarter ending September 30, 2017. 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 September 30, 2017.

HALL/DRISCOLL

4/0

1 absent

G. ACTION ITEMS

New Business

1. Adoption of Resolution No. 18-004, Shoes for Crews Slip Trip Fall Prevention Policy  
Vice President WRIGHT, after discussion, decided to table this item to the next board meeting. More research is required. There was no objection from the board.
2. **Public Hearing** to allow comments on the sufficiency of textbooks and instructional materials for kindergarten through 12<sup>th</sup> grade in each subject and to assure that they are aligned with the state standards adopted pursuant to Ed. Code §60605 or 60605.8 and also meet the reporting and sufficiency requirements contained in Ed. Code §60119 opened at 6:24 pm.  
There was no public comment. Mrs. Megan Meschery, Curriculum Coordinator, updated the board on adopted and purchased materials. The only textbooks to adopt and purchase in the near future are for social studies but curriculum that satisfies our standards and that connect with the current California framework have not been located. This applies to Next Gen science standards curriculum as well. The hearing closed at 6:26 pm.

3. Adoption of Resolution No. 18-005, Sufficiency of Textbooks or Instructional Materials

DRISCOLL/HALL

DRISCOLL            AYE

HALL                 AYE

MOORE              AYE

WRIGHT             AYE

DRYDEN             ABSENT

4/0

1 absent

4. Appoint Sofia Gonzalez, Sierra County Deputy Probation Officer, to the School Attendance Review Board  
DRISCOLL/HALL

4/0

1 absent

BOARD POLICIES AND ADMINISTRATIVE REGULATIONS

5. Board Policy Revised & Administrative Regulation Deleted, 0000, Vision  
DRISCOLL/MOORE  
4/0  
1 absent
6. Board Policy 0100, Philosophy  
MOORE/HALL  
4/0  
1 absent
7. Board Policy 2140, Evaluation of the Superintendent  
MOORE/HALL  
4/0  
1 absent
8. Board Policy and Exhibit 6161.1, Selection and Evaluation of Instructional Materials  
MOORE motioned to change World/foreign to World Language /DRISCOLL seconded.  
4/0  
1 absent
9. Board Policy 7212, Mello-Roos Districts  
MOORE/HALL  
4/0  
1 absent
10. Board Policy 7214, General Obligation Bonds  
MOORE/HALL  
4/0  
1 absent

H. ADVANCED PLANNING

1. Next Regular Board Meeting will be held on November 14, 2017, at Sierra County Office of Education, 109 Beckwith Rd., Loyalton, CA 96118, beginning with Closed Session, as needed, at 5 pm and the Regular Board Meeting at 6:00 pm
2. Suggested Agenda Items
  - a. Resolution 18-004

- I. ADJOURN at 6:43 pm  
HALL/DRISCOLL  
4/0  
1 absent

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Tim Driscoll, Clerk

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Dr. Merrill M. Grant, Superintendent

Checks Dated 10/01/2017 through 10/31/2017

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
00014771	10/11/2017	HEIDI BETHKE	01-5200	TUPE/SELPA MEETINGS		462.69
00014772	10/11/2017	EL DORADO COUNTY OFFICE OF EDUCATION	01-5300	CSR DUES		400.00
00014773	10/11/2017	GRIZZLY CUB PARENTS CLUB	01-5810	HEADLANDS FEE REIMBURSEMENT		325.00
00014774	10/11/2017	NONA GRIESERT	01-5200	MILEAGE	207.38	
			01-5899	MILEAGE	622.11	829.49
00014775	10/11/2017	JANIS HARDEMAN	01-5810	NURSE SERVICES		4,400.00
00014776	10/11/2017	JANE V. LEE, M.A., LMFT	01-5810	COUNSELING SERVICES		1,760.00
00014777	10/11/2017	LIBERTY UTILITIES CPEC	01-5500	ELECTRICAL SERVICE		102.49
00014778	10/11/2017	MARY LOWE	01-5810	COUNSELING SERVICES		880.00
00014779	10/11/2017	MCGRAW - HILL SCH ED LLC	01-4300	AUDIOBOOK		128.95
00014780	10/11/2017	BARBARA MCKURTIS	01-5100	CONTRACTED CONSULTANT AGREEMENT	1,241.00	
			01-5810	CONTRACTED CONSULTANT AGREEMENT	6,059.00	7,300.00
00014781	10/11/2017	OFFICE DEPOT	01-4300	CLASSROOM SUPPLIES		132.32
00014782	10/11/2017	NCS PEARSON, INC.	01-5300	SCORING SUBSCRIPTION		50.00
00014783	10/11/2017	RAY MORGAN COMPANY	01-5600	COPIER MAINT.		13.24
00014784	10/11/2017	SCHOOL SERVICES OF CALIFORNIA	01-5200	WORKSHOP REGISTRATION	53.75	
			01-5899	WORKSHOP REGISTRATION	161.25	215.00
00014785	10/11/2017	SCHOOL SPECIALITY, INC	01-4300	INSTRUCTIONAL SUPPLIES		91.50
00014786	10/11/2017	SELPA ADMINISTRATORS ASSOC C/O SAN JOAQUIN COUNTY SELPA	01-5300	SELPA DUES		600.00
00014787	10/11/2017	SIERRA COUNTY OFFICE OF EDUCATION	01-5808	BANK SERVICE FEES		121.78
00014788	10/11/2017	HANNAH TOMATIS	01-5200	FOSTER YOUTH MEETING		370.82
00014789	10/11/2017	TRI COUNTY SCHOOLS INSURANCE GROUP	01-9535	OCT 17 HEALTH INSURANCE	1,600.00	
			76-9576	OCT 17 HEALTH INSURANCE	17,192.00	18,792.00
00014790	10/11/2017	VOYAGER	01-4350	FUEL EXPENSE	144.53	
			01-5200	FUEL EXPENSE	68.45	
			01-5899	FUEL EXPENSE	33.29	246.27
<b>Total Number of Checks</b>					<b>20</b>	<b>37,221.55</b>

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	County School Service Fund	20	20,029.55
76	Payroll Clearing	1	17,192.00

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 10/01/2017 through 10/31/2017

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
		Total Number of Checks	20		37,221.55	
		Less Unpaid Sales Tax Liability			.00	
		<b>Net (Check Amount)</b>			<b>37,221.55</b>	

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 OFFICE OF EDUCATION  
Classified Salary Schedule

POSITION	A	B	C	D	E	F	G	H	I	J	K
					YR 5	YR 8	YR 11	YR 14	YR 17	YR 20	YR 25
INSTRUCTIONAL AIDE	12.16	12.87	13.59	14.34	15.08	15.82	16.62	17.47	18.34	19.26	20.22
CUSTODIAN	14.16	15.01	15.84	16.70	17.53	18.39	19.34	20.31	21.31	22.38	23.51
WORKABILITY COORDINATOR	16.20	17.02	17.87	18.75	19.70	20.67	21.71	22.79	23.94	25.13	26.38
CAREER TECH	13.69	14.37	15.09	15.83	16.63	17.47	18.34	19.25	20.21	21.22	22.29
BEHAVIOR ATTENDANT	11.28	11.72	12.19	12.69	13.19	13.72	14.27	14.84	15.43	16.05	16.85
WORKABILITY AIDE	12.76	13.41	14.08	14.78	15.52	16.29	17.11	17.96	18.87	19.80	20.79
CLERK TYPIST	12.74	13.51	14.28	15.04	15.76	16.56	17.41	18.28	19.19	20.15	21.16
SPECIAL EDUCATION AIDE	13.16	13.95	14.79	15.67	16.46	17.28	18.14	19.05	20.00	21.00	22.05

Approved May 9, 2017, Special Ed Aide Added September 21, 2017

Sunshine Proposal from the Sierra-Plumas Teachers Association  
to the  
Sierra –Plumas Unified School District

The Rodda Act requires a bargaining unit to “Sunshine” an initial proposal in appropriate time to allow a District to reach impasse before the end of the fiscal year. In accordance with the Rodda Act, the Sierra-Plumas Teachers Association is Sunshining their proposal for the 2017-2018 school year.

Article XII: Salary-5% increase

12.5-Extra Duty Stipends, rates of compensation

Add a stipend for Greenhouse for Downieville

Article III: Staff Development days

3.11 Additional Staff Development days with Principal pre-approval, over and above the three.

Article XVIII: Early Retirement Options

K. Modify the Golden Handshake

Dated: November 2, 2017 (amended)

SIERRA COUNTY BOARD OF EDUCATION

RESOLUTION NO. 18-006

Resolution for Exception for 180-Day Wait Period  
GC Sections 7522.56 and 21229

WHEREAS, in compliance with Government Code section 7522.56 the Sierra County Board of Education must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Hannah Tomatis, XXXXXXX, will retire from Sierra-Plumas Joint Unified School District in the position of Administrative Assistant effective December 30, 2017; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is July 1, 2018, without this certification resolution; and

WHEREAS, section 7522.56 provides that this exception to the 180 day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the Sierra County Board of Education and Sierra-Plumas Joint Unified School District and Hannah Tomatis, certify that Hannah Tomatis has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the Sierra County Board of Education hereby appoints Hannah Tomatis as an extra help retired annuitant to perform the duties of the Administrative Assistant for the Sierra-Plumas Joint Unified School District under Government Code section 21229 effective January 2, 2018; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position is \$4,619 per month and the hourly equivalent is \$26.65, and the minimum base salary for this position is \$2,836 per month and the hourly equivalent is \$16.36; and

WHEREAS, the hourly rate paid to Hannah Tomatis will be \$23.03; and

WHEREAS, Hannah Tomatis has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

THEREFORE, BE IT RESOLVED THAT the Sierra County Board of Education hereby certifies the nature of the appointment of Hannah Tomatis as described herein and detailed in the attached employment agreement to fill the critically needed position Administrative Assistant for the Sierra-Plumas Joint Unified School District by January 2, 2018, during times of leave and provide additional training and transitional services.

PASSED and ADOPTED by the Board of Trustees of the Sierra County Board of Education this November 14, 2017, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

---

Tim Driscoll, Clerk  
Sierra County Board of Education



## Memorandum

DATE: November 14, 2017

TO: Sierra County Board of Education  
Sierra-Plumas Joint Unified School District Governing Board of Trustees

FROM: Merrill M. Grant, Ed.D.  
Superintendent

RE: Appointment of Hannah Tomatis

I respectfully request the appointment of Hannah Tomatis as an extra help retired annuitant and the approval of Resolution No. 18-006, Exception for 180-Day Wait Period, to provide support to the new Administrative Assistant during times of leave and provide additional training and transitional services. Retired CalPERS employees are allowed to be appointed as extra help within 180 days of their retirement date per GC sections 7522.56 and 21229 and shall be limited to 960 hours per fiscal year. Ms. Tomatis' CalPERS retirement date is December 30, 2017.

The person filling the Administrative Assistant position, effective November 14, 2017, will be on a leave of absence for maternity/baby bonding for twelve weeks or more. Ms. Tomatis will be working only when needed and will be placed on the District Classified Salary Schedule according to her nine years of service with the District office.

APPOINTMENT

Hannah Tomatis as an Extra Help Retired Annuitant for the  
Sierra-Plumas Joint Unified School District

The limited duration appointment of Hannah Tomatis as an Extra Help Retired Annuitant shall be effective on January 2, 2018, and lapse on April 2, 2018.

Hannah Tomatis has served nine years in the District's Administrative Assistant position so she is the most qualified to assist and train the new Administrative Assistant staff member.

Hannah Tomatis shall be paid an hourly rate of \$23.03 per the District Classified Salary Schedule according to her years of service with the District which is not less than the minimum and does not exceed the maximum monthly base salary.

Hannah Tomatis will not receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate.

Hannah Tomatis will be working only when essential tasks require her expertise, assistance to eliminate backlog and to provide additional training and transitional services, including limited special projects. Ms. Tomatis will perform work of limited duration not to exceed 960 hours per fiscal year to include support during times of leave absence of the current Administrative Assistant.

\_\_\_\_\_  
Hannah Tomatis

\_\_\_\_\_  
Date

## **POLICY GUIDE SHEET**

### **October 2017**

#### **BP/AR 5113.1 - Chronic Absence and Truancy**

(BP/AR revised)

Policy updated to reflect the inclusion of a chronic absence indicator in the California School Dashboard effective in the fall of 2018, add examples of interventions for attendance problems, and delete section on "School Attendance Review Board" since that material is now covered in BP/AR 5113.12 - District School Attendance Review Board. Regulation updated to delete references to 5 CCR 15497.5 (repealed), which formerly contained the LCAP template that is now available on the CDE web site, and to delete section on the appointment and general duties of attendance supervisors, now covered in AR 5113.11 - Attendance Supervision.

