

KIT CARSON UNION ELEMENTARY SCHOOL DISTRICT
BOARD MEETING & LOCAL CONTROL ACCOUNTABILITY PLAN MEETING AGENDA
February 15, 2017; 6:00 PM
Kit Carson School, Room 31, 9895 7th Avenue, Hanford, CA

1. Call to order open session

- a. Call to order
- b. Pledge of Allegiance
- c. Members present

2. Public comments & public hearings

- a. Public comment: *In order to ensure that members of the public are provided a meaningful opportunity to address the Board on agenda items or non-agenda items that are within the Board's jurisdiction, agenda items may be addressed either at the public input portion of the agenda, or at the time that matter's is taken up by the Board. Presentations are limited to 3-5 minutes.*
- b. Local Control Accountability Plan (LCAP) input. *Pursuant to Education Code 52060(g) the Board welcomes public input on topics related to the District's LCAP. Input from community members during this portion of the meeting will be used to guide district personnel in planning, writing, implementing, and updating the LCAP. The superintendent will provide a written response upon request. The LCAP is available on the district's website at www.kitcarsonschool.com.*

3. Presentations, reports and communications

- a. Staff reports
- b. Board member reports
- c. Superintendent report/review calendar of events Pg 1-2

4. Information items

- a. Update on Safety upgrades projects Pg 3

5. Consent Agenda

The consent agenda consists of routine financial, legal and administrative matters that require board action. The consent agenda is voted on in a single vote. At the request of any one board member, items may be pulled from the consent agenda to be discussed and voted on separately.

- a. Consider approving the minutes of January 18, 2017 Board meeting Pg 4-8
- b. Review and approve the Bills and Warrants Pg 9-46
- c. Consider approving the Inter District Request for 2016-2017 Pg 47

6. Action items

- a. Consider approval of the updating the School Safety Plan Pg 48-95
- b. Consider approval of the 2017-2018 School Calendar Pg 96-97
- c. Consider approving and adopting the second reading of certain Board Policies and Administrative Regulations Pg 98-242



7. Adjourn meeting to closed session: to discussion Employee Evaluations

8. Future Planning and Adjournment

- a. Report on Closed Session
- b. Next Regular Board meeting: Wednesday, March 15, 2017 @ 6pm
- c. Future board agenda items
- d. Adjourn meeting


February 2017

TRUSTWORTHINESS RESPECT RESPONSIBILITY FAIRNESS CARING CITIZENSHIP

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 Basketball SRM A's 3:00, B Girls 4:00 @ HC	2 Basketball HC A's 2:30, B Girls 3:30 @ HC	3 Art Classes	4
5	6 2:15 - Site Council Meeting ELAC/DLAC Meeting	7 Basketball SRM A's 3:30, B Girls 4:30 @ HC 2:40-3:30 - Music 6pm - PTC Meeting	8	9 Art Classes 2:40-3:30 - Music	10 Pee Wee Track Meet Invites Basketball Lakeside A's 3:30 @ HC	11
12	13 No School Lincoln's Birthday 	14 CLASS PARTIES 2:00 PM	15 Board Meeting 6PM	16 Spring Photos 2:40-3:30 - Music Basketball KRH A's 3:30, B's 4:30 @ HC	17 Art Classes	18
19	20 No School Presidents' Day 	21	22	23 Art Classes Citizenship lunch 11:30 K-3 12:00 4-8 2:40-3:30 - Music	24 Dr. Seuss B Day DEAR Day High School Registration	25 Basketball Tournament at Hanford West
26	27 2:05 Faculty Meeting Rm 31	28 8:30 am - County Spelling Bee 1st & 2nd grades 2:40-3:30 - Music				

March 2017

TRUSTWORTHINESS RESPECT RESPONSIBILITY FAIRNESS CARING CITIZENSHIP

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 8:30 am - County Spelling Bee 3rd & 4th grade	2 8:30 am - County Spelling Bee 5th & 6th grade 4th grade Gold Mining 7:15 AM set up	3 8:30 am - County Spelling Bee 7th & 8th grade Art Classes End of Second Trimester Dr. Seuss B Day DEAR Day	4
5	6 2:05 Faculty Meeting Rm 31	7 GRADES DUE FOR REPORT CARDS & ELIGIBILITY	8 Art Classes	9 BEST day	10 REPORT CARDS GO HOME Art Classes	11
12	13  Parent Conferences 1:45 - 4:15 pm	14 Cabinet Meeting 9:15 Art Classes PTC Meeting 6:00	15 6th GRADE Outdoor Ed Rancho El Chorro Board Meeting 6PM	16 6th GRADE Outdoor Ed Rancho El Chorro 11:00 am- 2pm - Kings County Farm Day 3rd graders	17 6th GRADE Outdoor Ed Rancho El Chorro Art Classes	18
19	20	21 Art Classes	22	23	24	25 PTC Spring Fling Carnival
26	27 2:05 Faculty Meeting Rm 31	28 Cabinet Meeting 9:15 Art Show set up	29 Art Show set up Book Fair viewing	30 Book Fair Viewing Citizenship lunch 11:30 K-3 12:00 4-8 Art Show set up Math Decathlon at HC 4:00-7:00	31 Book Fair StoryBook Parade	

Agenda Item:

4a Update on Safety upgrades projects

From: Todd Barlow

Purpose: To update the Governing Board on safety upgrades projects

Superintendent's Recommendation:

Agenda Item:

5a Consider approving the minutes of January 18, 2017

From: Todd Barlow

Purpose: Consider approval of the Board minutes of the Regular Board meeting of January 18, 2017

Superintendent's Recommendation: Consideration for approval

KIT CARSON UNION SCHOOL DISTRICT
Board Meeting Minutes of January 18, 2017

6:00 pm

1. OPEN SESSION

- a) Call to Order: Sheree Deniz, Acting President called the meeting to order at 6:03 pm.
- b) Andy Atsma led the pledge to the flag
- c) Members present: Sheree Deniz, Andy Atsma, Jeff Willhite. Trustee Joe Oliveira was absent. Also present: Todd Barlow, Superintendent/Principal, Margaret DeSantos, Administrative Secretary. Present in the audience were Robin Jones, Robert Inabnit and Kelly Mynderup.

2. Public comments and public hearings

Public comment

None

Local Control Accountability Plan (LCAP)

Mr. Barlow reported that the ELAC/DLAC informational meeting was held on Tuesday, January 17, 2017. He said the ELAC/DLAC committees have the opportunity to help form goals for the LCAP.

Public Hearing: Kings Valley Academy Waiver Submission - General

Mr. Barlow opened the public hearing at 6:05 pm. Mr. Barlow stated that the Waiver in question is necessary to protect the continued operation of Kings Valley's existing resource center. Mr. Barlow stated that Kings Valley is specifically designated to serve high-risk pupils and potential drop-outs from 9-12 grades. Mr. Barlow stated the the Waiver is requesting that portions of two Education Codes be waived so that Kings Valley Academy can continued to operate and serve those high risk students in need. Mr. Barlow recommended that the Waiver be approved.

The Public Hearing was closed at 6:10 pm. There were no public comments.

3. Presentation, reports and communications

a) Staff Report:

- i. Margaret DeSantos reported that as of today Kit Carson has 373 students and Mid Valley has 17 students enrolled.
- ii. Robert Inabnit reported that he has ordered a new Trailer to replace the Trailer that was stolen. He also reported that his crew has replaced and painted some panels
- iii. Kelly Mynderup reported that she attended a Governor's Budget Workshop in Sacramento.
- iv. Robin Jones reported that Basketball has started and all is going well.

b) Board member reports

- Trustee Deniz stated that she truly enjoyed the Christmas Winter Performance
- Trustee Atsma - no report
- Trustee Willhite - no report

c) Superintendent report/review calendar of events

Mr. Barlow reviewed the calendar of events, he mentioned the Spelling Bee for grades 1st through 8th; he mentioned the upcoming 6th-8th grade parent meeting and the Chipotle Fundraiser, which will benefit Kit Carson School's music and drama programs.

Mr. Barlow also updated the Board members on the Fire Alarm, Public Address and Intercommunications upgrade for Kit Carson School. He reported that the Project Budget Summary which he received from Mangini & Associates Inc. had an initial construction cost of \$302,000 and included additional fees for architectural services, bringing the total to \$429,000. He also reported that he received help looking into using the District's modernization eligibility funds. Given the required number of student grants used, the

minimum project costs would be \$460,000 for construction and additional architectural service fees, bringing the total to \$575,000, of which the school would ultimately pay 40% and the state 60%. After a discussion regarding the cost of the project, the Governing Board directed Mr. Barlow to research other avenues on this matter.

4. Information items

- a) First reading of certain Board Policies and Administrative Regulations

The first reading was accepted by the Governing Board

5. Consent items:

The consent agenda consist of routine financial, legal and administrative matters that require board action. The consent agenda is voted on/in a single vote. At the request of any one board member; items may be pulled from the consent agenda to be discussed and voted on separately.

- a. Consider approving the minutes of December 7, 2016
- b. Review and approve the Bills and Warrants
- c. Consider approving the Inter District Request for 2016-2017
- d. Consider ratifying the Fingerprinting & Certification of Certificated Substitutes, Classified Substitutes and New District Employees Agreement

Bills and Warrants were submitted by Kelly Mynderup. It was moved by Trustee Atsma to approve the consent agenda as presented; Trustee Deniz seconded the motion. Motion passed on a 3-0 vote.

Trustee Atsma	Trustee Deniz	Trustee Oliveria	Trustee Willhite
Aye	Aye	Absent	Aye

6. Action items:

- a. Consider approving the Kit Carson Union Elementary School District 2016-2017 Single Plan for Student Achievement

Mr. Barlow reported that the Site Council Committee has approved the Plan.

Trustee Deniz moved to approve the Plan as presented; Trustee Atsma seconded the motion. Motion passed on a 3-0 vote.

Trustee Atsma	Trustee Deniz	Trustee Oliveira	Trustee Willhite
Aye	Aye	Absent	Aye

- b. Consider ratifying the MOU for 2016-2017 Educational Support Services for Professional Development & Coaching in Math and California Next Generation Science Standards

Mr. Barlow stated that Kit Carson School has contract with Kings County Office of Education which will provide consultation and coaching services, and training to assist assigned district staff in curriculum and instructional objectives. It was moved by Trustee Atsma to ratify the MOU as presented; Trustee Willhite seconded the motion. Motion passed on a 3-0 vote.

Trustee Atsma	Trustee Atsma	Trustee Deniz	Trustee Oliveira
Aye	Aye	Absent	Aye

- c. Consider approving the Request For Allowance of Attendance because of Emergency Conditions: J13AS-Form

Mr. Barlow stated because of the district's declining enrollment the J13 Form will assist the District in receiving funds through State Emergency conditions. It was moved by Trustee Atsma to approve the Request for Allowance as presented; Trustee Deniz seconded the motion. Motion passed; 3-0 vote.

Trustee Atsma	Trustee Deniz	Trustee Oliveira	Trustee Willhite
Aye	Aye	Absent	Aye

d. Consider approving the Kings Valley Academy Waiver Submission

It was moved by Trustee Atsma to approve the Waiver as presented; Trustee Deniz seconded the motion.

Motion passed on a 3-0 vote.

Trustee Atsma	Trustee Deniz	Trustee Oliveira	Trustee Willhite
Aye	Aye	Absent	Aye

e. Consider approving Resolution 1617-07; Kings County Director of Finance's Statement of Investment Policy and Delegating Investment Authority to the Kings County Director of Finance

Kelly Mynderup stated that this is an annual item, which needs Board approval. It was moved by Trustee Deniz to approve the Resolution as presented; Trustee Atsma seconded the motion. Motion passed on a 3-0 vote.

Trustee Atsma	Trustee Deniz	Trustee Oliveira	Trustee Willhite
Aye	Aye	Absent	Aye

f. Consider re-approving the Annual Report of Developer Fees

Kelly Mynderup stated that this is to update the Report of Developer Fees in regards to the monies received, she also stated that there is no rate change. It was moved by Trustee Atsma to approve the update of the Annual Report of Developer Fees as presented; Trustee Willhite seconded the motion.

Motion passed on a 3-0 vote.

Trustee Atsma	Trustee Deniz	Trustee Oliveira	Trustee Willhite
Aye	Aye	Absent	Aye

g. Consider approving the 2015-2016 Audit Report

David Schmidt from Vavrinek, Trine & Day and Company, LLP was present and reported on the 2015-2016 Audit Report. Mr. Schmidt reviewed the Financial Statements within the Audit Report. It was moved by Trustee Atsma to approve the Audit Report as presented; Trustee Willhite seconded the motion. Motion passed on a 3-0 vote.

Trustee Atsma	Trustee Deniz	Trustee Oliveira	Trustee Willhite
Aye	Aye	Absent	Aye

8. Future Planning and Adjournment:

a) The next meeting, Wednesday, February 15, 2017 at 6:00 pm

The meeting adjourned at 6:50 pm. No closed session.

Date: _____

Joe Oliveira, President

Sheree Deniz, Clerk of the Board

Todd Barlow, Superintendent/Principal

Agenda Item:

5b Review and approve the Bills and Warrants

From: Kelly Mynderup

Purpose: Review and approve bills and warrants for the following dates:

01/13/2017 - \$ 6,842.23

01/20/2017 - \$12,951.96

01/27/2016 - \$ 3,225.61

02/03/2017 - \$21,841.35

Superintendent's Recommendation: Consideration for approval

School District Payment Order

District Name: Kit Carson Union Elementary School District


As per the Authorized Signature Permit, the following payments are authorized as listed on the payment register.

Warrants	8	\$6,814.28
Credit Card Payments	1	\$27.95
Grand Total for Payments Dated:	01/13/2017	\$6,842.23

☒ Authorized Officer/Employee

Or

☐ Board Members *



* If this option is chosen, must have a majority of board members authorization (EC 42632)

Date

KCOE Examination and Approval

By

 Date

This order must be returned to KCOE prior to distribution of payments.

**Warrant Register For Warrants
Dated 01/13/2017**

2/7/2017 9:59:41AM

Warrant Number	Vendor Number	Vendor Name	Amount
12538587	1305	Amazon	\$952.55
12538588	14	ARAMARK UNIFORM SERVICES	\$68.85
12538589	1097	DE LAGE LANDEN	\$908.96
12538590	535	STEVEN LLOYD	\$85.48
12538591	246	OFFICE DEPOT	\$24.61
12538592	268	PRODUCERS DAIRY FOODS INC	\$541.89
12538593	330	SO CALIF EDISON CO	\$3,228.39
12538594	206	SYSCO FOOD SERVICES	\$1,003.55
Total Amount of All Warrants:			\$6,814.28

**Credit Card Register For
Payments Dated 01/13/2017**

2/7/2017 9:59:45AM

Document Number	Vendor Number	Vendor Name	Amount
14018282	524	SUPPLYWORKS INC	\$27.95
Total Amount of All Credit Card Payments:			\$27.95

Commercial Payment Register

For Payments Dated: 01/13/2017

Document No	Vendor No	Vendor Name	Reference No	FD - RE - PY- GO - FN - OB - SI	Resource	Object	Amount
12538587	1305	Amazon	PV - 170444	0100-0000-0-0000-7100-430000-000	Unrestricted Resources	Materials and Supplies	\$298.08
			PV - 170444	0100-0000-0-0000-7150-430000-000	Unrestricted Resources	Materials and Supplies	\$8.58
			PV - 170444	0100-0000-0-0000-7300-430000-000	Unrestricted Resources	Materials and Supplies	\$48.55
			PV - 170444	0100-0000-0-0000-7300-430000-000	Unrestricted Resources	Materials and Supplies	\$87.60
			PV - 170444	0100-0000-0-0000-7300-430000-000	Unrestricted Resources	Materials and Supplies	\$309.00
			PV - 170444	0100-6500-0-5770-1120-430000-000	Special Education	Materials and Supplies	\$63.96
					Total For Fund Number: 0100		\$815.77
12538587	1305	Amazon	PV - 170444	0900-0000-0-0000-2700-430000-000	Unrestricted Resources	Materials and Supplies	\$5.48
			PV - 170444	0900-0000-0-0000-2700-430000-000	Unrestricted Resources	Materials and Supplies	\$11.95
			PV - 170444	0900-1100-0-1110-1000-420000-000	State Lottery	Books Other Than Textbooks	\$23.62
			PV - 170444	0900-1100-0-1110-1000-430000-000	State Lottery	Materials and Supplies	\$29.52
			PV - 170444	0900-1100-0-1110-1000-430000-000	State Lottery	Materials and Supplies	\$56.19
			PV - 170444	0900-1100-0-1110-1000-420000-000	State Lottery	Books Other Than Textbooks	\$10.02
					Total For Fund Number: 0900		\$136.78
12538588	14	ARAMARK UNIFORM SERVIC	PV - 170434	0100-0000-0-0000-8200-580000-000	Unrestricted Resources	Total Amount of Payment: Other Services and Operating Expenditures	\$952.55
							\$68.85
12538589	1097	DE LAGE LANDEN	PV - 170442	0100-1100-0-1110-1000-560005-000	State Lottery	Total For Fund Number: 0100 Total Amount of Payment:	\$68.85
			PV - 170443	0100-1100-0-1110-1000-560005-000	State Lottery	Maintenance Agreement-Copies	\$695.85
						Maintenance Agreement-Copies	\$213.11
						Total For Fund Number: 0100	\$908.96
12538590	535	LLOYD, STEVEN	PV - 170439	0100-1100-0-1110-1000-430000-012	State Lottery	Total Amount of Payment:	\$908.96
						Materials and Supplies	\$85.48
						Total For Fund Number: 0100	\$85.48
12538591	246	OFFICE DEPOT	PV - 170440	0100-1100-0-1110-1000-430000-014	State Lottery	Total Amount of Payment:	\$85.48
						Materials and Supplies	\$24.61
						Total For Fund Number: 0100	\$24.61
12538592	268	PRODUCERS DAIRY FOODS I	PV - 170436	1300-5310-0-0000-3700-470000-000	Child Nutrition - School Programs	Total Amount of Payment:	\$24.61
			PV - 170435	1300-5310-0-0000-3700-470000-000	Child Nutrition - School Programs	Food	\$226.48
						Food	\$315.41
						Total For Fund Number: 1300	\$541.89
12538593	330	SO CALIF EDISON CO	PV - 170438	0100-0000-0-0000-8200-550020-000	Unrestricted Resources	Total Amount of Payment:	\$541.89
						Electricity	\$3,228.39
						Total For Fund Number: 0100	\$3,228.39

Commercial Payment Register

For Payments Dated: 01/13/2017

Document No	Vendor No	Vendor Name	Reference No	FD - RE - PY - GO - FN - OB - SI	Resource	Object	Amount
12538594	206	SYSO FOOD SERVICES	CM - 1712	1300-5310-0-0000-3700-470000-000	Child Nutrition - School Programs	Food	Total Amount of Payment: \$3,228.39
			CM - 1712	1300-5310-0-0000-3700-470000-000	Child Nutrition - School Programs	Food	-\$21.39
			PV - 170437	1300-5310-0-0000-3700-470000-000	Child Nutrition - School Programs	Food	-\$162.90
			PV - 170437	1300-5310-0-0000-3700-470010-000	Child Nutrition - School Programs	Other Food Service Supplies	\$1,108.96
							\$78.88
							\$1,003.55
14018282	524	SUPPLYWORKS INC	PV - 170441	0100-0000-0-0000-8200-430000-000	Unrestricted Resources	Materials and Supplies	Total Amount of Payment: \$27.95
							\$27.95
							Total Amount of Payment: \$27.95

Commercial Payment Register
For Payments Dated: 01/13/2017

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2/7/2017 9:59:32AM

District: 18 Kit Carson Union Elementary School District

Fund	Total
0100	\$5,160.01
0900	\$136.78
1300	\$1,545.44
	<u>\$6,842.23</u>

Total # of Payments: 9

Total # of Payments: 9	Grand Total: \$ 6,842.23
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Detail By Fund/Resource

Page 1 of 2
2/7/2017 9:59:37AM

District	Fund	Resource	Amount
18 Kit Carson Union Elementary School District	0100 General Fund	Unrestricted Resources	\$68.85
		Unrestricted Resources	\$87.60
		Unrestricted Resources	\$298.08
		Unrestricted Resources	\$309.00
		Unrestricted Resources	\$3,228.39
		Unrestricted Resources	\$8.58
		Unrestricted Resources	\$48.55
		Unrestricted Resources	\$27.95
		Total for Resource 0000	\$4,077.00
		State Lottery	\$695.85
		State Lottery	\$213.11
		State Lottery	\$24.61
		State Lottery	\$85.48
		Total for Resource 1100	\$1,019.05
		Special Education	\$63.96
		Total for Resource 6500	\$63.96
		Total for Fund 0100	\$5,160.01
0900 Charter Schools Fund	0000	Unrestricted Resources	\$11.95
		Unrestricted Resources	\$5.48
		Total for Resource 0000	\$17.43
	1100	State Lottery	\$10.02
		State Lottery	\$56.19
		State Lottery	\$29.52
		State Lottery	\$23.62
		Total for Resource 1100	\$119.35
		Total for Fund 0900	\$136.78
1300 Cafeteria Fund			

Detail By Fund/Resource

District	Fund	Resource	Amount
18 Kit Carson Union Elementary School District	1300 Cafeteria Fund		
	5310	Child Nutrition - School Programs	\$315.41
	5310	Child Nutrition - School Programs	\$226.48
	5310	Child Nutrition - School Programs	\$78.88
	5310	Child Nutrition - School Programs	\$1,108.96
	5310	Child Nutrition - School Programs	-\$21.39
	5310	Child Nutrition - School Programs	-\$162.90
		Total for Resource 5310	\$1,545.44
		Total for Fund 1300	\$1,545.44
		Total for District 18	\$6,842.23

Detail By Fund/Resource

Amount

Resource

Fund

District

\$6,842.23

Grand Total

School District Payment Order

District Name: Kit Carson Union Elementary School District


As per the Authorized Signature Permit, the following payments are authorized as listed on the payment register.

Warrants	11	\$12,063.96
Credit Card Payments	1	\$888.00
Grand Total for Payments Dated:	01/20/2017	\$12,951.96

☒ Authorized Officer/Employee

Or

☐ Board Members *



* If this option is chosen, must have a majority of board members authorization (EC 42632)

Date

KCOE Examination and Approval

By

 Date

This order must be returned to KCOE prior to distribution of payments.

**Warrant Register For Warrants
Dated 01/20/2017**

Warrant Number	Vendor Number	Vendor Name	Amount
12539068	14	ARAMARK UNIFORM SERVICES	\$68.85
12539069	1312	CALSTRS 403bComply	\$26.00
12539070	474	KINGS CO OFFICE OF EDUCATION	\$8,482.86
12539071	246	OFFICE DEPOT	\$216.97
12539072	268	PRODUCERS DAIRY FOODS INC	\$331.07
12539073	854	RAY MORGAN COMPANY	\$314.67
12539074	285	ROE OIL CO.	\$588.73
12539075	1271	SPENCE FENCE COMPANY ENTERPRIS	\$820.00
12539076	975	SSDA	\$35.00
12539077	206	SYSCO FOOD SERVICES	\$938.48
12539078	1136	US BANK	\$241.33

Total Amount of All Warrants:**\$12,063.96**

**Credit Card Register For
Payments Dated 01/20/2017**

Document Number	Vendor Number	Vendor Name	Amount
14018352	1047	MOBILE MODULAR MANAGEMENT CORP	\$888.00
Total Amount of All Credit Card Payments:			\$888 . 00

Commercial Payment Register

For Payments Dated: 01/20/2017

Document No	Vendor No	Vendor Name	Reference No	FD - RE - PY - GO - FN - OB - SI	Resource	Object	Amount
12539068	14	ARAMARK UNIFORM SERVICE	PV - 170451	0100-0000-0-0000-8200-580000-000	Unrestricted Resources	Other Services and Operating Expenditures	\$68.85
					Total For Fund Number: 0100		\$68.85
12539069	1312	CALSTRS 403bComply	PV - 170455	0100-0000-0-0000-7200-580000-000	Unrestricted Resources	Other Services and Operating Expenditures	\$68.85
					Total Amount of Payment:		\$68.85
					Total For Fund Number: 0100		\$26.00
12539070	474	KINGS CO OFFICE OF EDUCA	PV - 170453	0100-0000-0-0000-7700-580004-000	Unrestricted Resources	Contract w/County Schools	\$26.00
			PV - 170453	0100-0000-0-0000-7700-580004-000	Unrestricted Resources	Contract w/County Schools	\$4,000.00
			PV - 170453	0100-0000-0-0000-7700-580004-000	Unrestricted Resources	Contract w/County Schools	\$521.30
					Total For Fund Number: 0100		\$3,961.56
12539071	246	OFFICE DEPOT	PV - 170448	0100-0000-0-0000-7300-430000-000	Unrestricted Resources	Materials and Supplies	\$8,482.86
			PV - 170447	0100-0332-0-1133-1000-430000-000	LCFF Supplemental/Concentration Grant	Materials and Supplies	\$8,482.86
					Total Amount of Payment:		\$46.57
					Total For Fund Number: 0100		\$170.40
12539072	268	PRODUCERS DAIRY FOODS I	PV - 170445	1300-5310-0-0000-3700-470000-000	Child Nutrition - School Programs	Food	\$216.97
					Total Amount of Payment:		\$216.97
					Total For Fund Number: 1300		\$331.07
12539073	854	RAY MORGAN COMPANY	PV - 170449	0100-0000-0-0000-7300-560005-000	Unrestricted Resources	Maintenance Agreement-Copies	\$331.07
					Total Amount of Payment:		\$331.07
12539073	854	RAY MORGAN COMPANY	PV - 170449	0900-0000-0-1110-1000-560005-000	Unrestricted Resources	Maintenance Agreement-Copies	\$69.23
					Total For Fund Number: 0100		\$69.23
					Total For Fund Number: 0900		\$245.44
12539074	285	ROE OIL CO.	PV - 170454	0100-8150-0-0000-8110-430010-000	Ongoing & Major Maint. Acct.	Matl & Suppl. -Gasoline/Diesel Fuel	\$245.44
			PV - 170454	0100-0000-0-0000-3600-430010-000	Unrestricted Resources	Matl & Suppl. -Gasoline/Diesel Fuel	\$314.67
					Total Amount of Payment:		\$65.84
					Total For Fund Number: 0100		\$522.89
12539075	1271	SPENCE FENCE COMPANY E	PV - 170452	0100-0000-0-0000-8200-580000-000	Unrestricted Resources	Other Services and Operating Expenditures	\$588.73
					Total Amount of Payment:		\$588.73
					Total For Fund Number: 0100		\$820.00
12539076	975	SSDA	PV - 170456	0100-0000-0-0000-7150-520000-000	Unrestricted Resources	Travel and Conferences	\$820.00
					Total Amount of Payment:		\$820.00
					Total For Fund Number: 0100		\$35.00
					Total For Fund Number: 0100		\$35.00