#### **AR 5113.11 - Attendance Supervision**

(AR added)

New regulation addresses the appointment of a district attendance supervisor and reflects **NEW LAW (AB 2815, 2016)** which expresses the Legislature's intent that the attendance supervisor fulfill specified duties.

#### **BP/AR 5113.12 - District School Attendance Review Board**

(BP/AR added)

New policy and regulation are for use by districts that have established their own local school attendance review board (SARB), and reflect the basic purposes, functions, and operations of the SARB.

#### **BP/AR 5117 - Interdistrict Attendance**

(BP/AR revised)

Policy updated to reflect **NEW LAW (AB 99, 2017)** which makes a number of changes to the school district of choice program, including (1) requiring a participating district to register as a school district of choice with the Superintendent of Public Instruction and the county board of education by July 1, 2018; (2) expanding the factors that must not be considered by districts in the selection process; and (3) revising the requirements for annually reporting the disposition of transfer requests. Regulation updated to reflect provisions of AB 99 related to public announcements regarding the program, priorities for admission, and the timeline for notification of a student's provisional acceptance or rejection. Regulation also reflects **NEW LAW (SB 344, 2017)** which gives the county board in a class 1 county, as defined, 60 calendar days to decide an appeal when a district denies a transfer under an interdistrict attendance agreement. Section on "Transfers Out of the District" moved from BP to AR, and revised to reflect **NEW LAW (AB 2659, 2016)** which provides that a district must not prohibit the transfer of a child of a military family to any district that approves the transfer.

#### **AR 5125.2 - Withholding Grades, Diploma or Transcripts**

(AR revised)

Regulation updated to clarify the circumstances under which the district may withhold a student's grades, diploma, and/or transcripts until the student's parents/guardians have paid for the damages to or loss of district property willfully caused by the student. Regulation also clarifies the student's due process rights, as well as the requirement to continue to withhold the grades, diploma, and/or transcripts when such a student transfers from one district to another.

#### **BP 5131.6 - Alcohol and Other Drugs**

(BP revised)

Policy updated to reflect the goals and purposes of the federal Student Support and Academic Enrichment Grants program, as established by the Every Student Succeeds Act. Policy also deletes material on drug and alcohol master plans and county primary prevention programs, since the related laws repealed on their own terms.

#### **E 5131.63 - Steroids**

(E deleted)

Exhibit deleted since the California Interscholastic Federation provides the sample agreement that student athletes and parents/guardians must sign to promise that the student will not use steroids or banned dietary supplements.

# Sierra County/Sierra-Plumas Joint USD

## Board Policy

Business and Noninstructional Operations

BP 3280

### SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY

Note: The ~~Board~~ following optional policy and accompanying administrative regulation detail the procedures that govern the district's sale or lease of surplus real property.

When district properties are not being utilized for school purposes after specific time periods, Education Code 17219-17224 authorize the State Allocation Board (SAB) to charge an "unused site fee." For further information regarding non-use payments, see the Office of Public School Construction's Unused Site Program Handbook.

Education Code 17455 authorizes the sale, or lease of up to 99 years, of any district real property together with any personal property located thereon without taking a vote of the electors of the district. To do so, the property must not or will not be needed by the district and the district must follow the procedures under Education Code 17387-17391.

The Governing Board believes that ~~the district should utilize its~~ facilities and resources should be utilized in ~~the most~~ economical and practical manner.- The Superintendent or designee shall periodically study the current and projected use of all district facilities to ensure the efficient utilization of space for the effective delivery of instruction.

*(cf. 1330 - Use of School Facilities)*

*(cf. 7110 - Facilities Master Plan)*

*(cf. 7111 - Evaluating Existing Buildings)*

*(cf. 7160 - Charter School Facilities)*

~~Upon determination that district property is no longer needed, or may not be needed until some future time, the Board shall first submit a report to the local planning agency as to what real property the district intends to offer for sale or lease. Not less than 40 days after issuance of the report to the local planning agency, and prior to entering into any agreement for sale or lease of district real property, the Board shall offer to sell or lease district owned real property in accordance with priorities and procedures specified in applicable law. (Education Code 17230, 17387-17391, 17457.5, 17464, 17485-17500; Government Code 54222, 65402)~~

~~*(cf. 5148 - Child Care and Development)*~~

~~*(cf. 5148.2 - Before/After School Programs)*~~

~~*(cf. 5148.3 - Preschool/Early Childhood Education)*~~

~~Prior~~Note: Pursuant to Education Code 17387-17391, before surplus real property is sold or leased, the Governing Board must appoint an advisory committee to advise the Board on the disposition of such property. Education Code 17388 and 17391 establish exceptions from this requirement for rentals not exceeding 30 days and for the lease or rental of a district facility to a private educational institution for the purpose of offering summer school. In addition, Education Code 17391, as amended by AB 1157 (Ch. 717, Statutes of 2017), provides that an advisory committee need not be appointed prior to the sale, lease, or rental of excess real property if it is to be used for teacher or other employee housing.

Education Code 17389 requires that the advisory committee be representative of specific groups within the community and be composed of not less than seven nor more than 11 members (commonly referred to as a "7-11 committee"). See the accompanying administrative regulation for further information on the composition and duties of this committee.

The Board shall appoint a district advisory committee prior to the sale or lease of any surplus real property, ~~the Board shall appoint a district advisory committee~~ to advise the Board regarding the use or disposition of schools or school building space which is not needed for school purposes. ~~(Education Code 17388-17389)~~ Rentals of surplus property not exceeding 30 days are exempted from this requirement. When the sale, lease, or rental of surplus property is for the purpose of teacher or other employee housing or for the offering of summer school by a private educational institution, the Board may elect not to appoint a district advisory committee. (Education Code 17387-17391)

*(cf. 1220 - Citizen Advisory Committees)*

Note: Pursuant to Government Code 65402, if the county or city has adopted a general plan which is applicable in the area where the district property is located, the district must notify the county or city planning agency of the location, purpose, and extent of the proposed disposition of district property so that the agency can determine and report on the extent to which the disposition conforms with the local planning agency's general plan. The planning agency has 40 days during which it may raise objections. If objections are not raised within 40 days, the lack of response is deemed to be a finding that the district's proposed disposition of the property is in conformity with the local planning agency's adopted general plan.

If the local planning agency has adopted a general plan that affects or includes the area where the surplus property is located, the Board shall submit a report to the local planning agency describing the location of the surplus property and the purpose and extent of the proposed sale or lease. (Government Code 65402)

Note: When proposing the sale or lease of surplus property, the district must also comply with Public Resources Code 21000-21177 (the California Environmental Quality Act) (CEQA), when applicable. Pursuant to 14 CCR 15061, the sale or lease of property is exempt from detailed CEQA review if there is no possibility that the sale or lease will have a significant environmental effect. In such cases, the district must adopt a notice of exemption in accordance with 14 CCR 14062.

The Board shall determine whether the sale or lease of the surplus property is subject to review under the California Environmental Quality Act. (Public Resources Code 21000-21177; 14 CCR 15061-15062)

Note: When a district is selling any surplus property or leasing it with an option to purchase, Education Code 17464 lists the public entities that must be given priority to lease or purchase the property and the types of notice that the district must provide such entities before disposing of the property. Under certain circumstances, districts may also need to comply with the Naylor Act (Education Code 17485-17500), which requires that priority be given to public agencies when disposing of any district property that includes a playground, playing field, or land with an outdoor recreational purpose. Under certain conditions, the district may grant priority to licensed child care providers pursuant to Education Code 17458 or may sell surplus property for less than fair market value to public entities for recreational purposes pursuant to Education Code 17230. The requirement to first offer surplus property to a charter school with a projected in-district average daily attendance of at least 80 students expired July 1, 2016 pursuant to the terms of Education Code 17457.5.

When selling or leasing district real property, the Board shall comply with the priorities and procedures specified in applicable law. (Education Code 17230, 17464, 17485-17499; Government Code 54222)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

Note: Pursuant to Education Code 17462.3, the SAB may require a district selling real property purchased, improved, or modernized with funds received from a state school facilities funding program to return those funds if: (1) the state funds were received and the property purchased or improved within the previous 10 years; (2) the proceeds from the sale are not used for capital outlay; and (3) the property is not sold to a charter school, another school district, a county office of education, or an agency that will use the property exclusively for the delivery of child care and development services.

In addition, when selling real property purchased, constructed, or modernized with funds received within the past 10 years from a state school facilities funding program, the Board shall consider whether any of the proceeds from the sale will need to be returned to the State Allocation Board (SAB) pursuant to Education Code 17462.3.

### **Resolution of Intention to Sell or Lease**

Before ordering the sale or lease of any real property, the Board shall adopt a resolution by a two-thirds vote of all of its members at a regularly scheduled open meeting. -The resolution shall describe the property proposed to be sold or leased in such a manner as to identify it, specify the minimum price or rent, describe the terms upon which it will be sold or leased, and specify the commission or rate, if any, which the Board will pay to a licensed real estate broker out of the minimum price or rent. -The resolution shall fix a time, not less than three weeks thereafter, for a public meeting, held at the Board's regular meeting place, at which sealed proposals to purchase or lease will be received and considered. (Education Code 17466)

*(cf. 9320 - Meetings and Notices)*

*(cf. 9323.2 - Actions by the Board)*

The Superintendent or designee shall provide notice of the adoption of the resolution and of the time and place of the meeting that will be held to consider bids by posting copies of the resolution, signed by the Board, in three public places not less than 15 days before the date of the meeting. In addition, the notice shall be published at least once a week for three successive weeks before the meeting, in a newspaper of general circulation published in the county in which the district is located, if such a newspaper exists. -(Education Code 17469)

In accordance with Education Code 17470, the Superintendent or designee shall take reasonable steps to provide notification to the former owners of the property of the district's intent to sell it.

### **Acceptance/Rejection of Bids**

At the public meeting specified in the resolution of intention to sell or lease property, the Board

shall open, examine, and declare all sealed bids. Before accepting a written proposal, the Board shall call for oral bids in accordance with law. (Education Code 17472, 17473)

The Board may reject any and all bids, either written or oral, and withdraw the properties from sale when the Board determines that rejection is in the best public interest. If no proposals are submitted or the submitted proposals do not conform to all the terms and conditions specified in the resolution of intention to lease, the Board may lease the property in accordance with Education Code 17477. (Education Code 17476, 17477)

Of the proposals submitted by responsible bidders which conform to all terms and conditions specified in the resolution of intention to sell or lease, the Board shall finally accept the highest bid after deducting the commission, if any, to be paid to a licensed real estate broker, unless the Board accepts a higher oral bid or rejects all bids. (Education Code 17472)

The final acceptance of the bid may be made either at the same meeting specified in the resolution or at any adjourned/continued meeting held within 10 days. Upon acceptance of the bid, the Board may adopt a resolution of acceptance that directs the Board president, or any other Board member, to execute the deed or lease and to deliver the document upon performance and compliance by the successful bidder of all of the terms and conditions of the contract. (Education Code 17475-17478)

(cf. 1431 - Waivers)

### Use of Proceeds

Note: Pursuant to Education Code 17462, the proceeds derived from the sale of surplus property or lease with an option to purchase must generally be used for capital outlay or maintenance, except as provided below. In addition, Education Code 17462 requires that the proceeds be used for one-time expenditures and prohibits the use for ongoing expenditures such as salaries and general operating expenses. However, 2 CCR 1700 authorizes the use of such proceeds, if approved by the SAB, for one-time funding to reduce a district's unfunded liability for other postemployment benefits (OPEBs) (i.e., medical, dental, vision, hearing, life insurance, long-term care, long-term disability, and other nonpension benefits for retired employees). For information about prefunding OPEBs and reporting the district's liability for OPEBs, see BP 3100 - Budget and AR 3460 - Financial Reports and Accountability.

The law does not place limitations on the use of proceeds for a lease of surplus property that does not include an option to purchase.

The Superintendent or designee shall ensure that the proceeds from the sale, or lease with an option to purchase, of surplus district surplus property are used for one-time expenditures and not for ongoing expenditures such as salaries and general operating expenses. (Education Code 17462)

Proceeds from a sale of surplus district property shall be used for capital outlay or maintenance costs that the Board determines will not recur within a five-year period. (Education Code 17462)

Proceeds from a lease of district property with an option to purchase may be deposited into a restricted fund for the routine repair of district facilities, as defined by the SAB, for up to a five-year period. (Education Code 17462)

Note: Pursuant to Education Code 17462, proceeds from the sale or lease with an option to purchase may be deposited in accordance with law. (Education Code 17462; 2 CCR 1700) the district's general fund when the Board and SAB determine that the district has no anticipated need for additional sites or building construction for the next 10 years and no major deferred maintenance requirements. Thus, districts may not apply to the state for new construction or modernization funding during that time period unless certain conditions specified in Education Code 17462 are satisfied.

If the Board and SAB determine that the district has no anticipated need for additional sites or building construction for the next 10 years and no major deferred maintenance requirements, the proceeds from the sale or lease with an option to purchase may be deposited in a special reserve fund for the future maintenance and renovation of school sites or in the district's general fund. Proceeds from the sale or lease with option to purchase of district property may also be deposited in a special reserve fund for capital outlay or maintenance costs of district property that the Board determines will not recur within a five-year period. (Education Code 17462)

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

~~Pursuant to the authorization in Education Code 17463.7, the district may expend proceeds from the sale of surplus real property, along with the proceeds from any personal property located on that real property, for any one time general fund purpose(s). Before the district exercises this authority: (Education Code 17463.7)~~

~~1. The Board shall submit documents to the SAB certifying that:~~

~~a. The district has no major deferred maintenance requirements not covered by existing capital outlay resources.~~

~~b. The sale of real property pursuant to Education Code 17463.7 does not violate the provisions of a local bond act.~~

~~(cf. 7214 - General Obligation Bonds)~~

~~c. The real property is not suitable to meet projected school construction needs for the next 10 years.~~

~~2. The Superintendent or designee shall present to the Board, at a regularly scheduled meeting, a plan for expending these one time resources. The plan shall identify the source and use of the funds and shall describe the reasons that the expenditure shall not result in ongoing fiscal obligations for the district.~~

*Legal Reference:*

EDUCATION CODE

17219-17224 *Acquisition of property not utilized as school site; nonuse payments; exemptions*

17230-17234 *Surplus property*

17385 *Conveyances to and from school districts*

17387-17391 *Advisory committees for use of excess school facilities*

17400-17429 *Leasing property*

17430-17447 *Leasing facilities*



17453 *Lease of surplus district property*  
 17455-17484 *Sale or lease of real property, especially:*  
 17462.3 *State Allocation Board program to reclaim funds*  
 17485-17500 *Surplus school playground (Naylor Act)*  
 17515-17526 *Joint occupancy*  
 17527-17535 *Joint use of district facilities*  
 33050 *Requ*  
 38130-38139 *Civic Center Act*  
GOVERNMENT CODE  
 50001-50002 *Definitions*  
 54220-54232 *Surplus land, especially:*  
 54222 *Offer to sell or lease property*  
 54950-54963 *Brown Act, especially:*  
 54952 *Legislative body, definition*  
PUBLIC RESOURCES CODE  
 21000-21177 *California Environmental Quality Act*  
CODE OF REGULATIONS, TITLE 2  
 1700 *Definitions related to surplus property*  
COURT DECISIONS  
*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District, (2006) 139 Cal.App.4th 1356*

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
*Closing a School Best Practices Guide*  
OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS  
*Unused Site Program Handbook, December 2015*  
WEB SITES  
 CSBA: <http://www.csba.org>  
 California Department of Education, School Facilities Planning Division: <http://www.cde.ca.gov/ls/fa>  
 Coalition for Adequate School Housing: <http://www.cashnet.org>  
 Office of Public School Construction: <http://www.dgs.ca.gov/opsc>

	SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
Policy adopted: April 10, 2007	SIERRA COUNTY OFFICE OF EDUCATION
revised: June 14, 2011	Sierraville, California
revised: September 13, 2011	
revised: June 18, 2014	
revised: November 14, 2017	Loyalton, California

**Policy Reference UPDATE Service**

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# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

### Health And Welfare Benefits

AR 4254

#### Personnel

#### Retired ~~Certificated~~ Classified Employees

Any ~~certificated~~ classified employee who retired from the district under any public retirement system and his/her spouse/domestic partner shall be permitted to enroll in the health and welfare and/or dental care benefit plan currently provided for ~~certificated~~ classified employees. The plan also shall be available to any surviving spouse/domestic partner of a former ~~certificated~~ classified employee who either retired from the district under any public retirement system or was, at the time of death, employed by the district and a member of the State Teachers' Retirement System or State Public Employees System (Education Code 7000)

A retired ~~certificated~~ classified employee or surviving spouse/domestic partner shall be allowed to enroll in the coverage within 30 days of losing active employee coverage. If he/she does not enroll during this initial enrollment period, he/she will be denied further opportunity to do so. (Education Code 7000)

#### COBRA/Cal-COBRA Continuation Coverage

Covered district employees and their qualified beneficiaries shall be offered the opportunity to continue health and disability insurance coverage when they otherwise would lose coverage due to one of the following qualifying events: (Health and Safety Code 1366.21, 1366.23, 1373; Insurance Code 10128.51, 10128.53, 10277; 26 USC 4980B; 26 CFR 54.4980B-4)

1. Death of the covered employee
2. Termination or reduction in hours of the covered employee's employment, other than termination by reason of the employee's gross misconduct

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

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

3. Divorce or legal separation of the covered employee
4. The covered employee becoming entitled to Medicare benefits
5. A dependent child ceasing to be a dependent child of the covered employee

Continuation health coverage shall be the same as provided to similarly situated individuals under the group benefit plan. (Health and Safety Code 1366.23; Insurance Code 10128.53; 26 USC 4980B)

The Superintendent or designee shall notify the health care service plan administrator of a qualifying event listed in item #1, 2, or 4 above, within 30 days of the event. A covered employee or qualified beneficiary shall notify the service plan administrator of a qualifying event listed in item #3 or 5 above within 60 days of the event or of the date that the beneficiary would lose coverage, whichever is later. (26 USC 4980B; 29 USC 1163, 1166; 26 CFR 54.4980B-6)

Continuation coverage shall be terminated in accordance with the district's insurance plan and federal and state law. (26 USC 4980B; 26 CFR 54.4980B-6)

The Superintendent or designee shall provide written notification to the health care service plan administrator of a qualifying event within 30 days of the event.

A covered employee or qualified beneficiary shall provide written notification to the health care service plan administrator regarding any other qualifying event within 60 days of the event or of the date that the covered employee or qualified beneficiary was notified of the ability to continue coverage, whichever is later. (Health and Safety Code 1366.24, 1366.25; Insurance Code 10128.54, 10128.55)

Continuation coverage shall be terminated in accordance with the district's insurance plan and state law. (Health and Safety Code 1366.22, 1366.27, 1373.621; Insurance Code 10116.5, 10128.52, 10128.57)

The Superintendent or designee shall notify covered employees and qualified beneficiaries of the availability of conversion and continuation coverage. This notification shall include the statement in Labor Code 2800.2 encouraging individuals to examine their options carefully before declining such coverage. (Labor Code 2800.2)

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

## Disability Insurance

The Superintendent or designee shall give notice of disability insurance rights and benefits to each new employee and each employee leaving work due to pregnancy, nonoccupational illness or injury, the need to provide care for any sick or injured family member, or the need to bond with a minor child within the first year of the child's birth or placement in connection with foster care or adoption. (Unemployment Insurance Code 2613)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

(cf. 4161/4261/4361 - Leaves)

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

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

(cf. 4261.1 - Personal Illness and Injury Leave)

When disabled by an injury sustained from a violent act while performing duties within the scope of employment and performing creditable employment, a certificated or classified employee may continue in the district health, vision and dental care plans upon meeting criteria specified by law. The employee shall pay all employer and employee premiums and related administrative costs. (Education Code 7008)

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
Regulation SIERRA COUNTY OFFICE OF EDUCATION  
approved: April 10, 2007 Sierraville, California  
revised: December 8, 2015; ~~Loyalton, California;~~  
revised: November 14, 2017 Loyalton, California

# Sierra County/Sierra-Plumas Joint USD

## Board Policy

### Health And Welfare Benefits

BP 4254

#### Personnel

The Board of Education recognizes that health and welfare benefits are essential to promote employee health and productivity and are an important part of the compensation offered to employees. The district shall provide health and welfare benefits for employees in accordance with state and federal law and subject to negotiated employee agreements.

(cf. 4140/4240/4340 - Bargaining Units)  
(cf. 4141/4241 - Collective Bargaining Agreement)  
(cf. 4151/4251/4351 - Employee Compensation)

Employees who are not in bargaining units shall receive health and welfare benefits as negotiated with the Board of Education.

For purposes of granting benefits, a registered domestic partner and his/her child shall have the same rights, protections, and benefits as a spouse and spouse's child. (Family Code 297.5, 300)

The district shall offer full-time ~~classified certified~~ employees who work **an average of 27.5 hours or more per week** ~~fifty (50%) or greater full time equivalent~~ and their dependents up to age 26 years a health insurance plan that includes coverage for essential health benefits, pays at least 60 percent of the medical expenses covered under the terms of the plan, and meets all other requirements of the federal Patient Protection and Affordable Care Act.

With respect to eligibility to participate in the health benefits plan or the level of health benefits provided, the district shall not discriminate in favor of employees who are among the highest paid 25 percent of all district employees. (26 USC 105; 42 USC 300gg-16)

#### Continuation of Coverage

Retired ~~classified certified~~ employees, other employees who would otherwise lose coverage due to a qualifying event specified in law and administrative regulation, and their qualified beneficiaries may continue to participate in the district's group health and welfare benefits in accordance with state and federal law.

Unless otherwise provided for in the applicable collective bargaining agreement, covered employees and their qualified beneficiaries may receive continuation coverage by paying the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering the program.

## Confidentiality

The Superintendent or designee shall not use or disclose any employee's medical information the district possesses without the employee's authorization obtained in accordance with Civil Code 56.21, except for the purpose of administering and maintaining employee benefit plans and for other purposes specified in law. (Civil Code 56.20)

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

### Legal Reference:

#### EDUCATION CODE

7000-7008 Health and welfare benefits, retired certificated employees

17566 Self-insurance fund

35208 Liability insurance

35214 Liability insurance (self-insurance)

44041-44042 Payroll deductions for collection of premiums

44986 Leave of absence, state disability benefits

45136 Benefits for classified employees

#### CIVIL CODE

56.10-56.16 Disclosure of information by medical providers

56.20-56.245 Use and disclosure of medical information by employers

#### FAMILY CODE

297-297.5 Rights, protections and benefits under law; registered domestic partners

#### GOVERNMENT CODE

12940 Discrimination in employment

22750-22944 Public Employees' Medical and Hospital Care Act

53200-53210 Group insurance

#### HEALTH AND SAFETY CODE

1366.20-1366.29 Cal-COBRA program, health insurance

1367.08 Disclosure of fees and commissions paid related to health care service plan

1373 Health services plan, coverage for dependent children who are full-time students

1373.621 Continuation coverage, age 60 or older after five years with district

1374.58 Coverage for registered domestic partners, health service plans and health insurers

#### INSURANCE CODE

10116.5 Continuation coverage, age 60 or older after five years with district

10128.50-10128.59 Cal-COBRA program, disability insurance

10277-10278 Group and individual health insurance, coverage for dependent children

10604.5 Annual disclosure of fees and commissions paid

12670-12692.5 Conversion coverage

#### LABOR CODE

2800.2 Notification of conversion and continuation coverage

4856 Health benefits for spouse of peace officer killed in performance of duties

#### UNEMPLOYMENT INSURANCE CODE

2613 Education program; notice of rights and benefits

#### UNITED STATES CODE, TITLE 1

7 Definition of marriage, spouse  
UNITED STATES CODE, TITLE 26  
105 Self-insured medical reimbursement plan; definition of highly compensated individual  
4980B COBRA continuation coverage  
4980H Penalty for noncompliance with employer-provided health care requirements  
5000A Minimum essential coverage  
6056 Report of health coverage provided to employees  
UNITED STATES CODE, TITLE 29  
1161-1168 COBRA continuation coverage  
UNITED STATES CODE, TITLE 42  
300gg-300gg95 Patient Protection and Affordable Care Act, especially:  
300gg-16 Group health plan; nondiscrimination in favor of highly compensated individuals  
1395-1395g Medicare benefits  
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WEB SITES

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

California Employment Development Department: <http://www.edd.ca.gov>

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

U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services:  
<http://www.cms.gov>

U.S. Department of Labor: <http://www.dol.gov>

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

Policy SIERRA COUNTY OFFICE OF EDUCATION

adopted: April 10, 2007 Sierraville, California

revised: December 8, 2015 Loyalton, California

revised: August 8, 2017

revised: November 14, 2017

# Sierra County/Sierra-Plumas Joint USD

## CSBA Sample

### Administrative Regulation

Students

AR 5113.1

#### CHRONIC ABSENCE AND TRUANCY

Note: The following administrative regulation may be revised to reflect the district personnel responsible for duties related to attendance supervision and matters related to chronic absence and truancy. Pursuant to Education Code 48240-48246, the district may appoint an attendance supervisor, join a consortium of districts to employ an attendance supervisor, or contract with the County Superintendent of Schools to supervise the attendance of district students. See AR 5113.11 - Attendance Supervision.