Commercial Payment Register

For Payments Dated: 01/20/2017

Document No	Vendor No	Vendor Name	Reference No	FD - RE - PY- GO - FN - OB - SI	Resource	Object	Amount
12539077	206	SYSCO FOOD SERVICES	PV - 170446	1300-5310-0-0000-3700-470010-000	Child Nutrition - School Programs	Total Amount of Payment:	\$35.00
			PV - 170446	1300-5310-0-0000-3700-470000-000	Child Nutrition - School Programs	Other Food Service Supplies	\$64.28
						Food	\$874.20
						Total For Fund Number: 1300	\$938.48
12539078	1136	US BANK	PV - 170450	0100-0000-0-0000-7300-560005-000	Unrestricted Resources	Total Amount of Payment:	\$938.48
						Maintenance Agreement-Copies	\$120.67
						Total For Fund Number: 0100	\$120.67
12539078	1136	US BANK	PV - 170450	0900-0000-0-1110-1000-560005-000	Unrestricted Resources	Maintenance Agreement-Copies	\$120.66
						Total For Fund Number: 0900	\$120.66
14018352	1047	MOBILE MODULAR MANAGI	PV - 170457	2500-0000-0-0000-8700-560000-124	Unrestricted Resources	Total Amount of Payment:	\$241.33
						Rentals, Leases and Repairs	\$888.00
						Total For Fund Number: 2500	\$888.00
						Total Amount of Payment:	\$888.00

Commercial Payment Register
For Payments Dated: 01/20/2017

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2/7/2017 10:00:09AM

District: 18 Kit Carson Union Elementary School District

Fund	Total
0100	\$10,428.31
0900	\$366.10
1300	\$1,269.55
2500	\$888.00
	<u>\$12,951.96</u>

Total # of Payments: 12

Total # of Payments: 12 Grand Total: \$ 12,951.96

Detail By Fund/Resource

District	Fund	Resource	Amount
18 Kit Carson Union Elementary School District			
	0100	General Fund	
		0000	Unrestricted Resources \$820.00
		0000	Unrestricted Resources \$35.00
		0000	Unrestricted Resources \$69.23
		0000	Unrestricted Resources \$120.67
		0000	Unrestricted Resources \$68.85
		0000	Unrestricted Resources \$26.00
		0000	Unrestricted Resources \$3,961.56
		0000	Unrestricted Resources \$521.30
		0000	Unrestricted Resources \$4,000.00
		0000	Unrestricted Resources \$522.89
		0000	Unrestricted Resources \$46.57
		Total for Resource 0000	\$10,192.07
	0332	LCFF Supplemental/Concentration Gran	\$170.40
		Total for Resource 0332	\$170.40
	8150	Ongoing & Major Maint. Acct.	\$65.84
		Total for Resource 8150	\$65.84
		Total for Fund 0100	\$10,428.31
	0900	Charter Schools Fund	
		0000	Unrestricted Resources \$120.66
		0000	Unrestricted Resources \$245.44
		Total for Resource 0000	\$366.10
		Total for Fund 0900	\$366.10
	1300	Cafeteria Fund	
		5310	Child Nutrition - School Programs \$331.07
		5310	Child Nutrition - School Programs \$874.20
		5310	Child Nutrition - School Programs \$64.28
		Total for Resource 5310	\$1,269.55
	2500	CapitalFacilities Fund	\$1,269.55

Detail By Fund/Resource

Amount

District

Fund

Resource

18 Kit Carson Union Elementary School District

2500 CapitalFacilities Fund

0000 Unrestricted Resources

\$888.00

Total for Resource 0000 \$888.00

Total for Fund 2500 \$888.00

Total for District 18 \$12,951.96

Detail By Fund/Resource

District	Fund	Resource	Amount
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Grand Total			\$12,951.96
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School District Payment Order

District Name: Kit Carson Union Elementary School District


As per the Authorized Signature Permit, the following payments are authorized as listed on the payment register.

Warrants	6	\$2,979.68
Credit Card Payments	1	\$245.93
Grand Total for Payments Dated: 01/27/2017		\$3,225.61

☒ Authorized Officer/Employee

Or

☐ Board Members *



* If this option is chosen, must have a majority of board members authorization (EC 42632)

Date

KCOE Examination and Approval

By

 Date

This order must be returned to KCOE prior to distribution of payments.

Warrant Register For Warrants
Dated 01/27/2017

Warrant Number	Vendor Number	Vendor Name	Amount
12539523	14	ARAMARK UNIFORM SERVICES	\$68.85
12539524	104	EMPLOYMENT DEVELOPMENT DEPT	\$347.97
12539525	1195	HEDGES PEST CONTROL	\$65.00
12539526	183	KIT CARSON REVOLVING	\$450.00
12539527	1046	MULTI-TECH MOBILE SERVICE	\$2,014.95
12539528	246	OFFICE DEPOT	\$32.91
Total Amount of All Warrants:			\$2,979.68

**Credit Card Register For
Payments Dated 01/27/2017**

Document Number	Vendor Number	Vendor Name	Amount
14018419	1093	CALTRONICS BUSINESS SYSTEMS	\$245.93
Total Amount of All Credit Card Payments:			\$245.93

P31

Commercial Payment Register

For Payments Dated: 01/27/2017

Document No	Vendor No	Vendor Name	Reference No	FD - RE - PY - GO - FN - OB - SI	Resource	Object	Amount
12539528	246	OFFICE DEPT	PV - 170463	0100-0000-0-0000-2700-430000-000	Unrestricted Resources	Materials and Supplies	
						Total For Fund Number: 0100	\$32.91
						Total Amount of Payment:	\$32.91
14018419	1093	CALTRONICS BUSINESS SYS	PV - 170464	0100-1100-0-1110-1000-560005-000	State Lottery	Maintenance Agreement-Copies	\$38.42
			PV - 170464	0100-0000-0-0000-7300-560005-000	Unrestricted Resources	Maintenance Agreement-Copies	\$12.14
			PV - 170464	0100-1100-0-1110-1000-560005-000	State Lottery	Maintenance Agreement-Copies	\$195.37
						Total For Fund Number: 0100	\$245.93
						Total Amount of Payment:	\$245.93

Commercial Payment Register
For Payments Dated: 01/27/2017

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District: 18 Kit Carson Union Elementary School District

Fund	Total
0100	\$3,195.28
0900	\$15.94
1200	\$1.36
1300	\$13.03
	<u>\$3,225.61</u>

Total # of Payments: 7

Total # of Payments: 7	Grand Total: \$ 3,225.61
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Detail By Fund/Resource

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District	Fund	Resource	Amount
18 Kit Carson Union Elementary School District			
	0100 General Fund		
		Unrestricted Resources	\$162.50
		Unrestricted Resources	\$624.16
		Unrestricted Resources	\$97.50
		Unrestricted Resources	\$97.50
		Unrestricted Resources	\$97.50
		Unrestricted Resources	\$97.50
		Unrestricted Resources	\$97.50
		Unrestricted Resources	\$312.12
		Unrestricted Resources	\$526.17
		Unrestricted Resources	\$32.91
		Unrestricted Resources	\$12.14
		Unrestricted Resources	\$68.85
		Unrestricted Resources	\$65.00
		Unrestricted Resources	\$317.52
		Unrestricted Resources	\$0.12
		Total for Resource 0000	\$2,511.49
	0332 LCFF Supplemental/Concentration Gran		\$450.00
		Total for Resource 0332	\$450.00
		State Lottery	\$38.42
		State Lottery	\$195.37
		Total for Resource 1100	\$233.79
		Total for Fund 0100	\$3,195.28
0900 Charter Schools Fund			
	0000 Unrestricted Resources		\$15.94
		Total for Resource 0000	\$15.94
		Total for Fund 0900	\$15.94
1200 Child Development Fund			
	0000 Unrestricted Resources		\$1.36
		Total for Resource 0000	\$1.36

Detail By Fund/Resource

District	Fund	Resource	Amount
18 Kit Carson Union Elementary School District			
	1300 Cafeteria Fund	Total for Fund 1200	\$1.36
	0000	Unrestricted Resources	\$13.03
		Total for Resource 0000	\$13.03
		Total for Fund 1300	\$13.03
		Total for District 18	\$3,225.61

School District Payment Order

District Name: Kit Carson Union Elementary School District

As per the Authorized Signature Permit, the following payments are authorized as listed on the payment register.

Warrants	13	\$21,650.44
Credit Card Payments	1	\$190.91
Grand Total for Payments Dated:	02/03/2017	\$21,841.35

☒ Authorized Officer/Employee Trish Bulow

Or

☐ Board Members * _____

* If this option is chosen, must have a majority of board members authorization (EC 42632)

Date _____

KCOE Examination and Approval	
By _____	Date _____

This order must be returned to KCOE prior to distribution of payments.

**Warrant Register For Warrants
Dated 02/03/2017**

2/7/2017 10:03:44AM

Warrant Number	Vendor Number	Vendor Name	Amount
12540307	14	ARAMARK UNIFORM SERVICES	\$77.40
12540308	1298	BANK OF AMERICA - 2649	\$423.21
12540309	1241	BANK OF AMERICA - 7914	\$864.02
12540310	891	BRAD'S SMOG-N-TUNE INC.	\$168.82
12540311	344	CALIFORNIA DEPARTMENT OF EDUCA	\$107.21
12540312	987	Hanford Auto Sales Inc	\$782.56
12540313	1034	MID VALLEY DISPOSAL	\$510.00
12540314	604	MORRIS LEVIN AND SON INC	\$179.96
12540315	1046	MULTI-TECH MOBILE SERVICE	\$204.40
12540316	268	PRODUCERS DAIRY FOODS INC	\$835.61
12540317	897	SCHOOL PATHWAYS LLC	\$150.00
12540318	325	SISC III	\$15,430.25
12540319	206	SYSCO FOOD SERVICES	\$1,917.00
Total Amount of All Warrants:			\$21,650.44

**Credit Card Register For
Payments Dated 02/03/2017**

2/7/2017 10:03:48AM

Document Number	Vendor Number	Vendor Name	Amount
14018503	1093	CALTRONICS BUSINESS SYSTEMS	\$190.91
Total Amount of All Credit Card Payments:			\$190.91

Commercial Payment Register

For Payments Dated: 02/03/2017

Document No	Vendor No	Vendor Name	Reference No	FD - RE - PY- GO - FN - OB - SI	Resource	Object	Amount
12540307	14	ARAMARK UNIFORM SERVICE	PV - 170471	0100-0000-0-0000-8200-580000-000	Unrestricted Resources	Other Services and Operating Expenditures	\$77.40
					Total For Fund Number: 0100		\$77.40
12540308	1298	BANK OF AMERICA - 2649	PV - 170474	0100-0000-0-0000-7300-430000-000	Unrestricted Resources	Materials and Supplies	\$77.40
					Total Amount of Payment:		\$77.40
					Unrestricted Resources	Materials and Supplies	\$32.24
					Unrestricted Resources	Travel and Conferences	\$54.00
					Unrestricted Resources	Materials and Supplies	\$197.06
					LCFF Supplemental/Concentration Grant	Medical Supplies	\$51.23
12540308	1298	BANK OF AMERICA - 2649	PV - 170474	0900-0332-0-1110-1000-580000-000	LCFF Supplemental/Concentration Grant	Other Services and Operating Expenditures	\$334.53
					LCFF Supplemental/Concentration Grant	Other Services and Operating Expenditures	\$23.96
					LCFF Supplemental/Concentration Grant	Other Services and Operating Expenditures	\$14.95
12540308	1298	BANK OF AMERICA - 2649	PV - 170474	1300-5310-0-0000-3700-470000-000	Child Nutrition - School Programs Food		\$38.91
					Total For Fund Number: 0900		\$49.77
12540309	1241	BANK OF AMERICA - 7914	PV - 170473	0100-0000-0-0000-8200-430000-000	Unrestricted Resources	Materials and Supplies	\$49.77
					Ongoing & Major Maint. Acct.	Materials and Supplies	\$423.21
					Unrestricted Resources	Travel and Conferences	\$72.38
					Ongoing & Major Maint. Acct.	Materials and Supplies	\$376.01
					Ongoing & Major Maint. Acct.	Materials and Supplies	\$37.90
					Ongoing & Major Maint. Acct.	Materials and Supplies	\$62.06
					Ongoing & Major Maint. Acct.	Materials and Supplies	\$38.01
					Ongoing & Major Maint. Acct.	Materials and Supplies	\$10.72
					Ongoing & Major Maint. Acct.	Materials and Supplies	\$54.92
					Ongoing & Major Maint. Acct.	Materials and Supplies	\$74.00
					Ongoing & Major Maint. Acct.	Materials and Supplies	\$138.02
					Total For Fund Number: 0100		\$864.02
12540310	891	BRAD'S SMOG-N-TUNE INC.	PV - 170466	0100-0000-0-0000-8400-580000-000	Unrestricted Resources	Other Services and Operating Expenditures	\$864.02
					Total Amount of Payment:		\$168.82
12540311	344	CALIFORNIA DEPARTMENT OF	PV - 170469	1300-5310-0-0000-3700-470000-000	Child Nutrition - School Programs Food		\$168.82
					Child Nutrition - School Programs Food		\$18.81
					Total For Fund Number: 1300		\$88.40
					Total Amount of Payment:		\$107.21
					Total Amount of Payment:		\$107.21

Commercial Payment Register

For Payments Dated: 02/03/2017

Document No	Vendor No	Vendor Name	Reference No	FD - RE - PY - GO - FN - OB - SI	Resource	Object	Amount
12540312	987	Hanford Auto Sales Inc	PV - 170470	0100-0000-0-0000-8400-580000-000	Unrestricted Resources	Other Services and Operating Expenditures	\$782.56
					Total For Fund Number: 0100		\$782.56
12540313	1034	MID VALLEY DISPOSAL	PV - 170476	0100-0000-0-0000-8200-550050-000	Unrestricted Resources	Total Amount of Payment:	\$782.56
					Garbage		\$510.00
					Total For Fund Number: 0100		\$510.00
12540314	604	MORRIS LEVIN AND SON INC	PO - 1617095	0100-0000-0-0000-8200-580000-000	Unrestricted Resources	Total Amount of Payment:	\$510.00
					Other Services and Operating Expenditures		\$179.96
					Total For Fund Number: 0100		\$179.96
12540315	1046	MULTI-TECH MOBILE SERVICE	PV - 170475	0100-0000-0-0000-3600-430000-000	Unrestricted Resources	Total Amount of Payment:	\$179.96
					Materials and Supplies		\$204.40
					Total For Fund Number: 0100		\$204.40
12540316	268	PRODUCERS DAIRY FOODS I	PV - 170467	1300-5310-0-0000-3700-470000-000	Child Nutrition - School Programs	Total Amount of Payment:	\$204.40
					Food		\$378.39
					Total For Fund Number: 1300		\$457.22
12540317	897	SCHOOL PATHWAYS LLC	PV - 170472	0900-0332-0-1110-1000-580000-000	LCFF Supplemental/Concentration Grant	Total Amount of Payment:	\$835.61
					Other Services and Operating Expenditures		\$150.00
					Total For Fund Number: 0900		\$150.00
12540318	325	SISC III	PV - 170465	0100-0000-0-0000-0000-951400-000	Unrestricted Resources	Total Amount of Payment:	\$150.00
					Health and Welfare		\$15,036.36
			CM - 1713	0100-0000-0-0000-0000-951410-000	Unrestricted Resources	Summer Health and Welfare	\$2,112.17
					Total For Fund Number: 0100		\$12,924.19
12540318	325	SISC III	PV - 170465	1300-0000-0-0000-0000-951400-000	Unrestricted Resources	Health and Welfare	\$2,506.06
					Total For Fund Number: 1300		\$2,506.06
12540319	206	SYSCO FOOD SERVICES	PV - 170468	1300-5310-0-0000-3700-470000-000	Child Nutrition - School Programs	Total Amount of Payment:	\$15,430.25
					Food		\$658.64
			PV - 170468	1300-5310-0-0000-3700-470000-000	Child Nutrition - School Programs	Food	\$1,148.90
			PV - 170468	1300-5310-0-0000-3700-470010-000	Child Nutrition - School Programs	Other Food Service Supplies	\$45.18
			PV - 170468	1300-5310-0-0000-3700-470010-000	Child Nutrition - School Programs	Other Food Service Supplies	\$64.28
					Total For Fund Number: 1300		\$1,917.00
14018503	1093	CALTRONICS BUSINESS SYS	PV - 170477	0100-1100-0-1110-1000-560005-000	State Lottery	Total Amount of Payment:	\$1,917.00
					Maintenance Agreement-Copies		\$190.91
					Total For Fund Number: 0100		\$190.91

Commercial Payment Register
For Payments Dated: 02/03/2017

Document No	Vendor No	Vendor Name	Reference No	FD - RE - PY- GO - FN - OB - SI	Resource	Object	Amount
Total Amount of Payment:							\$190,91

Commercial Payment Register
For Payments Dated: 02/03/2017

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District: 18 Kit Carson Union Elementary School District		
Fund		Total
0100		\$16,236.79
0900		\$188.91
1300		\$5,415.65
	Total # of Payments: 14	\$21,841.35
Total # of Payments: 14	Grand Total:	\$ 21,841.35

Detail By Fund/Resource

District	Fund	Resource	Amount
18 Kit Carson Union Elementary School District	0100 General Fund		
	0000	Unrestricted Resources	\$510.00
	0000	Unrestricted Resources	\$179.96
	0000	Unrestricted Resources	\$204.40
	0000	Unrestricted Resources	\$168.82
	0000	Unrestricted Resources	\$782.56
	0000	Unrestricted Resources	\$77.40
	0000	Unrestricted Resources	\$197.06
	0000	Unrestricted Resources	\$32.24
	0000	Unrestricted Resources	\$54.00
	0000	Unrestricted Resources	\$37.90
	0000	Unrestricted Resources	\$72.38
	0000	Unrestricted Resources	-\$2,112.17
	0000	Unrestricted Resources	\$15,036.36
		Total for Resource 0000	\$15,240.91
	0332	LCFF Supplemental/Concentration Gran	\$51.23
		Total for Resource 0332	\$51.23
	1100	State Lottery	\$190.91
		Total for Resource 1100	\$190.91
	8150	Ongoing & Major Maint. Acct.	\$62.06
	8150	Ongoing & Major Maint. Acct.	\$74.00
	8150	Ongoing & Major Maint. Acct.	\$138.02
	8150	Ongoing & Major Maint. Acct.	\$38.01
	8150	Ongoing & Major Maint. Acct.	\$54.92
	8150	Ongoing & Major Maint. Acct.	\$376.01
	8150	Ongoing & Major Maint. Acct.	\$10.72
		Total for Resource 8150	\$753.74
0900 Charter Schools Fund		Total for Fund 0100	\$16,236.79

Detail By Fund/Resource

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District	Fund	Resource	Amount
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		Grand Total	\$21,841.35
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Detail By Fund/Resource

District	Fund	Resource	Amount
18 Kit Carson Union Elementary School District			
	0900	Charter Schools Fund	
		0332 LCFF Supplemental/Concentration Gran	\$14.95
		0332 LCFF Supplemental/Concentration Gran	\$23.96
		0332 LCFF Supplemental/Concentration Gran	\$150.00
		Total for Resource 0332	\$188.91
		Total for Fund 0900	\$188.91
	1300	Cafeteria Fund	
		0000 Unrestricted Resources	\$2,506.06
		Total for Resource 0000	\$2,506.06
		5310 Child Nutrition - School Programs	\$18.81
		5310 Child Nutrition - School Programs	\$88.40
		5310 Child Nutrition - School Programs	\$45.18
		5310 Child Nutrition - School Programs	\$658.64
		5310 Child Nutrition - School Programs	\$64.28
		5310 Child Nutrition - School Programs	\$1,148.90
		5310 Child Nutrition - School Programs	\$457.22
		5310 Child Nutrition - School Programs	\$378.39
		5310 Child Nutrition - School Programs	\$49.77
		Total for Resource 5310	\$2,909.59
		Total for Fund 1300	\$5,415.65
		Total for District 18	\$21,841.35

Grand Total For All Districts:

\$21,650.44

Agenda Item:

5c Consider approving Inter-district Request(s)

From: Margaret DeSantos

Purpose: Review and consider approval of the Inter-district request(s)

Code	Last Name	First Name	Reason	Recommendation	Grade	Release Date	School
1617-5-84	*****	*****	Special Circumstance	Approval	5	1/30/17 Pending Approval	HESD
1617-3-85	*****	*****	Special Circumstance	Approval	3	1/30/2017 Pending Approval	HESD

Agenda Item:

6a

Consider approval of the updated School Safety Plan

From: Todd Barlow

Purpose: To update the School Safety Plan, which must be updated by March 1st of each year; as stipulated in Education Code 32282, the Superintendent shall ensure that the updated file of all safety-related plans and materials is readily available for inspection by the public.

Superintendent's Recommendation: Consideration for approval

KIT CARSON

UNION ELEMENTARY SCHOOL DISTRICT

SCHOOL SAFETY PLAN

UPDATED and approved by Site Council on February 6, 2016
Approved and ADOPTED by the Kit Carson Board of Trustees February 15, 2016



“Where students come first”

School Safety Plan Table of Contents

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APPENDICES

Appendix A: Assessment of School Crime
Appendix B: Contingency Plan for Campus Emergencies
Appendix C: School Maps: Safe Ingress/Egress Routes during an Emergency; Utilities Shut Off Locations
Appendix D: School Closure
Appendix E: Department of Homeland Security Information
Appendix F: BYLAWS & SCHOOL DOCUMENTS REGARDING: Suspension/Expulsion, Abuse Reporting, Notifying Teachers of Dangerous Pupils, Sexual Harassment, Dress Code, Hate Crime Policies & Procedures, Student Discipline

The following safe schools program has been implemented in the Kit Carson Union Elementary School District through school site and district efforts to ensure a positive and safe environment for all students.

School buildings and classrooms will be well maintained and attractive, free of physical hazards, and designed to prevent criminal activities.

School Sites Physical Environment:

1. Campus perimeter is secure from criminal activity.
 - 1.1 Campus is closed to outsiders and required signage is displayed prominently at entry points.
 - 1.2 Unauthorized vehicles do not have easy access to school ground.
2. Physical conditions that could lead to accidental harm are corrected promptly (e.g. damaged fences, broken lights, broken glass, etc.)
3. School site has proper protection from slipping in hallways and stairwells.
4. Adequate and appropriate lighting is installed and maintained on site.
5. Adequate protection is provided against falls from recreational equipment and landscape designs that prevent student from climbing to dangerous heights.
6. Places for loitering on campus are limited.
7. Bathroom facilities are supervised and patrolled.
8. All graffiti is removed or painted over before students arrive on campus.
9. Broken windows are replaced immediately.
10. Classrooms represent the curriculum being taught.
11. School valuables and equipment are labeled and inventoried properly, and stored securely.
12. KCUESD facilities are available for community use only after school hours with district approval.
13. A crisis response plan has been written to identify procedures to follow during (1) Human emergencies, such as bomb threats, death of a student, suicide pacts, weapons on campus, and riots: and (2) Natural emergencies, such as fires, earthquakes, and other natural disasters.
14. Technology is available in every classroom.

PHONE NUMBERS for EMERGENCIES

Use **911** for emergencies

REMEMBER: Dial 9 to reach an outside line on most school phones (i.e. dial 9, then 911). The exception is the public phone in the front office nurses window and the fax machine phone.

OTHER PHONE NUMBERS			
582-2843 OFFICE EXTENSIONS		Non-Emergency Numbers	Utilities
100	School Secretary	SCHOOL RESOURCE OFFICER 582-3122	WATER & SEWAGE: Well/Septic on site
101	Administrative Secretary	HANFORD POLICE DEPT. 585-2540	REFUSE: Fresno Hauling 1 800-531-5203
102	Superintendent/Principal	KINGS COUNTY FIRE DEPT. 584-9276	ELECTRIC: SO.CALIF. EDISON 1-800-727-5555
103	Business Manager	KINGS COUNTY SHERIFF'S DEPT. 584-9276	GAS: THE GAS CO. 1-800-427-2200
104	Business Clerk	ANIMAL CONTROL (Sheriff) 584-9214	TELEPHONE: SBC 1-888-791-7427 or 611
105	Student Specialist	POISON CONTROL 1-800-404-4646	
110	Kindergarten Room 1	AMERICAN AMBULANCE 585-6800	
DIAL 1+Room Number for classrooms (i.e. 142 for Room 42, etc.)			

Any person reporting an emergency shall call the office and report to the superintendent-principal or his/her designee immediately after doing so.

BASIC EMERGENCY PLAN

GENERAL GUIDELINES

1. **Take action based on known facts, size up the situation, and remain calm.** Panic can be one of the greatest dangers to students. Staff should remember that in times of stress, students will look for leadership in those who are normally in an authoritative position.
2. **Principal implementer of plan.** The school Superintendent/Principal is authorized to implement plans as described herein or take such other action as may in his/her judgment, be necessary to save lives and mitigate the effect of disasters.
3. **Minimize injury or loss of life.** A well-prepared and tested plan for prompt and positive protective action minimizes injuries and loss of life in a major disaster.
4. **Teachers take roll books and writing utensil.** The teacher must keep a roll book of the pupils with him/her at all times in order to take roll in an emergency.
5. **Inform (key) faculty on specific procedures.** All school members must be thoroughly familiar with the contents of the safe school plan. Staff executes actions as directed.
6. **Provide status report to Superintendent/Principal or designee as soon as possible.**

ANNUAL EVALUATION AND PLANNING

PLAN IMPLEMENTATION

The plan will be:

- o Initiated by the Principal or Designee when conditions exist which warrant its implementation.
- o Implemented by all staff, who will remain at school and perform those duties as assigned until released by the principal designee.
- o Reviewed and updated annually (Education Code 32286).