Education Code 48273 mandates that the district adopt rules and regulations related to reports of district referrals to a school attendance review board (SARB). See the section on "Reports" below for language fulfilling this mandate.

#### Definitions

Note: The following definition of "chronic absentee" is provided in Education Code 60901 for purposes of reporting student attendance within the California Longitudinal Pupil Achievement Data System. This definition is also used in the template adopted by the State Board of Education to assist districts in completing the local control and accountability plan. Chronic absence includes absence for any reason (i.e., excused and/or unexcused absences).

*Chronic absentee* means a student who is absent for any reason on 10 percent or more of the school days in the school year, when the total number of days the student is absent is divided by the total number of days the student is enrolled and school was actually taught in the regular schools of the district, exclusive of Saturdays and Sundays. (Education Code 60901)

*Truant* means a student who is absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. (Education Code 48260)

*Habitual truant* means a student who has been reported as a truant three or more times within the same school year, provided the district has made a conscientious effort to hold at least one conference with the student and his/her parent/guardian- after either of the two previous reports. (Education Code 48262, 48264.5)

*Chronic truant* means a student who has been absent from school without a valid excuse for 10 percent or more of the school days in one school year, from the date of enrollment to the current



date, provided the district has met the requirements of Education Code 48260-, [48260.5](#), [48261](#), [48262](#), [48263](#), and 48291. (Education Code 48263.6)

Note: As provided above, definitions of the various categories of truancy are based on the number of absences from school without a valid excuse. Education Code 48260 defines a "valid excuse," for purposes of classifying a student as a truant, as any of the reasons specified in Education Code 48205 (i.e., illness, quarantine, health services appointments, funeral service attendance, jury duty, illness or medical appointment of student's child, justifiable personal reasons, service on precinct board, time with family member called to active duty or on leave from active duty, and religious exercises), Education Code 48225.5 (i.e., entertainment or allied industries work permits and nonprofit organization performances), or other reasons at the discretion of school administrators. AR 5113 - Absences and Excuses reflects the reasons that students may be excused from school pursuant to Education Code 48205 and provides information about methods of verification of student absences.

For purposes of classifying a student as a truant, *valid excuse* includes, but is not limited to, the reasons for which a student shall be excused from school pursuant to Education Code 48205 and 48225.5. A valid excuse ~~also~~ may include other reasons that are within the discretion of school administrators and, based on the facts of the student's circumstances, are deemed to constitute a valid excuse. (Education Code 48260)

(cf. [5113 - Absences and Excuses](#))

(cf. [5113.2 - Work Permits](#))

## Addressing Chronic Absence

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

For further information about strategies to address chronic absence, see CSBA's policy brief [Improving Student Achievement by Addressing Chronic Absence](#) and the California Department of Education's (CDE) [School Attendance Improvement Handbook](#). Also see [AR 5113 - Absences and Excuses](#) for language requiring students with frequent absences due to illness to provide written verification from a health care practitioner.

When a student is identified as a chronic absentee, the Superintendent or ~~Designee~~[designee](#) shall communicate with the student and his/her parents/guardians to determine the reason(s) for the excessive absences, ensure the student and parents/guardians are aware of the adverse consequences of poor attendance, and jointly develop a plan for improving the student's school attendance.

(cf. [5113.11 - Attendance Supervision](#))

(cf. [6020 - Parent Involvement](#))

The student may be referred to a student success team (~~currently Response to Intervention team~~) or school-site attendance review team to assist in evaluating his/her needs and identifying strategies and programs to assist him/her.

(cf. [5146 - Married/Pregnant/Parenting Students](#))

(cf. [5147 - Dropout Prevention](#))

(cf. ~~5149 - At Risk Students~~)

(~~cf. 6164.2 - Guidance/Counseling Services~~)

(cf. [6164.5 - Student Success Teams](#))

(cf. [6173 - Education for Homeless Children](#))

(cf. 6173.1 - Education for Foster Youth)  
 (cf. 6173.2 - Education of Children of Military Families)  
 (cf. 6175 - Migrant Education Program)

A student who is struggling academically may be offered tutoring or other supplemental instruction, extended learning opportunities, and/or alternative educational options as appropriate.

(cf. 6158 - Independent Study)  
 (cf. 6176 - Weekend/Saturday Classes)  
 (cf. 6178.1 - Work-Based Learning)  
 (cf. 6179 - Supplemental Instruction)  
 (cf. 6181 - Alternative Schools/Programs of Choice)  
 (cf. 6183 - Home and Hospital Instruction)  
 (cf. 6184 - Continuation Education)

Whenever chronic absenteeism is linked to a health issue or nonschool condition, the Superintendent or ~~Designee~~designee may recommend school or community resources and/or collaborate with community agencies and organizations to address the needs of the student and his/her family.

(cf. 1020 - Youth Services)  
 (cf. 5141.6 - School Health Services)

### Addressing Truancy

~~An Superintendent or Designee~~An attendance supervisor or designee, peace officer, probation officer, or school administrator or designee may, as applicable, arrest or assume temporary custody during school hours of any minor student found away from his/her home who is absent from school without a valid excuse. Any person arresting or assuming temporary custody of a minor student shall deliver the student and make reports in accordance with Education Code 48265 and 48266. (Education Code 48264, 48265, 48266)

(cf. 3515.3 - District Police/Security Department)

The Superintendent or ~~Designee~~designee shall investigate a complaint from any person that a parent/guardian has violated the state compulsory education laws contained in Education Code 48200-48341. (Education Code 48290)

When a student has been identified as a truant as defined above, the following steps shall be implemented based on the number of trancies he/she has committed:

1. Initial truancy
  - a. The student shall be reported to the ~~site administrator~~Superintendent or designee. (Education Code 48260)

Note: When a student is classified as truant, Education Code 48260.5 requires notification of his/her parents/guardians by the most cost-effective method possible, which may include email or a telephone call. The CDE's web site and School Attendance Improvement Handbook provide sample letters.

- b. The student's parent/guardian shall be notified by the most cost-effective method possible, which may include email or a telephone call, that: (Education Code 48260.5)
- (1) The student is truant.
  - (2) The parent/guardian is obligated to compel the student to attend school. If the parent/guardian fails to meet this obligation, he/she may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.
  - (3) Alternative educational programs are available in the district.
  - (4) The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.
  - (5) The student may be subject to arrest or held in temporary custody by a probation officer, a peace officer, a school administrator or ~~Superintendent or Designee or his/her~~ designee under, or attendance supervisor or designee pursuant to Education Code 48264 if found away from home and absent from school without a valid excuse.
  - (6) The student may be subject to suspension, restriction, or delay of his/her driving privilege pursuant to Vehicle Code 13202.7.
  - (7) It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.

*(cf. 5145.6 - Parental Notifications)*

- ec. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)
- d. The student and, as appropriate, his/her parent/guardian may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the student's attendance. (Education Code 48264.5)

Note: The following **optional** item is for use by districts in which there is no county SARB and the county's district attorney or probation officer has elected to participate in a truancy mediation program pursuant to Education Code 48260.6.

- e. The Superintendent or designee may notify the district attorney and/or probation officer of the student's name and the name and address of his/her parents/guardians. (Education Code 48260.6)

2. Second truancy

- a. Any student who has once been reported as a truant shall again be reported to the Superintendent or ~~Designee~~designee as a truant if he/she is absent from school without a valid excuse one or more days or is tardy on one or more days during the school year. (Education Code 48261)
- b. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)
- c. The student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #3 below. (Education Code 48264.5)

Note: Education Code 48262 provides that a student cannot be classified as a habitual truant (item #3 below) until the district has made a conscientious effort to hold at least one conference with the student and his/her parent/guardian after the attendance supervisor has been notified of either the first or second truancy. Education Code 48262 defines "conscientious effort," for purposes of this section, as attempting to communicate with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call. Thus, the following paragraph requires such communication in the event of the second truancy.

- d. An appropriate district staff member shall make a conscientious effort to hold at least one conference with the student and his/her parent/guardian by communicating with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call. (Education Code 48262)
- e. The student may be given a written warning by a peace officer. -A record of that warning may be kept at the school for not less than two years or until the student graduates or transfers from the school. -If the student transfers, the record may be forwarded to the new school. (Education Code 48264.5)

Note: The following optional item is for use by districts in which there is no county SARB and the county's district attorney or probation officer has elected to participate in a truancy mediation program. Pursuant to Education Code 48260.6, if the district notifies the district attorney and/or probation officer that a student continues to be classified as a truant after proper notification to the parents/guardians as described in item #1b above, the district attorney or probation officer may request a meeting with the student and his/her parents/guardians to discuss the possible legal consequences of the student's truancy.

- f. The Superintendent or designee may notify the district attorney and/or probation officer when the student continues to be classified as a truant after the parents/guardians have been notified in accordance with item #1b above. (Education Code 48260.6)

3. Third truancy (habitual truancy)

Note: Education Code 48263 and 48264.5 authorize the district to refer habitual truants to a SARB, a county truancy mediation program, or a comparable program for services. The district should revise the following items to reflect the option(s) available in the district.

According to the CDE's School Attendance Improvement Handbook, prior to referring a truant student to a SARB or county truancy mediation program, some districts initiate an intermediate step, such as a school-site attendance review team or student success team. Districts that have established such an intermediate step may revise the following item accordingly.

- a. A student who is habitually truant, irregular in school attendance, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a school attendance review board (SARB) program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the ~~district's~~ Superintendent or ~~Designee~~designee. (Education Code 48263, 48264.5)

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

- b. Upon making a referral to the SARB or the probation department, the Superintendent or ~~Designee~~designee shall provide the student and parent/guardian, in writing, the name and address of the SARB or probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian shall be required, along with the district staff person making the referral, to meet with the SARB or a probation officer to consider a proper disposition of the referral. (Education Code 48263)
- c. If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to item #4 below. (Education Code 48264.5)

Note: Pursuant to Education Code 48263, the SARB or probation officer may direct a student and/or the student's parents/guardians to make use of available community services and may require satisfactory evidence of participation. If the SARB or probation officer determines that available community resources cannot resolve the problem, or if the student and/or parents/guardians have failed to respond to the directives of the SARB or probation officer, the SARB may so notify the district attorney and/or probation officer, or the probation officer may notify the district attorney provided the district attorney or probation officer participates in a truancy mediation program. If the county has not established a SARB, the district may make this finding and notification.

The following paragraph is for use by districts in which the county has not established a SARB and the county's district attorney or probation officer has elected to participate in a truancy mediation program.

- d. If the Superintendent or ~~Designee~~designee determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or his/her parents/guardians have failed to respond to the directives of the district or to services provided, the Superintendent or ~~Designee~~designee may so notify the district attorney and/or the probation officer. (Education Code 48263)

#### 4. Fourth truancy

- a. Upon his/her fourth truancy within the same school year, the student may be referred to the jurisdiction of the juvenile court. (Education Code 48264.5; Welfare and Institutions Code 601)

Note: Pursuant to Education Code 48264.5 and Welfare and Institutions Code 601, a student coming within the jurisdiction of the juvenile court may be adjudged a ward of the court and required to perform community service, pay a fine, attend a court-approved truancy prevention program, and/or lose driving privileges.

In L.A. v. Superior Court of San Diego County, a court of appeal held that juvenile court judges have the authority to imprison a truant as a last resort if the student commits an egregious violation of a court order, less restrictive alternatives have proved ineffective, and the student is confined separately from youths held for criminal violations.

- b. If a student has been adjudged by the county juvenile court to be a habitual truant, the Superintendent or **Designee** shall notify the juvenile court and the student's probation or parole officer whenever the student is truant or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be notified within 10 days of the violation. (Education Code 48267)

#### 5. Absence for 10 percent of school days (chronic truancy)

Note: Item #5 below is for use by districts that offer any of grades K-8. Penal Code 270.1 states that a parent/guardian of a "chronic truant" who is at least six years old and is in any of grades K-8 is guilty of a misdemeanor punishable by a fine and/or imprisonment if he/she has failed to reasonably supervise and encourage the student's school attendance and has been offered language-accessible support services to address the student's truancy. Pursuant to Penal Code 270.1, a parent/guardian found guilty of a misdemeanor may participate in a program established by a superior court, if available, which includes periodic meetings with district representatives and service referrals.

#### 5. Chronic truancy (unexcused absence for 10 percent of school days)

- a. The Superintendent or **Designee** shall ensure that the student's parents/guardians are offered language-accessible support services to address the student's truancy.
- b. If a chronically truant student is at least age ~~6~~**six** years and is in any of grades K-8, the Superintendent or **Designee** shall notify the student's parents/guardians that failure to reasonably supervise and encourage the student's school attendance may result in the parent/guardian being found guilty of a misdemeanor pursuant to Penal Code 270.1.