Emergency and disaster functions have been pre-assigned.

HAZARD ASSESSMENT

Each school year, prior to the arrival of the classified and certificated staff, the principal and/or designee will complete a physical survey of the school grounds and identify any hazards likely to be encountered in the evacuation routes from classrooms and other activity rooms to safe, open areas.

STAFF ORIENTATION/TRAINING

All school staff will be provided training regarding this plan by the principal or designee at the beginning of each school year.

PRACTICE DRILLS

In accordance with state law:

- o An EVACUATE BUILDINGS action/"Fire" drill will be conducted monthly during each school year.
- o A DROP, COVER AND HOLD action/"earthquake" drill will be conducted each trimester (EC 35297).
- o Test earthquake plan or portions thereof, on a rotating basis at least twice during the school year.
- o A Lockdown drill will be conducted at least once per year.
- o All students and staff will participate in these mandated drills.

PARENT NOTIFICATION/RESPONSIBILITY

Parents will be an integral part in developing and reviewing safety plans annually. In addition pertinent components of this plan will be communicated to parents by means of the student handbook and other means of regular communication with parents.

The plan will be reviewed and updated annually by the Superintendent (Education Code 32286) and reviewed annually with the School Site Council.

All parents will complete the student emergency card and designate individuals who are authorized to pick up their son/daughter in the event of an emergency.

SUPPLIES AND EQUIPMENT

Disaster supplies and equipment are maintained as follows:

- o Basic emergency first aid kits are maintained in each classroom and carried by yard supervisors
- o Tools and other equipment for controlling utilities and shutting off utilities are at each shut off location.

EMERGENCY FILE

An emergency file containing student emergency cards will be maintained in the school office in such a manner as to facilitate the easy removal of the file during evacuation of the school office.

COMMUNICATIONS

During an emergency, telephones and cellular telephones will only be used to report emergency conditions or to request assistance. In the event that telephone and/or electrical service are interrupted, other means of communications will be relied upon to relay information. A bullhorn, messenger, or "runners" may be utilized within the school grounds.

It shall be within the purview of the district superintendent to disseminate information to the public.

The school principal or designee will:

- o Be the primary point of contact for emergency response personnel
- o Designate a staff member to monitor all communications and radio broadcast, and to disseminate that information to the school staff.

EMERGENCY ACTIONS

There are five emergency actions. When an emergency occurs, it is critical that every staff member takes immediate steps to protect themselves and the students. The five Emergency Actions are detailed herein section. Each staff member must become familiar with each Emergency Action Plan and be prepared to complete the assigned responsibilities.

- 1. EVACUATE BUILDINGS**
- 2. LOCKDOWN/SECURE BUILDINGS**
- 3. DUCK, COVER & HOLD**
- 4. STAY INSIDE/GO INSIDE**
- 5. ALL CLEAR**

PROCEDURES & RESPONSIBILITIES FOR STAFF MEMBERS

Every staff member (principal, teacher, custodian, secretary, etc.) has responsibility for performing certain duties in times of emergency.

Principal: The principal or designee will assume overall direction of emergency procedures.

The Principal will perform the following:

1. Direct the evacuation, lockdown or other appropriate response of buildings, using emergency signals and other procedures, as required in event of fire, threat of explosion, earthquake or other crisis.
2. Arrange for the physical transfer of students when flood, approaching fire or other crisis threatens their safety.
3. Orders teachers to move students to designated areas of safety within the school when such action is deemed necessary.
4. Communicate with police, sheriff, fire, and other emergency personnel. All questions are to be referred to the Principal or his/her designee.

Teachers: Each teacher is responsible for the direct supervision of students assigned to them at the time of any emergency. Those teachers who may not have students to supervise, such as during a prep period, will report to the office to be assigned specific duties during the emergency.

Teachers will:

1. Direct the evacuation of students to designated assembly areas in accordance with warning signals, written notification, or orders from the principal.
2. Give the "Drop" command during an earthquake or other emergency as warranted.
3. Direct students to protect themselves.
4. Take roll when the class regroups at the designated assembly area.
5. Report to the principal the names of any students who are unaccountably absent.
6. Send students who are in need of first aid attention to appropriate person(s) trained to administer first aid.
7. Ensure compliance of students with emergency warning signals, drills and announcements.
8. Ensure students are released in an orderly manner and document who the student is released to.
9. Ensure they have their classroom emergency kit, copy of emergency procedures and checklist.

Maintenance staff: Maintenance personnel(s) will be responsible for the use of emergency equipment, the handling of supplies, and the safe use of available utilities.

Maintenance staff will:

1. Survey the school site and report damage to the principal.
2. Direct and assist in rescue operations, as required.
3. Direct and assist in firefighting activities until regular fire fighting personnel take over.
4. Control main shut-off valves for gas, water, and electricity and take other preventative measures to minimize hazards that may result from broken or down lines.
5. Conduct routine evaluation of the school grounds to identify potential safety hazards and take steps to correct them.
6. Disburse emergency equipment, as needed.
7. Take necessary steps to conserve usable water supply.

Auxiliary Staff: School secretaries will assist as needed.

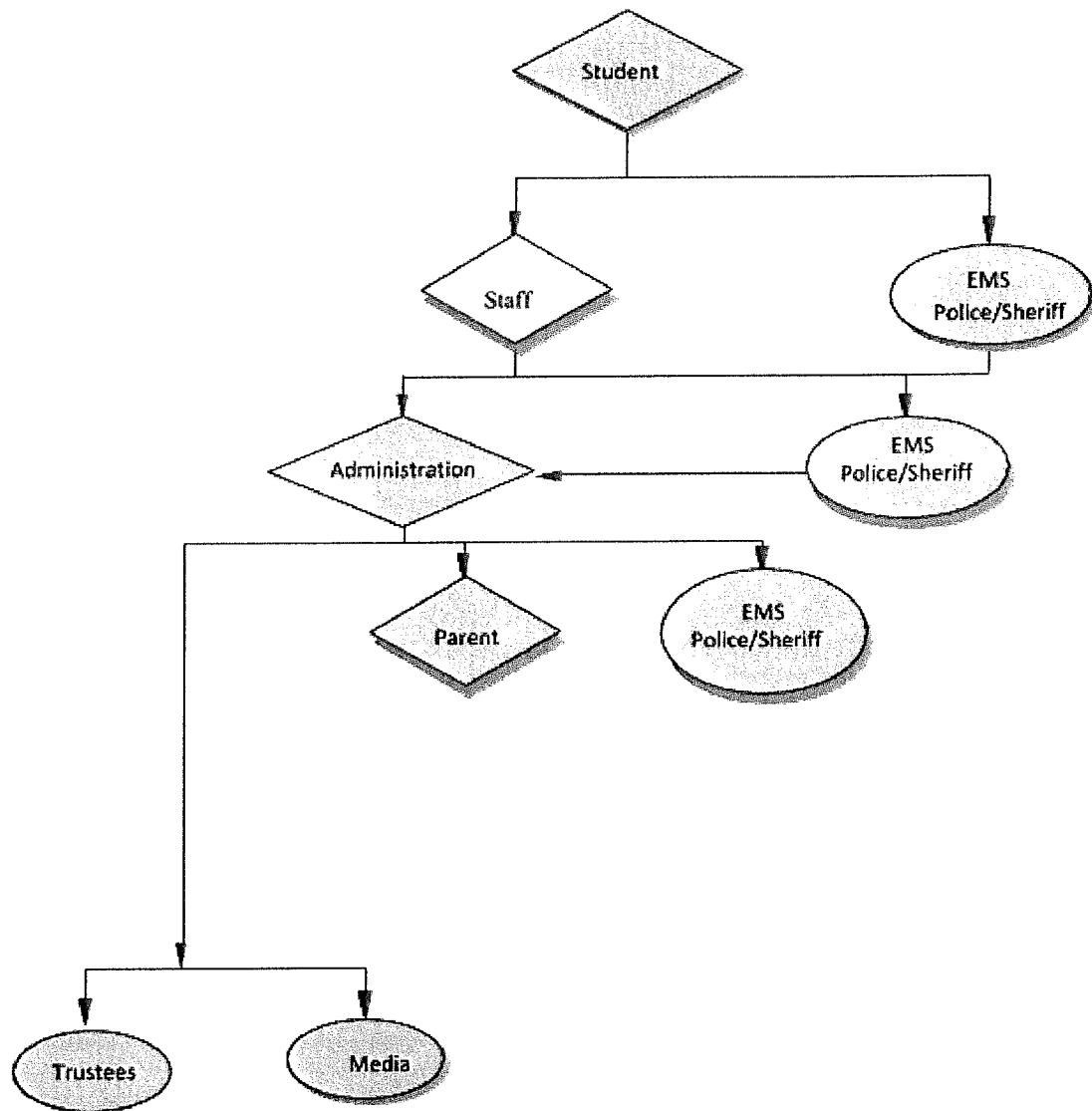
Auxiliary staff will:

1. Provide for the safety and accessibility of attendance records and emergency data cards.
2. In evacuation, be responsible for bringing copies of student emergency cards and schedules to the designated area.
3. Provide up-to-date attendance information.
4. Handle incoming telephone traffic.
5. Continue to provide necessary secretarial duties.
6. Monitor emergency radio broadcasts.
7. Act as messengers when needed
8. Perform other duties as assigned by the principal.

VISITOR PROCEDURES

Except in certain cases (i.e. a large public event), all visitors must check in at the office before proceeding to their destination on campus. visitors will be given a pass to indicate they have permission to be on campus.

COMMUNICATION PROTOCOL



All emergency actions: The bell system or fire alarm system will be consistent and will be the first notification in case of an emergency. The verbal announcement will vary depending on the situation.

BREAK OR LUNCH: If an evacuation emergency should happen during break or lunch, **ALL** students and teachers will report to the prescribed evacuation areas and wait for further instructions:

- The basketball court area East of the Classroom wings (students, teachers & auxiliary staff)
- The amphitheater (additional staff)
- The basketball court South East of the preschool (preschool/Mid Valley)

If an lockdown emergency should happen during break or lunch, **ALL** students and teachers will report to the prescribed evacuation areas and wait for further instructions:

EVACUATION AREAS

KIT CARSON SCHOOL

Evacuation Area Map

BUS
BARN

PRESCRIBED EVACUATION AREAS

The basketball court area East of the Classroom wings (students, teachers & auxiliary staff)

The amphitheater (additional staff)

The basketball court South East of the preschool (preschool/Mid Valley)

STAFF
ROOM

ROOMS 11-18

LIBRARY

ROOMS 21-26

ROOM 1

ROOMS 31-34

OFFICE

ROOMS 41-44

EVACUATION AREA

LOWER
GRADE
COURTS

MULTI-
PURPOSE
ROOM

EVACUATION AREA

ROOMS
51 & 52

EVACUATION AREA

UPPER
GRADE
COURTS



EMERGENCY ACTIONS

The actions and corresponding signals listed on the next few pages will be used in the event of an emergency and for drills. Since no plan can cover every possible contingency, **staff members are directed to use their best judgement** and initiate these actions at any time they are necessary, regardless of whether or not a signal is given.

Specific Emergency Procedures are described next and many are associated with a specific Emergency Action.

Overriding safety prerogative:

Any staff member will call 911 or the proper authorities if, in his or her **judgement**, it is necessary to ensure the **safety** of the students, staff and community members on our campus.

EMERGENCY ACTION 1: EVACUATE BUILDINGS

Signal: The fire alarm will signal an evacuation.

- The fire alarm signal will sound
- Teachers should get their roll books prior to leaving a classroom.
- The public address system or messengers may deliver additional information to teachers in evacuation area(s).

Description:

- The orderly movement of students and staff along prescribed routes from inside school buildings to an outside area of safety (Regrouping areas).
- This action will be followed by further direction as appropriate.

This action is appropriate for:

- Fire
- Bomb threats
- Chemical accidents when going outside will be the safest option
- Explosion or threat of explosion
- Post earthquake
- Any occurrence which make school buildings unsafe.

EMERGENCY ACTION 2: DUCK, COVER AND HOLD

Signal: One long continuous bell for 20 or more seconds. An announcement may follow.

Description:

Students and staff who are inside should immediately drop to the floor, get under a desk, table, or some other type of cover if possible- and avoid windows.

When Outside, students and staff should immediately move away from trees, buildings or other structures which might topple over on top of them, then drop to the ground, face down and cover their head with their arms.

Hold position until the EVACUATION signal is given, then proceed with EVACUATION procedures.

This action is appropriate for earthquakes, explosions and unexpected severe weather incidents

EMERGENCY ACTION 3: LOCKDOWN & SECURE BUILDINGS

Signal: A series of short bell rings for approximately 20 seconds or longer. An announcement may follow. This announcement may be given in person or over the telephone intercom system

NOTE: Staff can and should initiate this action on their own anytime they hear extremely violent behavior, gunshots, major disturbances, or anything that leads them to believe it is necessary. In such cases, staff should contact the office and any other staff from their current location, if possible.

Description:

- Teachers and other staff members are to immediately lock the doors of the rooms they occupy, ensuring that students move away from windows.
- If needed, have students lie on the floor.
- Teachers should close blinds or shades if it is safe to do so.
- Teachers and students are to remain in this condition until the **contacted by staff in person or on the phone**. Teachers will then resume normal classroom operations.
- This action will not normally be preceded by any other warning action.