#### **Records**

Note: The following **optional** paragraph may be revised to reflect district practice. The CDE's School Attendance Review Board Handbook cautions that it is important to keep accurate and complete records of any violations of compulsory school attendance laws because such records may ultimately be introduced as evidence in a trial for truancy.

The Superintendent or designee shall maintain accurate attendance records for students identified as habitual or chronic truants. The Superintendent or designee also shall document all contacts with a student and his/her parent/guardian regarding the student's attendance, including a summary of all conversations and a record of all intervention efforts.

(cf. 5125 - Student Records)

Note: Education Code 48273 mandates that the district adopt rules and regulations for the purpose of gathering data and making a report to the County Superintendent of Schools regarding SARB referrals. The CDE's web site provides a model annual summary report form.

The Superintendent or designee shall gather and transmit to the County Superintendent of Schools the number and types of referrals made to the SARB and of requests for petitions made to the juvenile court. (Education Code 48273)

Regulation

approved: April 10, 2007

revised: February 12, 2013

revised: November 14, 2017

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

Loyalton, California

# Sierra County/Sierra-Plumas Joint US Board Policy

## Students

BP 5113.1

### CHRONIC ABSENCE AND TRUANCY

Note: The following **optional** policy addresses both chronic absence, which refers to students missing an excessive number of school days for any reason, whether excused or unexcused, and truancy, which refers to students missing school and/or being tardy without a valid excuse. Education Code 48260 defines a "valid excuse" for purposes of classifying students as truants; see the accompanying administrative regulation. Also see BP/AR 5113 - Absences and Excuses for information about methods of verification of student absences.

#### The Students

~~The Board of Education of Education believes that excessive absenteeism, whether caused by excused or unexcused absences~~ Governing Board believes that absenteeism, whatever the cause, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the district.

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.11 - Attendance Supervision)*

Note: The following paragraph may be revised to reflect district practice. Districts must monitor unexcused absences for the purpose of identifying students who are classified as truants pursuant to Education Code 48260-48273. In addition, Education Code 52060 requires districts to include the rates of school attendance, chronic absence, dropout, and graduation, as applicable, in their local control and accountability plan (LCAP) (see BP/AR 0460 - Local Control and Accountability Plan), and chronic absence will be one of the state accountability indicators in the California School Dashboard beginning in the fall of 2018 (see BP 0500 - Accountability). Pursuant to the LCAP template adopted by the State Board of Education, "chronic absence" is the number of students who are absent on 10 percent or more of the school days in the academic year (July 1 through June 30) divided by the total enrollment during the academic year.

Other tools to calculate chronic absence are available, such as the District Attendance Tracking Tool and School Attendance Tracking Tool from Attendance Works.

The Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students who are chronic absentees and truants, as defined in law and administrative regulation, and to identify patterns of absence throughout the district. He/she shall provide the Board with data on school attendance, chronic absence, and truancy rates ~~for all district students~~ districtwide, for each school, and disaggregated for each numerically significant student subgroup as defined in Education Code 52052. Such data shall be ~~disaggregated and~~ used in the development of annual goals and specific actions for student attendance and engagement ~~and for~~



~~inclusion~~ to be included in the district's local control and accountability plan and other applicable school and district plans.

(cf. 0400 - Comprehensive Plans)  
 (cf. 0420 - School Plans/Site Councils)  
 (cf. 0450 - Comprehensive Safety Plan)  
 (cf. 0460 - Local Control and Accountability Plan)  
 (cf. 0500 - Accountability)

The Superintendent or designee shall develop strategies that focus on prevention of attendance problems, which may include, but are not limited to, efforts to provide a safe and positive school environment, relevant and engaging learning experiences, school activities that help develop students' feelings of connectedness with the school, school-based health services, and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance. ~~The Superintendent or designee also shall develop strategies that enable early outreach to students as soon as they show signs of poor attendance.~~

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
 (cf. 5126 - Awards for Achievement)  
 (cf. 5131 - Conduct)  
 (cf. 5131.2 - Bullying)  
 (cf. 5137 - Positive School Climate)  
 (cf. 5141.6 - School Health Services)  
 (cf. 5145.3 - Nondiscrimination/Harassment)

Note: In developing strategies for addressing chronic absence and truancy, districts may consider reasons for absences given by individual students as well as survey data using tools such as the California Healthy Kids Survey and/or the California School Climate, Health, and Learning Survey System available from WestEd.

The Superintendent or designee shall workconsult with students, parents/guardians, school staff, and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy. ~~He/she also~~

Interventions for students with serious attendance problems shall be designed to meet the specific needs of the student and may include, but are not limited to, health care referrals, transportation assistance, counseling for mental or emotional difficulties, academic supports, efforts to address school or community safety concerns, discussions with the student and parent/guardian about their attitudes regarding schooling, or other strategies to remove identified barriers to school attendance. The Superintendent or designee may collaborate with child welfare services, law enforcement, courts, public health care agencies, other government agencies, and/or medical, mental health, and oral health care providers to ensure thatmake alternative educational programs and nutrition, health care, and other support services are available for students and families and to intervene as necessary when students have serious attendance problems.

(cf. 1020 - Youth Services)  
 (cf. 5030 - Student Wellness)  
 (cf. 5146 - Married/Pregnant/Parenting Students)  
 (cf. 5147 - Dropout Prevention)  
 (cf. 6158 - Independent Study)  
 (cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)  
 (cf. 6173 - Education for Homeless Children)  
 (cf. 6173.1 - Education for Foster Youth)  
 (cf. 6173.2 - Education of Children of Military Families)  
 (cf. 6175 - Migrant Education Program)  
 (cf. 6179 - Supplemental Instruction)  
 (cf. 6181 - Alternative Schools/Programs of Choice)  
 (cf. 6183 - Home and Hospital Instruction)  
 (cf. 6184 - Continuation Education)  
 (cf. 6185 - Community Day School)

Note: State law establishes a series of interventions that the district is required or authorized to impose depending on the number of trancies committed by a student; see the accompanying administrative regulation. Habitually truant students, as defined in Education Code 48262, may be referred to a school attendance review board (SARB) if established by the county office of education or to a SARB established by the district Governing Board pursuant to Education Code 48321; see BP/AR 5113.12 - District School Attendance Review Board. Instead of the SARB process, students may be referred to a truancy mediation program operated by the county's district attorney or probation officer pursuant to Education Code 48260.6. Education Code 48264.5 authorizes, but does not require, students who continue to be truant after receiving these interventions to be referred to a juvenile court. Parents/guardians of students who are identified as truant may be subject to penalties pursuant to Education Code 48293, Penal Code 270.1, and/or Penal Code 272.

Students who are identified as ~~truants~~truant shall be subject to the interventions specified in law and administrative regulation.

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

Note: Education Code 48900 expresses legislative intent that alternatives to suspension or expulsion be used with students who are truant, tardy, or otherwise absent from assigned school activities; see BP 5144 - Discipline and BP 5144.1 - Suspension and Expulsion/Due Process.

A student's truancy, tardiness, or other absence from school shall not be the basis for his/her ~~out-of-school~~ suspension or expulsion. Alternative ~~disciplinary~~ strategies and positive reinforcement for attendance shall be used whenever possible.

*(cf. 5144 - Discipline)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

The Superintendent or designee shall periodically report to the Board regarding the district's progress in improving student attendance rates for all students and for each numerically significant student population. Such information shall be used to evaluate the effectiveness of strategies implemented to reduce chronic absence and truancy and to make changes as needed. As appropriate, the Superintendent or designee shall engage school staff in program evaluation and improvement and in ~~identification~~the determination of how to best allocate available community resources.

### School Attendance Review Board

~~In accordance with law and administrative regulation, habitual truants may be referred to a school attendance review board (SARB).~~

~~The Board may submit a nomination to the County Superintendent of Schools for a person who will serve on the county SARB as a representative of school districts. (Education Code 48321)~~

~~The Board shall appoint members of the district's SARB, who may include, but are not limited to, a parent/guardian as well as representatives of the district; county probation department; county welfare department; county office of education; law enforcement agencies; community-based youth service centers; school guidance personnel; child welfare and attendance personnel; school or county health care personnel; school, county, or community mental health personnel; the county district attorney's office; and the county public defender's office. (Education Code 48321)~~

~~The district's SARB shall operate in accordance with Education Code 48320-48325 and procedures established by the Superintendent or designee.~~

*Legal Reference:*

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1740-1742 *Employment of personnel to supervise attendance (county superintendent)*

37223 *Weekend classes*

~~41601~~ Reports of average daily attendance

46000 *Records (attendance)*

46010-46014 *Absences*

46110-46119 *Attendance in kindergarten and elementary schools*

46140-46147 *Attendance in junior high and high schools*

48200-48208 *Children ages 6-18 (compulsory full-time attendance)*

48225.5 *Work permits, entertainment and allied industries*

48240-48246 *Supervisors of attendance*

48260-48273 *Truants*

48290-~~482967~~48297 *Failure to comply; complaints against parents*

48320-48325 *School attendance review boards*

48340-48341 *Improvement of student attendance*

48400-48403 *Compulsory continuation education*

48900 *Suspension and expulsion*

49067 *Unexcused absences as cause of failing grade*

52052 *Academic Performance Index; numerically significant student subgroups*

60901 *Chronic absence*

GOVERNMENT CODE

54950-54963 *The Ralph M. Brown Act*

PENAL CODE

270.1 *Chronic truancy; parent/guardian misdemeanor*

272 *Parent/guardian duty to supervise and control minor child; criminal liability for truancy*

830.1 *Peace officers*

VEHICLE CODE

13202.7 *Driving privileges; minors; suspension or delay for habitual truancy*

WELFARE AND INSTITUTIONS CODE

256-258 *Juvenile hearing officer*

601-601.4 *Habitually truant minors*

11253.5 *Compulsory school attendance*

CODE OF REGULATIONS, TITLE 5

306 *Explanation of absence*

420-421 *Record of verification of absence due to illness and other causes*

~~15497.5~~ Local control and accountability plan template

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Count Us In! Working Together to Show that Every School Day Matters, 2014

The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority Early Outreach for Positive Linkages and Engagement, 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

School Attendance Review Board Handbook: *A Road Map for Improved School Attendance and Behavior*, 2015

School Attendance Improvement Handbook, 2000

WEB SITES

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

Attendance Works: <http://www.attendanceworks.org>

California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>

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

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

California School Climate, Health, and Learning Survey System: <http://www.cal-schls.wested.org>

Policy

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SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA COUNTY OFFICE OF EDUCATION

Loyalton, California

# CSBA Sample-New Policy

## Board Policy

Students

BP 5113.12

### DISTRICT SCHOOL ATTENDANCE REVIEW BOARD

Note: The following Board policy is for use by districts that have established their own school attendance review board (SARB), in addition to or instead of a county office of education SARB, as authorized pursuant to Education Code 48321. If a district desires to establish a local SARB but a county SARB exists, the district must contact the county SARB chairperson to request permission to form a local SARB. If no county SARB exists, the Governing Board may establish a local SARB which operates in the same manner and under the same authority as a county SARB. For further information about procedures for addressing truancy, including, but not limited to, circumstances that require referral to a SARB, see BP/AR 5113.1 - Chronic Absence and Truancy.

Pursuant to Education Code 48240-48244, the district may appoint a district employee to serve as an attendance supervisor, jointly employ an attendance supervisor with one or more other districts, or contract with the County Superintendent of Schools for the supervision of attendance of district students. The duties of the attendance supervisor, as specified in Education Code 48240, include duties related to compulsory full-time education and truancy. See AR 5113.11 - Attendance Supervision.

The Governing Board recognizes that poor school attendance and behavior problems negatively impact student achievement and put students at greater risk of dropping out of school. The Superintendent or designee shall establish a comprehensive and integrated system for the early identification of attendance problems and shall implement strategies to encourage students' attendance. After other interventions have been exhausted, students with a pattern of unexcused absences may be referred to a school attendance review board (SARB), in accordance with applicable law, in order to receive intensive guidance and assistance.

*(cf. 5113 - Absences and Excuses)*  
*(cf. 5113.1 - Chronic Absence and Truancy)*  
*(cf. 5113.11 - Attendance Supervision)*  
*(cf. 5147 - Dropout Prevention)*

Note: The following **optional** paragraph is based on a goal stated in Education Code 48322.

The SARB shall maintain a continuing inventory of community resources, including alternative educational programs.

The Superintendent or designee shall collaborate with the SARB and appropriate community agencies, including, but not limited to, law enforcement agencies, child welfare agencies, and health services, to provide school-based and/or community-based interventions tailored to the specific needs of the student.

*(cf. 1020 - Youth Services)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 5126 - Awards for Achievement)*  
*(cf. 5131 - Conduct)*

(cf. 5131.2 - Bullying)  
(cf. 5137 - Positive School Climate)  
(cf. 5141.6 - School Health Services)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5146 - Married/Pregnant/Parenting Students)  
(cf. 6158 - Independent Study)  
(cf. 6164.2 - Guidance/Counseling Services)  
(cf. 6164.5 - Student Success Teams)  
(cf. 6173 - Education for Homeless Children)  
(cf. 6173.1 - Education for Foster Youth)  
(cf. 6173.2 - Education of Children of Military Families)  
(cf. 6175 - Migrant Education Program)  
(cf. 6179 - Supplemental Instruction)  
(cf. 6181 - Alternative Schools/Programs of Choice)  
(cf. 6183 - Home and Hospital Instruction)  
(cf. 6184 - Continuation Education)  
(cf. 6185 - Community Day School)

The Board shall appoint members to the district's SARB, who may include a parent/guardian as well as representatives of various agencies including, but not limited to, school districts; the county probation department; the county welfare department; the County Superintendent of Schools; law enforcement agencies; community-based youth service centers; school guidance personnel; child welfare and attendance personnel; school or county health care personnel; school, county, or community mental health personnel; the county district attorney's office; and the county public defender's office. (Education Code 48321)

The district's SARB shall provide support to improve student attendance and behavior through proactive efforts focused on building positive school environments and improved school connectedness, early identification and immediate intervention to re-engage students with poor attendance or behavior, and intensive intervention with students and families to address severe or persistent attendance or behavior issues.

Note: Pursuant to Education Code 48324, if a county SARB exists, the district's SARB must be governed by rules and regulations consistent with the rules and regulations established by the county SARB or by other legal requirements. In the absence of a county SARB, the local SARB has the authority to set rules and regulations consistent with law. The following paragraph may be revised to reflect district practice.

SARBs are also subject to the open meeting requirements of the Brown Act (Government Code 54950-54963), including notice requirements, except that meetings may be held in closed session when considering matters related to individual students; see the accompanying administrative regulation.

The district's SARB shall operate in accordance with Education Code 48320-48325, the Brown Act (Government Code 54950-54963), and the bylaws of the SARB.

Note: The California Department of Education's School Attendance Review Board Handbook includes a sample report form for meeting the following requirements of Education Code 48273. The report includes the composition of the SARB; the numbers and types of referrals (i.e., attendance and/or behavior); total number of students referred to the SARB and number of students by grade level, gender, and race/ethnicity; and the disposition of the referrals, including the number of cases referred to courts or other agencies. According to the handbook, the annual report should also be provided to member organizations of the SARB.

The SARB shall collect data and annually report outcomes on SARB referrals to the Governing Board, Superintendent or designee, and County Superintendent of Schools. (Education Code 48273)

*Legal Reference:*

EDUCATION CODE

1740 *Employment of personnel to supervise attendance (county superintendent)*

1980-1986 *County community school*

46010-46014 *Absences*

48200-48208 *Children ages 6-18 (compulsory full-time attendance)*

48240-48246 *Supervisors of attendance*

48260-48273 *Truants*

48290-48297 *Failure to comply; complaints against parents*

48320-48325 *School attendance review boards*

48340-48341 *Improvement of student attendance*

48400-48403 *Compulsory continuation education*

48660-48666 *Community day school*

49067 *Unexcused absences as cause of failing grade*

CODE OF CIVIL PROCEDURE

1985-1997 *Production of evidence; means of production*

GOVERNMENT CODE

54950-54963 *The Ralph M. Brown Act*

PENAL CODE

270.1 *Chronic truancy; parent/guardian misdemeanor*

272 *Parent/guardian duty to supervise and control minor child; criminal liability for truancy*

830.1 *Peace officers*

VEHICLE CODE

13202.7 *Driving privileges; minors; suspension or delay for habitual truancy*

WELFARE AND INSTITUTIONS CODE

256-258 *Juvenile hearing officer*

601-601.4 *Habitually truant minors*

11253.5 *Compulsory school attendance*

CODE OF REGULATIONS, TITLE 5

306 *Explanation of absence*

420-421 *Record of verification of absence due to illness and other causes*

COURT DECISIONS

*L.A. v. Superior Court of San Diego County, (2012) 209 Cal.App.4th 976*

*Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*School Attendance Review Board Handbook: A Road Map for Improved School Attendance and Behavior, 2015*

*School Attendance Improvement Handbook, 2000*

WEB SITES

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

Attendance Works: <http://www.attendanceworks.org>

California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>

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

Regulation

approved: November 14, 2017

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA COUNTY OFFICE OF EDUCATION

Loyalton, California

**Policy Reference UPDATE Service**

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# CSBA Sample – New Policy

## Administrative Regulation

Students

AR 5113.12(a)

### DISTRICT SCHOOL ATTENDANCE REVIEW BOARD

Note: The following administrative regulation is for use by districts that have established their own school attendance review board (SARB), in addition to or instead of a county SARB, as authorized pursuant to Education Code 48321. Requirements for the composition and basic duties of the SARB are contained in Education Code 48320-48325. In addition, the following administrative regulation reflects information and best practices in the California Department of Education's (CDE) School Attendance Review Board Handbook, available on CDE's web site. The district should revise the following regulation to reflect district practice and, if applicable, procedures established by the county SARB.

Upon receiving a referral of a student with attendance and/or behavior problems, a designated member of the school attendance review board (SARB) shall review the case and may meet with school personnel to determine whether the school has provided sufficient information about the student's attendance record or behavior. If the referral is complete and is an appropriate matter for the SARB to consider, the SARB chairperson shall provide written notification to the student's parents/guardians stating the reasons a referral has been made, explaining the SARB process, advising whether additional information is needed, and describing school-level interventions that have previously been attempted.

The SARB shall meet with the student and his/her parents/guardians, give them an opportunity to present their understanding of the problem, and discuss the school and/or community resources appropriate for the student's circumstances.

Note: The CDE's School Attendance Review Board Handbook clarifies that SARBs are subject to the open meeting requirements of the Brown Act (Government Code 54950-54963), including notice requirements, but that meetings may be held in closed session when considering matters related to individual students.

Any SARB meeting to consider matters related to an individual student shall be held in closed session unless the parent/guardian requests, in writing, that the meeting be held in open session.

*(cf. 9321 - Closed Session Purposes and Agendas)*

The SARB shall have access to relevant student records, but shall not provide access to others without written consent of the student's parent/guardian. (Education Code 49076)

*(cf. 5125 - Student Records)*

For the limited purpose of making a proper disposition of the referral of a student, the SARB may issue subpoenas pursuant to Code of Civil Procedure 1985-1997 or may request the juvenile court to issue subpoenas to require the attendance of the student, parents/guardians or other person having control of the student, the school authority referring the student, or any other person who has pertinent or material information concerning the matter. The SARB shall



not issue any subpoena that includes a request for production of written materials, but may request a juvenile court to issue such subpoena for the production of written materials. (Education Code 48263, 48321.5)

Note: The CDE's [School Attendance Review Board Handbook](#) provides a sample School Site, Student and Parent Agreement that may be used to formalize the directives of the SARB.

The SARB shall issue written directives stating the responsibilities of all persons involved, detailed resource referrals, and follow-up dates for the school's reports on the student's progress. The written directives shall include an agreement that the student will attend school or improve classroom behavior as applicable, and shall be signed by the student, his/her parents/guardians, the SARB chairperson, and the Superintendent or designee.

When referred by the SARB, a student may be assigned to a community day school or a county community school. (Education Code 1981, 48662)

*(cf. 6185 - Community Day School)*

At any time it deems proper, the SARB may require the student or his/her parents/guardians to furnish satisfactory evidence of participation in any available community services that the student or parents/guardians have been directed to use. (Education Code 48263)

Based on progress reports submitted by the school, the SARB may terminate the agreement upon the successful completion of the terms of the agreement, extend the time for completion of the agreement, or schedule another meeting with the student and his/her parents/guardians.

Note: Pursuant to Education Code 48263, if the SARB determines that available community services cannot resolve the student's problem or if the student and/or the student's parents/guardians have failed to respond to the SARB's directives, the SARB may notify the district attorney and/or the probation officer, if the district attorney or the probation office has elected to participate in the truancy mediation program. If the district attorney or the probation office has not elected to participate in the truancy mediation program, the SARB may direct the County Superintendent of Schools to request a petition to the juvenile court, upon which the juvenile court will hear all evidence related to the petition and will bring about a proper disposition of the case. The following paragraph may be revised to reflect the appropriate authority to be notified.

If the student's attendance or behavior problems cannot be resolved by the SARB, or if the student and/or the student's parents/guardians continually and willfully fail to respond to SARB directives or the services provided, the student or parents/guardians shall be referred to the appropriate agency, including law enforcement agencies when necessary. (Education Code 48263, 48290-48291)

Regulation

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SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA COUNTY OFFICE OF EDUCATION

Loyalton, California

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# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

Students \_\_\_\_\_ AR 5117

### INTERDISTRICT ATTENDANCE

#### OPTION 1: Interdistrict Attendance Permits

In accordance with an agreement between the Governing Board of Education and the board of another district, a permit authorizing a student's attendance outside his/her district of residence may be issued upon approval of both the district of residence and the district of proposed attendance.

~~All applications for Interdistrict Attendance Permits must be received by the district in writing, using the approved form, between March 1 and June 30 of each year. All grounds supporting the application must be set forth in a single application. Multiple or successive applications will not be considered by the district.~~

The Superintendent or designee may approve an interdistrict attendance permit for a student for any of the following reasons when stipulated in the agreement:

Note: Education Code 46600 requires districts to give priority for interdistrict attendance permits to a student who is a victim of an act of bullying, as provided below. For this purpose, Education Code 48900(r) defines bullying to include, but not be limited to, bullying committed by means of an electronic act directed specifically toward the student; see AR 5144.1 - Suspension and Expulsion/Due Process.

1. When the student has been determined by staff of either the district of residence or district of proposed attendance to be a victim of an act of bullying as defined in Education Code 48900(r). ~~Such a student shall be given priority for interdistrict attendance under any existing interdistrict attendance agreement or, in the absence of an agreement, shall be given consideration for the creation of a new permit.~~ (Education Code 46600)

*(cf. 5131.2 - Bullying)*

Note: **Optional** items #2-12 below should be revised and/or deleted to reflect district practice.

2. To meet the child care needs of the student.- Such a student may be allowed to continue to attend district schools only as long as he/she continues to use a child care provider within district boundaries.

*(cf. 5148 - Child Care and Development)*

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

*(cf. 6159 - Individualized Education Program)*

4. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance.
5. To allow the student to complete a school year when his/her parents/guardians have moved out of the district during that year.
6. To allow the student to remain with a class graduating that year from an elementary, middle, or senior high school.
7. To allow a high school senior to attend the same school he/she attended as a junior, even if his/her family moved out of the district during the junior year.
8. When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the year in the district.
9. When the student will be living out of the district for one year or less.
10. When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence.

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

*(cf. [5113.12 - District School Attendance Review Board](#))*

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

Note: In 84 Ops.Cal.Atty.Gen. 198 (2001), the Attorney General opined that a lack of school facilities is a justifiable reason for denial of the interdistrict attendance permit request. However, according to the Attorney General, once the student is admitted, the district may not later deny the student continued attendance at a district school because of overcrowding. Although Attorney General opinions are not binding on the courts, they are generally afforded deference in the court when there is no specific statutory or case law to the contrary. The following paragraph is based on this Attorney General opinion.

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

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

Note: Education Code 46601 requires that, within 30 days of a request for an interdistrict permit, parents/guardians whose permit application was denied must be informed about their right to appeal to the County Board of Education. This notice shall be provided by the district denying the request, or, in the absence of an agreement between the districts, by the district of residence.

Pursuant to Education Code 46601, parents/guardians may submit their appeal within 30 calendar days of the failure or refusal to issue the permit. The County Board then has 30 calendar days, unless extended by an additional five school days for good cause, to make its determination as to whether the student should be allowed to attend the district of his/her choice. However, as amended by SB 344 (Ch. 461, Statutes of 2017), Education Code 46601 allows a class 1 county (i.e., a county with a 1994-95 average daily attendance (ADA) of 500,000 or more for all districts in the county) 60 calendar days to make its determination, and a class 2 county (i.e., a county with a 1994-95 ADA of 180,000-499,999) 45 calendar days to make its determination.

Pursuant to Education Code 46602, if the County Board determines that the student should be permitted to attend the district of his/her choice, the district shall admit the student without delay.

Within 30 calendar days of a request for an interdistrict permit, the Superintendent or designee shall notify the parents/guardians of a student who is denied interdistrict attendance regarding the process for appeal to the County Board of Education as specified in Education Code 46601. (Education Code 46601)

*(cf. 5145.6 - Parental Notifications)*

Pending a decision by the two districts or an appeal by the County Board, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months. -(Education Code 46603)

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

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

Note: Pursuant to Education Code 46600, once an interdistrict permit is granted and the student is enrolled in the new school, the district of enrollment (1) may not require the student to reapply; (2) must allow the student to continue to attend the school, unless the permit contains specific standards for reapplication; and (3) along with the district of residence, may not revoke the student's existing permit if he/she is entering grade 11 or 12. Therefore, even if an interdistrict attendance agreement between the two districts has expired, the student may be allowed to continue attending the school to which he/she has transferred, unless the agreement contains specific language requiring reapplication.