When Used:

- Extreme Violence
- Gunfire
- Escaped Prisoners
- Armed Students

EMERGENCY ACTION 4: STAY INSIDE/GO INSIDE

Signal: Staff and students will be informed in person, on the phone, or via the telephone intercom system to take shelter inside classrooms or other buildings. An announcement via the public address system or telephone intercom may follow.

Description:

- If outside, staff and students are to return to classrooms or another appropriate building like the multi-purpose room/cafeteria.
- If inside, staff will keep students in place until further information is received.

When Used:

When being inside a building is safer than being outside, but it is not necessary to lockdown and secure a buildings; e.g. during high wind storms.

EMERGENCY ACTION 5: ALL CLEAR

Signal: One long bell, sounded after a stay inside/go inside signal or an evacuation, is the **ALL CLEAR** signal. An announcement may follow.

The intercom system, telephone, messengers or runners may be used deliver the **ALL CLEAR** signal.

Description:

This action signifies the end of the Emergency Action that was initiated.

Teachers should immediately begin discussion, activities, etc., to assist students in following proper procedure and to minimize any anxiety students may have.

When Used:

This Action is used as the final Action to conclude:

- Evacuations, including those after “Duck, Cover and Hold” emergency actions
- Lockdown/secure building emergency actions
- Stay Inside/go inside emergency actions

NOTE: The **ALL CLEAR** signal is **NOT** used in a **LOCKDOWN** situation. Staff will be notified in person or on the phone.

SPECIFIC EMERGENCY PROCEDURES

EMERGENCY PROCEDURE: ACTIVE SHOOTER/SNIPER

It is very likely that the emergency action for LOCKDOWN & SECURE BUILDINGS will be the appropriate response.

These procedures apply to dangers inside or outside of the school building or any other firearm threat that poses an immediate danger. The threat may also result from an intruder or from participants in a demonstration.

DURING CRISIS:

- **RUN/GET OUT:** Run away from the intruder. Consider all exits, including windows.
- **HIDE/LOCK OUT:** Keep the intruder out of your area. A locked door is good, but barricading and/or tying off doors can also delay an intruder.
- **FIGHT/TAKE OUT:** As a last resort, fight back! If HIDE/Lock OUT and RUN/Get OUT fail, or are not possible, fight back using any available means. Do not give the intruder passive victims!

Teachers/Staff

IF OUTSIDE

- Staff and students should go inside any safe building as soon as possible. If staff or students cannot get inside, they should make themselves as inopportune a target as possible; eg. putting something between themselves and the shooter and avoiding groups.

IF INSIDE (or once inside)

1. Staff, students and visitors should turn off lights, lock all doors and windows, and close the curtains, if it is safe to do so.
2. Staff and students of an appropriate age may call 911* to signal an emergency if it is safe to do so.
3. Staff, students and visitors should crouch under desks without talking and remain there until an all-clear signal is given by the building administrator.
4. If safe to do so, staff should check the halls for wandering students who are not the threat and bring them immediately into a classroom, even if they are from another classroom. When it is safe to do so, staff should notify the office if students from another class are in their room.
5. Take roll call and notify the building administrator of any missing students or staff, when it is safe to do so.

Administrator or Designee(s)

1. Initiate lockdown procedures and call 911*, giving as much detail as possible about the situation, including the following, if possible:
 - *Shooter's location*
 - *Injuries*
 - *Potential for additional shooting.*
2. Secure the school buildings, if appropriate.
3. Assist students and staff in evacuating from immediate danger to a safe area.
4. Care for the injured to the extent practicable until emergency personnel arrive.
5. Refer media calls, contacts, and questions to the school district spokesperson.
6. Meet with Superintendent to prepare a news or information release.
7. Notify parents and guardians per school district policies, if appropriate.
8. Hold an information meeting with all staff, if appropriate.
9. Initiate the grief-counseling plan, as appropriate.

***Note that any staff member can call 911 from any location or a cell phone**

EMERGENCY PROCEDURE: AIR POLLUTION EPISODES

The National Weather Service will notify the District of an Air Pollution Alert and the schools will be notified via telephone or the emergency broadcast radio located in the office.

Good/Moderate: No restrictions. Students and staff with health conditions monitored

Unhealthy for sensitive groups (USH): Vigorous/strenuous activities will be reduced/shortened

Unhealthy/Very Unhealthy: Strenuous activity will be discontinued or canceled

Hazardous: Remain indoors and restrict movement as much as possible. Implement the STAY INSIDE/GO INSIDE action if necessary.

EMERGENCY PROCEDURE: BLOOD/BODILY FLUIDS

Staff should protect themselves when dealing with an emergency by using gloves and masks as appropriate. These materials are available in the office and in the emergency packs issued to staff members at the beginning of the year.

EMERGENCY PROCEDURE: BOMB THREAT

Implement the EVACUATE BUILDINGS action.

Contact administration, office staff and/or the proper authorities, if necessary.

Note:

- DO NOT use electronic devices (i.e. cell phones or radios) which may trigger an explosive device.
- Any person receiving a bomb threat via phone should not hang up the phone.
- Avoid contact with any unusual or unfamiliar objects

EMERGENCY PROCEDURE: CHILD ABUSE/NEGLECT

All school staff are considered mandated reporters and are required to report suspected abuse or neglect of students and other minors.

YOU ARE THE DESIGNATED REPORTER. You must file the report. Notifying a supervisor does not relieve you of this responsibility. Report any known or suspected child abuse immediately by telephone to the local child protective agency. ***When in doubt, err on the side of reporting.***

Noticeable signs and symptoms and reports include: Unexplainable physical injury, physical neglect, and reports abuse, assault or of being put in or left in dangerous situations.

The report must be in writing or on designated form within 36 hours directly to CPS (mandated by law). Inform a school administrator and appropriate staff that you are filing a report. Obtain the proper form and contact information from school office personnel. Office personnel will assist with equipment and information as needed (fax machine, scanners, phone directories, etc.)

EMERGENCY PROCEDURE: DANGEROUS ANIMAL

Implement the STAY INSIDE/GO INSIDE action if necessary.

1. Isolate students from the animal.
2. Notify Administration.
3. Contact Kings County Animal Control.
4. If the animal has injured anyone, the staff member will call for medical assistance:
 - If a student has been injured, office personnel will contact the parents and provide information to the parents on the condition of their child and where the child will be taken for treatment.
 - If possible, attempt to keep the animal under observation for capture by Animal Control.

EMERGENCY PROCEDURE: EVACUATION OF CAMPUS

Implement the EVACUATE BUILDINGS action.

Use the public address system, messengers or other means as a method of notifying staff of the decision to evacuate the campus.

If possible, students and staff will be loaded into school buses or other school vehicles and moved from the area of danger to a safer location. Personal vehicles will be used as a last resort.

- Teachers will escort their classes to the bus loading area, or alternate area as necessary.
- If there is a need to wait due to a lack of bus drivers, students will remain assembled at the fire drill area or upon evaluation by staff, another appropriate area.

EMERGENCY PROCEDURE: EARTHQUAKE

Implement the DROP, COVER & HOLD action.

Students and staff who are inside should immediately drop to the floor, get under a desk, table, or some other type of cover if possible- and avoid windows.

When Outside, students and staff should immediately move away from trees, buildings or other structures which might topple over on top of them, then drop to the ground, face down and cover their head with their arms.

Hold position until the EVACUATION signal is given, then proceed with EVACUATION procedures.

EMERGENCY PROCEDURE: EXPLOSION

Students and staff who are inside should distance themselves from the area, and take appropriate action, including: dropping to the floor and getting under a desk, table, or some other type of cover if possible, avoiding windows.

When Outside, students and staff should immediately move away from the area and away from trees, buildings or other structures which might pose a danger. Hold position until instructed to do otherwise. Follow the EVACUATE BUILDINGS or STAY INSIDE/GO INSIDE emergency action procedures as needed.

Students and staff will remain outside of buildings and away from equipment that may explode until it is clear that the source and cause of the explosion is identified, neutralized and will not reoccur.

EMERGENCY PROCEDURE: FALLEN AIRCRAFT/VEHICLE CRASH

Students and staff should distance themselves from the area, and take appropriate action, including taking cover if needed.

When Outside, students and staff should immediately move away from structures which might pose a danger.

Hold position until instructed to do otherwise. Follow the EVACUATE BUILDINGS or STAY INSIDE/GO INSIDE emergency action procedures as needed.

EMERGENCY PROCEDURE: FIRE

Students and staff should distance themselves from the area, and take appropriate action, including taking cover if needed.

When Outside, students and staff should immediately move away from areas which pose a danger.

If necessary, staff members should pull the fire alarm controls located throughout the campus. During a Fire, the EVACUATE BUILDINGS action is implemented.

EMERGENCY PROCEDURE: FIREARMS OR OTHER WEAPONS

Suspected, or confirmed but not brandished:

- Staff will notify administration, including the student specialist as soon as possible.
- If possible staff will escort the person to the office.
- Administration, or a designee will investigate.

NOTE:

- Staff members should not draw attention to the person suspected of having a weapon.
- Staff should not send a student suspected of having a weapon away (to the restroom, office, etc.) without being escorted/watched by a staff member who knows the student may be armed.

IF WEAPON IS BRANDISHED IN THREATENING WAY (NO ACTIVE SHOOTER)

- Implement the LOCKDOWN emergency action
- get behind cover, or move away from the area as appropriate
- Do not confront the person
- Do what you are asked to do within reason
- Attempt to remain calm

EMERGENCY PROCEDURE: HAZARDOUS MATERIALS EXPOSURE

Students and staff who are inside should distance themselves from the area, and take appropriate action, including: dropping to the floor and getting under a desk, table, or some other type of cover if possible, avoiding windows.

When Outside, students and staff should immediately move away from the area and away from trees, buildings or other structures which might topple over on top of them.

Hold position until instructed to do otherwise. Emergency actions to EVACUATE BUILDINGS or STAY INSIDE/GO INSIDE may be appropriate.

- Notify fire department/emergency (911)
- Remove exposed students & staff safely away from contaminant exercise caution not to expose others
- Teachers must turn off cooling/heating system
- Close windows and doors
- Wait and follow further instructions from safety response personnel

EMERGENCY PROCEDURE: HEAT RELATED ILLNESS

Staff and students should removed the affected person from the source of the heat. This may include having someone go inside. **Use** cool water or a cool wet blanket to alleviate heat. Contact office personnel and call 911 if necessary.

EMERGENCY PROCEDURE: HOSTAGE SITUATION (NO ACTIVE ATTACK)

INSIDE A BUILDING/CLASSROOM:

1. Do exactly as instructed, within reason. Do not offer resistance in any way that may endanger your safety or the safety of the students.
2. If you are able to, make the hostage taker aware of the fact that you and the students are not a threat and that he/she is in charge.
3. Keep all children quiet and if possible keep all students and faculty lying face down flat on the floor. This is extremely important. (Should Law Enforcement attempt to resolve the situation with force, they will enter the room prepared to use "Deadly Force").

ON A SCHOOL BUS:

1. Do exactly as instructed, within reason. Do not offer resistance in any way that may endanger your safety or the safety of the students.
2. If you are able to, make the hostage taker aware of the fact that you and the students are not a threat and that he/she is in charge.
3. Keep all children quiet and if possible keep all students and faculty lying face down flat on the floor. This is extremely important. (Should Law Enforcement attempt to resolve the situation with force, they will enter the room prepared to use "Deadly Force").

If the hostage situation devolves into an ACTIVE ATTACK follow the same procedures as the ACTIVE SHOOTER/SNIPER procedure:

- **RUN/GET OUT:** Run away from the intruder. Consider all exits, including windows.

(continued...)

- **HIDE/LOCK OUT:** Keep the intruder out of your area. A locked door is good, but barricading and/or tying off doors can also delay an intruder.
- **FIGHT/TAKE OUT:** As a last resort, fight back! If HIDE/Lock OUT and RUN/Get OUT fail, or are not possible, fight back using any available means. Do not give the intruder passive victims!

EMERGENCY PROCEDURE: SEIZURES

- Gently assist the victim to the floor or ground
- Keep crowd away
- Do not try to restrain
- Do not put anything in the victim's mouth
- Do not put hand underneath the victim's head.
- Put soft object (if possible shoe or other item) underneath head
- Provide privacy and cover if possible
- After seizure stops, roll the victim onto his or her side
- Call 911 at any appropriate time

EMERGENCY PROCEDURE: STUDENT MISSING

Notify administration and office staff, and assist them in the following:

- Determining where the student is supposed to be at this particular time
- Contacting staff members and students who were last in contact with the student
- Informing the parents and the appropriate law enforcement agency

EMERGENCY PROCEDURE: SUICIDAL CRISIS

NOTIFY SUPERINTENDENT/ PRINCIPAL or Designee and Office Staff

Parents or guardians should be contacted as soon as possible after a student has been identified as being at risk for suicide. The person who contacts the family is typically the principal, school psychologist, or a staff member with a special relationship with the student or family. Staff need to be sensitive toward the family's culture, including attitudes towards suicide, mental health, privacy, and help-seeking.