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

The following ¶¶, red with strikethroughs, reflect a District of Choice School program, which SPJUSD has not adopted.

### **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 48300-48317. (See Option 2 in the accompanying Board policy.)

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

~~Note: The following paragraph may be revised to reflect district practice. Education Code 48312, as amended by AB 99 (Ch. 15, Statutes of 2017), requires a school district of choice to make public announcements regarding district schools, programs, policies, and procedures, including transportation options. Education Code 48302, as amended by AB 99, encourages districts to hold informational meetings and make public announcements regarding the current educational programs offered by the district so that parents/guardians may make informed decisions regarding their child's education and provide input on methods to improve the current programs.~~

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

~~Note: Education Code 48301, as amended by AB 99 (Ch. 15, Statutes of 2017), requires that application information be posted on the district's web site.~~

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

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

~~Parents/guardians shall submit applications for interdistrict attendance to the district office by January 1 of the school year preceding the school year for which the student may be transferred. The application deadline may be waived upon agreement between the district and the student's district of residence. (Education Code 48308)~~

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

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

~~Note: Education Code 48306, as amended by AB 99 (Ch. 15, Statutes of 2017), adds a requirement that second priority for admission under the school district of choice program be given to students who are eligible for free and reduced-price meals and that third priority be given to children of military personnel.~~

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

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

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

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

~~Note: Pursuant to Education Code 48305, if the district chooses to use existing entrance criteria for specialized schools or programs, then the criteria must be uniformly applied. The following optional paragraph is for use by districts that choose to use existing entrance criteria.~~

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

~~Note: Items #1-2 below are optional and may be revised to reflect district practice.~~

~~The district may deny a transfer into the district under the school-district-of-choice program under either of the following circumstances:~~

~~Note: Education Code 48303 provides that a district may not deny a transfer because the additional cost of educating the student would exceed the amount of additional state aid to be received. However, pursuant to Education Code 48303, a transfer may be rejected if it would require the district to create a new program to serve the student, as specified in item #1.~~

~~1. The transfer into the district would require the district to create a new program to serve that student, except that the district shall not reject the transfer of a student with disabilities or an English learner. (Education Code 48303)~~

~~Note: Pursuant to Education Code 48307, a school-district-of-choice may prohibit a transfer into the district if the Governing 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. According to the court, because the constitutional provisions added by Proposition 209 in 1996 (California Constitution, Article 1, Section 31) prohibit discrimination against or preferential treatment for any individual or group on the basis of race, sex, color, ethnicity, or national origin, a district must not adopt a policy containing different admission criteria on the basis of race. However, pursuant to Education Code 48307, as amended by AB 99 (Ch. 15, Statutes of 2017), denial of transfers on the basis of a voluntary desegregation plan or the racial and ethnic balance of the district must be consistent with the provisions of Proposition 209. It is recommended that the district consult legal counsel before adopting a policy to allow the denial of transfers on either of these bases.~~

~~For language regarding student transfers out of the district for any of the reasons specified in item #2a-c, see section "Transfers Out of the District" below.~~

~~2. The Board determines that the transfer into the district would negatively impact any of the following: (Education Code 48307)~~

~~a. A court-ordered desegregation plan~~

~~b. A voluntary desegregation plan of the district, consistent with the California Constitution, Article 1, Section 31~~

~~c. The racial and ethnic balance of the district, consistent with the California Constitution, Article 1, Section 31~~

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

~~Note: Education Code 48308, as amended by AB 99 (Ch. 15, Statutes of 2017), requires that parents/guardians of students who have requested a transfer be provided the following notice by February 15.~~

~~Between January 1 and February 15 of the school year preceding the school year for which the student is requesting to be transferred, the Superintendent or designee shall notify the parent/guardian in writing whether the application has been provisionally accepted or rejected or of the student's position on any waiting list. (Education Code 48308)~~

~~Note: Education Code 48308, as amended by AB 99 (Ch. 15, Statutes of 2017), requires the following notifications to the district of residence.~~

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

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

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

~~(cf. 9324—Minutes and Recordings)~~

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

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

~~The final number of students accepted for transfer into the district, by school and grade level, along with the names of the students, shall be reported to the district of residence on or before May 2. (Education Code 48308)~~

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

~~(cf. 5111.1 – District Residency)  
(cf. 5116.1 – Intradistrict Open Enrollment)~~

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

~~Note: The following paragraph may be revised by districts that do not maintain high schools:~~

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

~~The district may accept any completed coursework, attendance, and other academic progress credited to an accepted student by any district(s) he/she has previously attended and may grant academic standing to the student based upon the district's evaluation of the student's academic progress. (Education Code 48309)~~

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

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

## **Transfers Out of the District**

~~Note: The following **optional** section is for use by all districts.~~

~~Pursuant to Education Code 48307, a district must not deny a student whose parent/guardian is in active military duty from transferring out of the district to any other district. In addition, Education Code 46600, as amended by AB 2659 (Ch. 186, Statutes of 2016), provides that a district must not prohibit the transfer of such a student out of the district to any other district that approves the transfer, regardless of whether or not an interdistrict transfer agreement exists or a permit is issued.~~

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

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

~~Note: 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 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 an ADA of 50,000 or less 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 item #1 to reflect the applicable percentage in Education Code 48307 based on its ADA.

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

*(cf. 3100 - Budget)*

Note: Item #3 is **optional** and should be revised to reflect district practice. As noted above in the section "Option 2: School District of Choice Program," Education Code 48307 authorizes the district to prohibit a transfer in or out of the district 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. As amended by AB 99 (Ch. 15, Statutes of 2017), Education Code 48307 provides that denial of transfers on the basis of a voluntary desegregation plan or the racial and ethnic balance of the district must be consistent with the constitutional provisions added by Proposition 209 in 1996 (California Constitution, Article 1, Section 31). It is recommended that districts consult legal counsel before adopting policy to allow denial of transfers on either of these bases.

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

Regulation

approved: April 10, 2007

revised: November 10, 2009

revised: March 8, 2011

revised: October 9, 2012

revised: November 14, 2017

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA COUNTY OFFICE OF EDUCATION

Sierraville, California

Loyalton, California

Policy Reference UPDATE Service

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# Sierra County/Sierra-Plumas Joint USD

## Board Policy

Students

BP 5117

### INTERDISTRICT ATTENDANCE

Note: The ~~Board of~~ Education Code provides a number of options under which a district may enroll a student whose parent/guardian does not reside within district boundaries. 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). Alternatively, pursuant to Education Code 48300-48317, 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, pursuant to Education Code 48204, a district may authorize a student whose parent/guardian is employed within district boundaries to attend a school in the district (Allen bill transfer); see AR 5111.1 - District Residency. 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~~ within the geographic boundaries of one district may, for a variety of reasons, ~~choose~~ desire to enroll their ~~child~~ children in a school in another district.

(cf. ~~0520.3~~ Title I Program Improvement Districts)

(cf. ~~5111.12-1~~ - District 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 ~~or its designee~~ 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.

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.

#### Transportation **OPTION 2:**

~~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. Priority for such transportation shall be based on demonstrated financial need.~~

#### Limits on Student Transfers Out of the District to a 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 48300-48317. Districts selecting this option should also select Option 2 in the accompanying administrative regulation.

Pursuant to Education Code 48301, as amended by AB 99 (Ch. 15, Statutes of 2017), any district that elects to participate in this program must, on or before July 1, 2018, register as a school district of choice with the Superintendent of Public Instruction and the County Board of Education. Pursuant to Education Code 48317, as amended by AB 99, failure to register will result in the loss of a portion of the district's local control funding formula apportionment attributable to the average daily attendance (ADA) of students enrolled through the school district of choice program in the previous year.

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 may limit 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.

Note: Education Code 48301, as amended by AB 99 (Ch. 15, Statutes of 2017), requires that a school district of choice accept all transfers up to the maximum number established by the Board.

The Board shall, by resolution, annually establish the number of students who will be accepted into the district through this program. Once established, the district shall accept all students who apply to transfer into the district until the district is at maximum capacity. (Education Code 48301)

Note: Whenever the number of student ~~transfers~~ applications exceeds the number of transfers that the Board has established, Education Code 48301 requires a random, unbiased process for selecting students who will be admitted and prohibits consideration of certain factors. AB 99 (Ch. 15, Statutes of 2017) amended Education Code 48301 to expand the list of factors that must not be considered. Pursuant to Education Code 48301, family income may only be considered to the extent necessary to determine enrollment priority pursuant to Education Code 48306; see the accompanying administrative regulation.

The Board shall establish a selection process which ensures that students are admitted to district schools through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a student should be enrolled based upon his/her academic or athletic performance, physical condition, proficiency in English, any of the individual characteristics set forth in Education Code 200, or family income. (Education Code 48301)

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

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; 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.

Note: Education Code 48313 requires a school district of choice to maintain and report specified information regarding requests for transfers and the disposition of those requests. As amended by AB 99 (Ch. 15, Statutes of 2017), Education Code 48313 requires this report to include the eligibility for free or reduced-price meals of students transferring into or out of the district ~~to a school district of choice based on the percentages of average daily attendance specified in Education Code 48307~~ and the number of students provided transportation; see items #3 and 5 below.

~~In addition, transfers~~The Superintendent or designee shall maintain a record of requests for admittance that includes, but is not limited to, all of the following: (Education Code 48313)

1. The number of requests granted, denied, or withdrawn and, for denied requests, the reason for the denial
2. The number of students transferred into and out of the district ~~may be limited during a fiscal year when the County Superintendent of Schools has given~~ pursuant to this program

3. The race, ethnicity, gender, self-reported socioeconomic status, eligibility for free or reduced-price meals, and the district ~~a negative budget certification or when the County Superintendent has determined that~~ of residence for each student transferred into or out of the district ~~will not meet the state's standards and criteria for fiscal stability in~~ pursuant to this program
4. The number of students transferred into or out of the ~~subsequent fiscal year exclusively as a result of student transfers from this~~ district ~~to~~ pursuant to this program who are classified as English learners or students with disabilities

Note: Education Code 48311 authorizes, but does not require, a school district of choice. ~~(Education Code 48307)~~ to provide transportation to participating students to the extent that the district provides transportation assistance to other students. See section on "Transportation" below. Item #5 may be deleted by districts that do not provide transportation.

(cf. 3100—Budget)

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

Note: AB 99 (Ch. 15, Statutes of 2017) amended Education Code 48313 to revise the deadline for submitting the above report and to delete the requirement to submit the report to the Department of Finance. As amended, Education Code 48313 requires the California Department of Education to collect and report statewide data on its web site and to share the information with specified state agencies.

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

The district's compliance with program requirements shall be subject to the annual district audit conducted pursuant to Education Code 41020. (Education Code 48301)

*(cf. 3460 - Financial Reports and Accountability)*

## 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. Pursuant to Education Code 48311, a school district of choice is authorized, but not required, to provide transportation assistance to the extent that the district otherwise provides transportation assistance to students.

The district shall not provide transportation beyond any school attendance area. 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)

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)

Upon request of a student's parent/guardian, the Superintendent or designee may authorize transportation for an interdistrict transfer student to and from designated bus stops within the attendance area of the school that the student attends if space is available.

*Legal Reference:*

EDUCATION CODE

41020 Annual district audits

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48300-~~48316~~48317 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

CALIFORNIA CONSTITUTION

Article 1, Section 31 Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin

ATTORNEY GENERAL OPINIONS

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

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

COURT DECISIONS

Walnut Valley Unified School District v. the Superior Court of Los Angeles County, (2011) 192

Cal.App.4th 234

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

*Management Resources:*

WEB SITES

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

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

Policy

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SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA COUNTY OFFICE OF EDUCATION

Sierraville, California

Loyalton, California

# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

Students

AR 5125.2

### WITHHOLDING GRADES, DIPLOMA OR TRANSCRIPTS

Note: Pursuant to Education Code 48904, parents/guardians of any minor who willfully cuts, defaces, or otherwise injures any real or personal property belonging to the district, or who does not return district property that was loaned to the student, are liable for paying damages to the district up to the amount specified in law and annually adjusted for inflation; see BP/AR 3515.4 - Recovery for Property Loss or Damage. Until the damages are paid, the district is authorized to withhold the grades, diploma, and/or transcripts of the student responsible for the damage.

Education Code 48904 mandates the Governing Board to establish procedures for withholding a student's grades, diploma, and/or transcripts

~~When school property has been willfully damaged or not returned upon demand, the principal or designee shall inform the parent/guardian in writing of the responsible student's alleged misconduct and the reparation that may be due.~~

~~This notice shall include a statement that the district may withhold grades, diploma or transcripts from the student and parent/guardian until reparation is made.~~

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

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

~~If reparation is not made, the district shall afford the student his/her due process rights in conformance with Education Code expulsion procedures and may withhold~~Before withholding the student's grades, diploma, and/or transcripts, the Superintendent or designee shall inform the student's parents/guardians in writing of the student's alleged misconduct. (Education Code 48904)

*(cf. 5145.6 - Parental Notifications)*

Note: Education Code 48904 mandates that the district's procedures for withholding a student's grades, diploma, and/or transcripts conform to procedures established in the Education Code for student expulsion. For due process procedures related to student expulsion, see BP/AR 5144.1 - Suspension and Expulsion/Due Process.

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

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

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

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

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

~~When a student from whom the district is withholding grades, diploma or transcripts transfers to another district, this information shall be sent to the new district with the student's records and a request that these items continue to be withheld until the new district receives notification that the debt has been cleared.~~

The Superintendent or designee shall also notify the ~~parent/guardian~~student's parents/guardians in writing that ~~this district's~~ the decision to withhold the student's grades, diploma, and/or transcript~~transcripts~~ will be enforced by the new district. (Education Code 48904)~~(Education Code 48904.3)~~

~~The district shall withhold grades, diploma or transcripts from any student transferring into the district whose misconduct caused a previous district to withhold them. When informed by the previous district that its decision has been rescinded, the district shall release these documents. (Education Code 48904.3)~~

*Legal Reference:*

EDUCATION CODE

*48904 Liability of parent*

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

*48911 Suspension by principal, designee or superintendent*

*49069 Absolute right to access*

Regulation  
approved: April 10, 2007  
revised: November 14, 2017

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

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# Sierra County/Sierra-Plumas Joint USD

## Board Policy

Students

BP 5131.6

### ALCOHOL AND OTHER DRUGS

The Governing Board of Education believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. ~~The Board desires to keep district schools free of alcohol and other drugs in order to help prevent violence, promote school safety and create a well-disciplined environment conducive to learning.~~ The Superintendent or designee shall develop comprehensive programs and activities to foster safe, healthy, and drug-free environments that support academic achievement.

~~The Superintendent or designee shall develop, implement and evaluate a comprehensive prevention and intervention program that is coordinated with other school and community based services and programs. The district's program shall be scientifically based and designed to prevent or reduce alcohol or other drug use and the possession and distribution of illegal drugs. It shall include primary prevention activities such as decision-making skills and conflict management, instruction, referral to a rehabilitation program, enforcement/discipline, activities that promote the involvement of parents/guardians and coordination with appropriate community agencies and organizations.~~

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 4020 - Drug and Alcohol-Free Workplace)*

~~*(cf. 6020 - Parent Involvement)*~~

~~The Board and Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of the district's program in reducing drug and alcohol use. The Superintendent or designee shall develop and implement an evaluation process that includes ongoing assessment and analysis of objective data regarding the incidence of drug and alcohol use among district students, including discipline problems, and the prevalence of risk factors.~~

~~The Superintendent or designee shall consult with principals, teachers, other school personnel, students and parents/guardians when developing the district's program.~~

~~The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the district's policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities. Information about program needs and goals shall be widely distributed in the community.~~

~~Staff should encourage students to participate as responsible partners in efforts to maintain a safe, constructive school climate.~~

*(cf. 5137 - Positive School Climate)*

~~The Board encourages the establishment of site-level advisory groups to assist in promoting alcohol and drug-free schools.~~

Note: The Every Student Succeeds Act (P.L. 114-95) amended 20 USC 7101-7122 to establish the Student Support and Academic Enrichment Grants program, which may be used for several specified purposes including activities to improve school conditions for student learning. For participating districts, 20 USC 7118 requires parent/guardian involvement in program activities and encourages partnerships with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity. 20 USC 7116 specifies stakeholder groups that must be consulted in the development of the grant application, including parents/guardians, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives (e.g., law enforcement, juvenile court, child welfare agency, public housing agency), Indian tribes or tribal organizations, charter school leaders and staff, and others with relevant and demonstrated expertise in alcohol and drug prevention and intervention.

In addition, Education Code 51268 encourages districts to collaborate with county offices of education in the provision of education programs for alcohol and drug prevention and to coordinate program planning and implementation with health, social services, criminal justice, and other entities.

The following paragraph may be revised to reflect district practice.

The district's alcohol and drug prevention and intervention programs shall be coordinated with other school and community-based services and programs and shall promote the involvement of parents/guardians. The Superintendent or designee may collaborate with the county office of education, community-based organizations, health providers, law enforcement agencies, local child welfare agencies, postsecondary institutions, businesses, and other public and private entities in program planning, implementation, and evaluation.

*(cf. 1020 - Youth Services)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 6020 - Parent Involvement)*

Note: Items #1-4 below reflect some of the types of programs that may be funded through the Student Support and Academic Enrichment Grants program pursuant to 20 USC 7118, as amended by P.L. 114-95, and may be revised to reflect district practice.

Prevention and intervention programs and activities may include, but are not limited to: (20 USC 7118)

1. Evidence-based drug and violence prevention activities and programs that educate students against the use of alcohol, tobacco, cannabis, smokeless tobacco products, and electronic cigarettes

*(cf. 5131.62 - Tobacco)*

2. Professional development and training for school staff, specialized instructional support personnel, and interested community members on drug prevention, education, early identification, intervention mentoring, recovery support services, and, where appropriate, rehabilitation referral

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

3. School-based mental health services, including early identification of drug use and referrals to counseling services, and/or partnerships with public or private health care entities that have qualified mental and behavioral health professionals

~~(cf. The district's drug education program shall augment county drug education services, if any. District staff shall take every opportunity to cooperate with county and county office of education staff in planning and implementing collaborative alcohol and drug prevention programs.~~

~~5141.6 - School Health~~~~(cf. 1020 - Youth Services)~~

4. Programs and activities that provide mentoring and school counseling to all students, including students who are at risk of drug use and abuse

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

### Instruction

The district shall provide science-based preventative instruction which has been proven effective in helping students avoid the use of alcohol and other drugs.

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

*(cf. 6142.8 - Comprehensive Health Education)*

*(cf. 6143 - Courses of Study)*

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is ~~wrong and harmful.~~ prohibited. Instruction shall not include ~~the concept of~~ any message on responsible use of drugs or alcohol when such use is illegal. ~~(20 USC 7114, 7162; (Health and Safety Code 11999.2)~~

The district shall offer staff development activities for staff who implement the comprehensive drug and alcohol prevention and intervention program.

### Intervention, Referral, and Student Assistance Programs

Note: Pursuant to 20 USC 7118, as amended by P.L. 114-95, programs which may be funded under the Student Support and Academic Enrichment Grants program include programs of counseling, mentoring, referral services, and other student assistance programs. The following section may be revised to reflect district practice.

In addition, Education Code 215 mandates that any district serving grades 7-12 adopt a suicide prevention policy which contains measures and strategies for addressing the needs of high-risk groups, including, but not limited to, youth with substance use disorders. See BP/AR 5141.52 - Suicide Prevention.

The Superintendent or designee shall ~~School~~ inform school staff, students, and parents/guardians ~~shall be informed~~ about early warning signs which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling, referral, and other student assistance programs.

The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. -Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

*(cf. 5141.52 - Suicide Prevention)*

### Enforcement/Discipline

~~The Superintendent or designee~~ Students shall ~~take appropriate action to eliminate possession~~ not possess, use, or sale of sell alcohol ~~and/or~~ other drugs and related paraphernalia on school grounds or at school-sponsored activities.

*(cf. 3513.3 - Tobacco-Free Schools)*

*(cf. 3513.4 - Drug and Alcohol Free Schools)*

*(cf. 5131 - Conduct)*

*(cf. 5131.61 - Drug Testing)*

*(cf. 5131.63 - Steroids)*

*(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)*

*(cf. 5145.12 - Search and Seizure)*

~~Students possessing, using~~ The Superintendent or selling ~~designee~~ shall clearly communicate to all students, staff, and parents/guardians the district's policies, regulations, and school rules related to the use of alcohol ~~or~~ and other drugs.

Note: Pursuant to Education Code 48900, a student's unlawful possession, use, sale, or furnishing of alcohol or related paraphernalia shall be subject to disciplinary procedures including a controlled substance is a ground for suspension or expulsion ~~and/~~; see AR 5144.1 - Suspension and Expulsion/Due Process. Education Code 48915 requires immediate suspension and mandates expulsion for any student who sells drugs at school or ~~referral to~~ while under school jurisdiction. In addition, Education Code 48902 requires districts to notify law enforcement of any acts which may involve the possession or sale of narcotics or a controlled substance. However, when suspension and expulsion are not mandated, districts should consider whether it is appropriate to use an alternative discipline that maintains safety and order on campus and corrects student misbehavior without unnecessarily excluding students from school or discouraging them from seeking assistance for substance abuse.

Any student found by the Board to be selling a controlled substance listed in Health and Safety Code 11053-11058 shall be expelled in accordance with law, Board policy and administrative regulation. In addition, such students may BP/AR 5144.1 - Suspension and Expulsion/Due Process. A student found to have committed another drug or alcohol offense, including possession or intoxication, shall be referred to ~~an appropriate counseling program, transferred to an alternative placement, and/or be restricted from extracurricular activities, including athletics~~ appropriate behavioral interventions or student assistance programs, and may be subject to discipline on a case-by-case basis.

*(cf. 5144 - Discipline)*

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

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

### **Program Evaluation**

Note: Pursuant to 20 USC 7116, as amended by P.L. 114-95, an application for Student Support and Academic Enrichment Grants must include a description of how the district will periodically evaluate program effectiveness based on identified program objectives and outcomes. The following paragraph may be revised to reflect district practice.

The Board and Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of district programs in reducing drug and alcohol use. The Superintendent or designee shall periodically report to the Board on the effectiveness of district activities in achieving identified objectives and outcomes. (20 USC 7116)

*(cf. 0500 - Accountability)*

*Legal Reference:*EDUCATION CODE

44049 *Known or suspected alcohol or drug abuse by student*  
 44645 *In-service training anabolic steroids*  
 48900 *Suspension or expulsion (grounds)*  
 48900.5 *Suspension, limitation on imposition; exception*  
 48901 *Smoking or use of tobacco prohibited*  
 48901.5 *Prohibition of electronic signaling devices*  
 48902 *Notification of law enforcement authorities; civil or criminal immunity*  
 48909 *Narcotics or other hallucinogenic drugs*  
 48915 *Expulsion; particular circumstances*  
 49602 *Confidentiality of pupil information*  
 51202 *Instruction in personal and public health and safety*  
 51203 *Instruction on alcohol, narcotics and restricted dangerous drugs*  
 51210 *Areas of study*  
 51220 *Areas of study, grades 7 to 12*  
 51260-51269 *Drug education*  
 60041 *Instructional materials*  
 60110-60115 *Instructional materials on alcohol and drug education*

BUSINESS AND PROFESSIONS CODE

25608 *Alcohol on school property; use in connection with instruction*

HEALTH AND SAFETY CODE

11032 *Narcotics, restricted dangerous drugs and marijuana*  
 11053-11058 *Standards and schedules*  
 11353.6 *Juvenile Drug Trafficking and Schoolyard Act*  
 11357 *Unauthorized possession of marijuana; possession in school or on school grounds*  
 11361.5 *Destruction of arrest or conviction records*  
 11372.7 *Drug program fund; uses*  
 11802 *Joint school-community alcohol abuse primary education and prevention program*  
 11999-11999.3 *Alcohol and drug program funding; no unlawful use*  
 124175-124200 *Adolescent family life program*

PENAL CODE

13860-13864 *Suppression of drug abuse in schools*

VEHICLE CODE

13202.5 *Drug and alcohol related offenses by person under age of 21, but aged 13 or over;*

WELFARE AND INSTITUTIONS CODE

828 *Disclosure of information re minors*  
 828.1 *Disclosure of criminal records; protection of vulnerable staff & students*

UNITED STATES CODE, TITLE 20

5812 *National education goals*  
 7101-7122 *Student Support and Academic Enrichment Grants*

*Management Resources:*WEB SITES

*California Department of Education, Alcohol, Tobacco and Other Drug Prevention:* <http://www.cde.ca.gov/ls/he/at>  
*California Healthy Kids:* <http://www.californiahealthykids.org>  
*Office of Safe and Healthy Students:* <https://www2.ed.gov/about/offices/list/oese/oshs>

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SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA COUNTY OFFICE OF EDUCATION

Sierraville, California

Loyalton, California

Reference UPDATE Service

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