1. Notify the parents about the situation and ask that they come to the school immediately.
2. When the parents arrive at the school, explain why you think their child is at risk for suicide.
3. Explain the importance of removing from the home (or locking up) firearms and other dangerous items, including over-the-counter and prescription medications and alcohol.
4. If the student is at a low or moderate suicide risk and does not need to be hospitalized, discuss available options for individual and/or family therapy. Provide the parents with the contact information of mental health service providers in the community. If possible, call and make an appointment while the parents are with you.
5. Ask the parents to sign the Parent Contact Acknowledgement Form confirming that they were notified of their child's risk and received referrals to treatment.

6. Tell the parents that you will follow up with them in a few days. If this follow-up conversation reveals that the parent has not contacted a mental health provider: Stress the importance of getting the child help. Discuss why they have not contacted a provider and offer to assist with the process.
7. If the student does not need to be hospitalized, release the student to the parents.
8. If the parents refuse to seek services for a child under the age of 18 who you believe is in danger of self-harm, you may need to notify child protective services that the child is being neglected.
9. Document all contacts with the parents.

EMERGENCY PROCEDURE: VIOLENT INDIVIDUAL

Implement the LOCKDOWN/SECURE BUILDINGS or STAY INSIDE/GO INSIDE emergency action.

1. Calmly talk to the individual
2. Attempt to verbally resolve confrontation
3. Call for help
4. Remove students from building or area
5. Never physically restrain violent individual in any way unless they are causing harm to others (or, in the case of students, themselves).

EMERGENCY PROCEDURE: UNCONSCIOUS INDIVIDUAL

- Ask if the person is okay
- Do not move the individual
- Gently attempt to rouse.
- Check to see if there is any obvious injury or source of trauma.
 - a. Immobilize an individual if possible
- Send others for help, or call for help
- If the person is breathing and his or her heart is beating, monitor the situation until help arrives.
- If the person is not breathing or does not have a pulse, conduct CPR as trained*.
 - New CPR methodology prioritizes chest compressions to get the blood flowing over breathing for an individual.

** New CPR methodology prioritizes doing something rather than nothing. Even untrained chest compressions could help save a life.*

APPENDICES

APPENDIX A

Kit Carson is a rural school almost two miles east of the city of Hanford, California at the junction of Highway 198 and 7th Avenue.

Kit Carson falls under the jurisdiction of the Kings County Sherriff's office.

The number of crimes reported in 2016: 0

Crimes committed at or during school related functions*: 0

Crimes committed during non operational hours*: 0

Description of crimes: See below

Incident(s):

None

The number of crimes reported in 2017: 1

Crimes committed at or during school related functions*: 0

Crimes committed during non operational hours*: 1

Description of crimes: See below

Incident(s):

1. A break in at the school bus yard was reported the morning of January 16, 2017. The school trailer was stolen.

All crimes are reported to the Kings County Sherriff's Office.

* Statistics do not include violations of education code 48900 or 48915, which result in the suspension or expulsion of students from school

Updated January 31, 2017

APPENDIX B

CONTINGENCY PLAN FOR CAMPUS EMERGENCIES

This plan is to be used in conjunction with Kit Carson's Guide to Disaster Preparedness Flip Chart, and the Ensuring a Safe and Orderly Environment Action Plan and Disaster Response Plan portions of the School Safety Plan. In addition to the procedures listed below, Kit Carson School will conduct monthly practice drills to ensure procedures for emergencies run smoothly.

WHO TO CONTACT:

When faced with an emergency, staff must be prepared to use their best judgement and decide who to contact first. This might be:

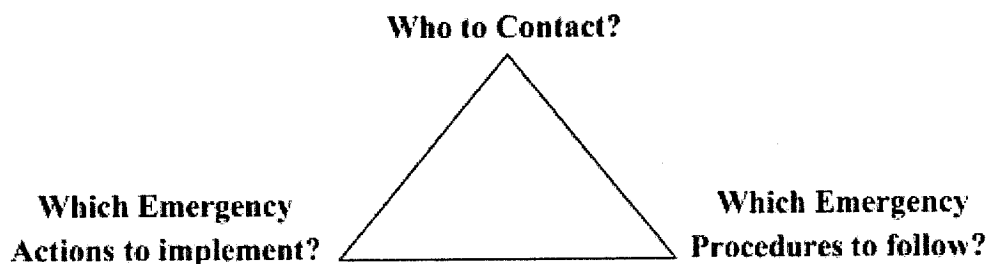
- Present staff such as the administrators or office staff.
- Local authorities by calling 911

The office number is 582-2843 ext. 100

The Superintendent/Principal's cell phone number is 707-5205.

Teachers will be trained by their teacher to go to an adult supervisor immediately when they feel unsafe.

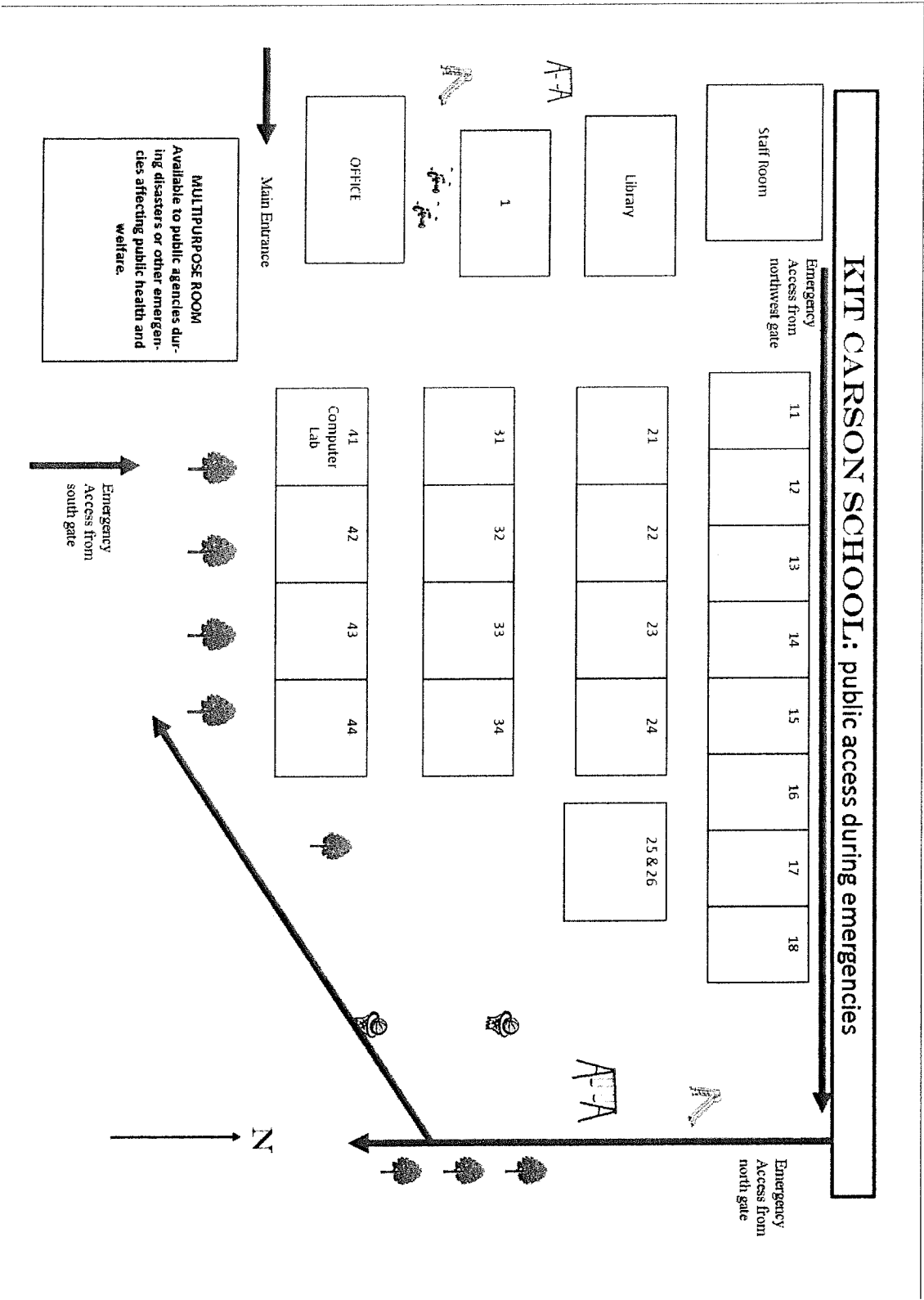
The decision making process will not always go in order, but will at least consist of:



AFTER SCHOOL PROGRAM

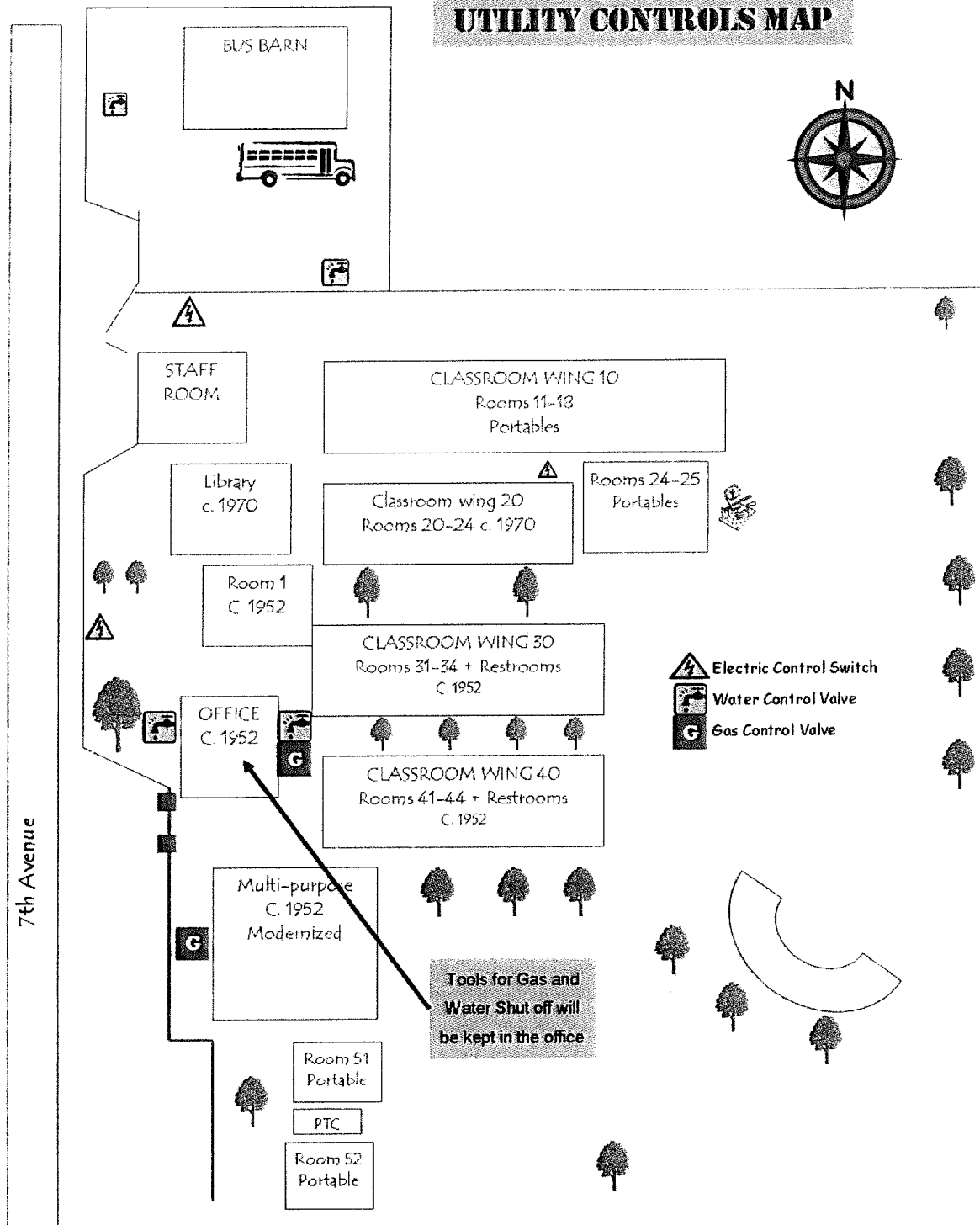
The After School Site Coordinator will assist in all campus emergencies, working as directed under site administration. The After School Site Coordinator is the Administrative Designee after school hours.

APPENDIX C: SAFE INGRESS & EGRESS DURING EMERGENCIES



KIT CARSON UNION SCHOOL DISTRICT

UTILITY CONTROLS MAP



APPENDIX D: SCHOOL CLOSURE

EMERGENCY PROCEDURE: SCHOOL CLOSURE PLAN

DURING SCHOOL HOURS

Administrator

1. Set up a Command Center (need phone line or communication capacity).
 2. Meet with the Administrative team.
 1. Alert Superintendent of the situation.
 2. Investigate the situation.
 - o Contact agencies to ascertain hazardous or unsafe conditions (HPD/KCSO, HFD/ KCFD).
 - o Assess duration of emergency, especially if utilities are affected.
 - o Assess possible effects on welfare of students and staff.
 5. Recommend to Superintendent whether or not to close the school.
 - o **Note: Only Superintendent is authorized to close schools.**
 6. Administration will arrange for early bus pick up through Transportation.
 7. Notify students/staff of decision via memo, e-mail, or announcements if the emergency occurs during class.
 - o Activate the alarm system before school, recess and lunch, to clear incident area and to ensure students' safety.
 - o Teachers should immediately take attendance.
- In the memo include:
- o Nature of the emergency.
 - o Assure students/staff of safety.
 - o Instruct classes to assemble in the designated areas.
8. The crisis team will direct cars to park in the parking area and parents will report to the designated areas to pick up their children (names will be announced over the PA system):
 - o Direct classroom aide and Special Education teachers to assist physically handicapped students.
 9. Ensure orderly release:
 - o The crisis team will control incoming traffic - keep traffic flowing.
 - o Cars will not be allowed to stop in the main entrance area.
 - o Parents will park their cars and report to the cafeteria.
 - o Crisis Management Team will announce names of students over the PA system.
 - o Teachers will release students only to authorized persons (check release list).
 10. Submit written report on Emergency Closing of School to the District Office immediately following closure.

DURING NON-SCHOOL HOURS

1. Alert Superintendent of the situation that might possibly require school closure.
2. Investigate the situation:
 - o Contact agencies to ascertain hazardous or unsafe conditions.
 - o Assess duration of emergency, especially if utilities are affected.
 - o Assess possible effects on welfare of students and staff.
3. Determine whether teachers should report to work or report to alternate site according to contract.
4. Determine whether release of classified staff is necessary.
5. Notify district transportation coordinator if buses are not needed.
6. Notify parents of the situation. Request media assistance if necessary.
7. Submit report on Emergency Closing of School to the District Office immediately following closure.

APPENDIX E

Department of Homeland Security Security Advisory System

The world has changed since September 11, 2001. We remain a nation at risk to terrorist attacks and will remain at risk for the foreseeable future. For all threat conditions, it is important that we remain vigilant, prepared and ready to deter terrorist attacks. The following threat conditions each represent an increasing risk of terrorist attacks. Beneath each threat condition are some suggested protective measures, recognizing that the heads of Federal and State departments and agencies are responsible for developing and implementing appropriate agency-specific protective measures.

1. **Low Condition (Green):** This condition is declared when there is a low risk of terrorist attacks. Federal and State departments and agencies should consider the following general measures in addition to the agency-specific protective measures they develop and implement.
 - refine and exercise as appropriate preplanned protective measures
 - ensure personnel receive proper training on the Homeland Security Advisory System and specific preplanned department or agency protective measures
 - institutionalize a process to assure all facilities and regulated sectors are regularly assessed for vulnerabilities to terrorist attacks and that all reasonable measures are taken to mitigate these vulnerabilities.
2. **Guarded Condition (Blue):** This condition is declared when there is a general risk of terrorist attacks. In addition to the protective measures taken in the previous threat condition, Federal and State department agencies should consider the following general measures in addition to the agency-specific protective measures that they develop and implement.
 - check communications with designated emergency response or command locations
 - review and update emergency response procedures
 - provide the public with any information that would strengthen its ability to act appropriately
3. **Elevated Condition (Yellow):** An elevated condition is declared when there is a significant risk of terrorist attacks. In addition to the protective measures taken in the previous threat conditions, Federal and State departments and agencies should consider the following general measures in addition to the protective measures that they develop and implement.
 - increase surveillance of critical locations
 - coordinate emergency plans as appropriate with nearby jurisdictions
 - assess precise characteristics of the threat and determine any necessary refinement of the preplanned protective measures
 - implement, as appropriate, contingency and emergency response plans
4. **High Condition (Orange):** A high condition is declared when there is a high risk of terrorist attacks. In addition to the protective measures taken in the previous threat conditions, Federal and State departments and agencies should consider the following general measures in addition to the agency-specific protective measures that they develop and implement.
 - coordinate necessary security efforts with Federal, State and local law enforcement agencies or any National Guard or other appropriate armed forces organization
 - take additional precautions at public events and consider alternative venues or cancellation
 - prepare to execute contingency procedures such as moving to alternate sites and dispersing the workforce
 - restrict access to threatened facilities to essential personnel only

5. **Severe Condition (Red):** A Severe condition reflects a severe risk of terrorist attacks. Under most circumstances, the protective measures for a severe condition are not intended to be sustained for long periods of time. In addition to the protective measures in the previous threat conditions, Federal and State departments and agencies also should consider the following general measures in conjunction with the agency-specific protective measures that they develop and implement.
- increase or redirect personnel to address critical emergency needs
 - assign emergency response personnel and pre-position and mobilize specially trained teams and resources
 - monitor, redirect and/or constrain transportation systems
 - close public and government facilities

The threat level advisory system serves as a basic guideline for emergency preparedness throughout the nation. In the event of a specific and localized emergency that may affect a site in the Kit Carson Union School District, the Superintendent/Principal or designee will invoke the Safety Plan and take appropriate actions to help ensure the safety of students, staff and visitors.

Kit Carson Union ESD

Board Policy

Suspension And Expulsion/Due Process

BP 5144.1

Students

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

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus

(cf. 5112.5 - Open/Closed Campus)

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

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

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

Appropriate Use of Suspension Authority

Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

(cf. 1020 - Youth Services)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)

On-Campus Suspension

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

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

Authority to Expel

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

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

(cf. 5131.7 - Weapons and Dangerous Instruments)

2. Selling or otherwise furnishing a firearm

3. Brandishing a knife at another person

4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058

5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4

6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

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

A vote to expel a student shall be taken in a public session.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

(cf. 5119 - Students Expelled from Other Districts)

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

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

The report shall be disaggregated by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities. The report also shall include information about whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings
35146 Closed sessions (regarding suspensions)
35291 Rules (for government and discipline of schools)
35291.5 Rules and procedures on school discipline
48645.5 Readmission; contact with juvenile justice system
48660-48666 Community day schools
48853.5 Foster youth
48900-48927 Suspension and expulsion
48950 Speech and other communication
48980 Parental notifications
49073-49079 Privacy of student records
52060-52077 Local control and accountability plan

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

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

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

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

626.9 Gun-Free School Zone Act of 1995

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

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7151 Gun-free schools

UNITED STATES CODE, TITLE 42

11432-11435 Education of homeless children and youths

COURT DECISIONS

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

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

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and

Kenneth H. (2001) 85 Cal.App.4th 1321

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

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

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

ATTORNEY GENERAL OPINIONS

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

80 Ops.Cal.Atty.Gen. 348 (1997)

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

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

Management Resources:

CSBA PUBLICATIONS

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

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

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

WEB SITES

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

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

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

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

<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

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

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

Policy KIT CARSON UNION SCHOOL DISTRICT

adopted: March 18, 2015 Hanford, California

Board Policy

Child Abuse Prevention And Reporting

BP 5141.4

Students

The Governing Board is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

(cf. 1020 - Youth Services)

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

Child Abuse Reporting

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 5145.7 - Sexual Harassment)

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The Superintendent or designee shall provide training regarding the duties of mandated reporters.

Legal Reference:

EDUCATION CODE

32280-32288 Comprehensive school safety plans

33195 Heritage schools, mandated reporters

33308.1 Guidelines on procedure for filing child abuse complaints

44252 Teacher credentialing

44691 Staff development in the detection of child abuse and neglect

44807 Duty concerning conduct of students

48906 Notification when student released to peace officer

48987 Dissemination of reporting guidelines to parents

49001 Prohibition of corporal punishment

51220.5 Parenting skills education

51900.6 Sexual abuse and sexual assault awareness and prevention

PENAL CODE

152.3 Duty to report murder, rape, or lewd or lascivious act

273a Willful cruelty or unjustifiable punishment of child; endangering life or health

288 Definition of lewd or lascivious act requiring reporting

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

COURT DECISIONS

Camreta v. Greene (2011) 131 S.Ct. 2020

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve

Health Framework for California Public Schools, Kindergarten Through Grade Twelve

WEB SITES

California Attorney General's Office, Suspected Child Abuse Report Form:

http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf

California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss/ap>

California Department of Social Services, Children and Family Services Division:

<http://www.childsworld.ca.gov>

U.S. Department of Health and Human Services, Child Welfare Information Gateway:

<https://www.childwelfare.gov/can>

Policy KIT CARSON UNION SCHOOL DISTRICT

adopted: March 18, 2015 Hanford, California

Kit Carson Union ESD

Board Policy

Comprehensive Safety Plan

BP 0450

Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for student conduct, responsible behavior, and respect for others.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3515 - Campus Security)
(cf. 3515.2 - Disruptions)
(cf. 3515.3 - District Police/Security Department)
(cf. 5131 - Conduct)
(cf. 5131.4 - Student Disturbances)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5136 - Gangs)
(cf. 5137 - Positive School Climate)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

The Superintendent or designee shall oversee the development of a districtwide comprehensive safety plan that is applicable to each school site. (Education Code 32281)

The comprehensive safety plan(s) shall be reviewed and updated by March 1 of each year. (Education Code 32286)

The Board shall review the comprehensive safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

(cf. 0500 - Accountability)
(cf. 9320 - Meetings and Notices)

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

Tactical Response Plan

Notwithstanding the process described above, any portion of a comprehensive safety plan that includes tactical

responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to be taken to safeguard students and staff, secure the

affected school premises, and apprehend the criminal perpetrator(s), shall be developed by district administrators in accordance with Education Code 32281. In developing such strategies, district administrators shall consult with law enforcement officials and with a representative of an employee bargaining unit, if he/she chooses to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

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

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

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Public Access to Safety Plan(s)

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

(cf. 1340 - Access to District Records)

However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents shall not be publicly disclosed.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32260-32262 Interagency School Safety Demonstration Act of 1985

32270 School safety cadre

32280-32289 School safety plans

32290 Safety devices

35147 School site councils and advisory committees

35183 School dress code; uniforms

35291 Rules

35291.5 School-adopted discipline rules

35294.10-35294.15 School Safety and Violence Prevention Act

41510-41514 School Safety Consolidated Competitive Grant Program

48900-48927 Suspension and expulsion

48950 Speech and other communication

49079 Notification to teacher; student act constituting grounds for suspension or expulsion

67381 Violent crime

PENAL CODE

422.55 Definition of hate crime

626.8 Disruptions

11164-11174.3 Child Abuse and Neglect Reporting Act

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

CODE OF REGULATIONS, TITLE 5

11987-11987.7 School Community Violence Prevention Program requirements

11992-11993 Definition, persistently dangerous schools

UNITED STATES CODE, TITLE 20

7101-7165 Safe and Drug Free Schools and Communities

7912 Transfers from persistently dangerous schools

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Management Resources:

CSBA PUBLICATIONS

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

Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2010

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007

Early Warning, Timely Response: A Guide to Safe Schools, August 1998

U.S. SECRET SERVICE AND U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, 2002

WEB SITES

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

California Department of Education, Safe Schools: <http://www.cde.ca.gov/lr/ss>

California Emergency Management Agency: <http://www.calema.ca.gov>

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

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

Federal Bureau of Investigation: <http://www.fbi.gov>

National Alliance for Safe Schools: <http://www.safeschools.org>

National Center for Crisis Management: <http://www.schoolcrisisresponse.com>

National School Safety Center: <http://www.schoolsafety.us>

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

U.S. Secret Service, National Threat Assessment Center: http://www.secretservice.gov/ntac_ssi.shtml

Policy KIT CARSON UNION SCHOOL DISTRICT

adopted: February 22, 2012 Hanford, California

Kit Carson Union ESD

Board Policy

Sexual Harassment

BP 4119.11 4219.11, 4319.11

Personnel

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

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

(cf. 4030 - Nondiscrimination in Employment)

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

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

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

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

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

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

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

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

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

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11021 Retaliation

11023 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

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

UNITED STATES CODE, TITLE 42

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

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

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

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

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

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

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

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

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

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

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

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

Policy KIT CARSON UNION SCHOOL DISTRICT

adopted: May 18, 2016 Hanford, California

Kit Carson Union ESD

Board Policy

Dress And Grooming

BP 5132

Students

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process.

(cf. 4119.22 - Dress and Grooming)

(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)

Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action.

(cf. 5144 - Discipline)

Gang-Related Apparel

The principal, staff and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5136 - Gangs)

Uniforms

In order to promote student safety and discourage theft, peer rivalry and/or gang activity, the principal, staff and parents/guardians at a school may establish a reasonable dress code requiring students to wear uniforms. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

If a school's plan to require uniforms is adopted, the Superintendent or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policy. Students shall not be penalized academically, otherwise discriminated against or denied attendance to school if their parents/guardians so decide. (Education Code 35183)

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms.

Legal Reference:

EDUCATION CODE

32281 School safety plans

35183 School dress codes; uniforms

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

CODE OF REGULATIONS, TITLE 5

302 Pupils to be neat and clean on entering school

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

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251

Marvin H. Jeglin et al v. San Jacinto Unified School District et al 827 F.Supp. 1459 (C.D. Cal. 1993)

Policy KIT CARSON UNION SCHOOL DISTRICT

adopted: October 8, 1997 Hanford, California

Kit Carson Union ESD

Board Policy

Hate-Motivated Behavior

BP 5145.9

Students

In order to create a safe learning environment for all students, the Governing Board desires to protect the right of every student to be free from hate-motivated behavior and will promote harmonious relationships among students so as to enable them to gain a true understanding of the civil rights and social responsibilities of people in society. The district prohibits discriminatory behavior or statements that degrade an individual on the basis of his/her actual or perceived race, ethnicity, culture, heritage, gender, sex, sexual orientation, physical/mental attributes, or religious beliefs or practices.

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

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 5131.5 - Vandalism and Graffiti)

(cf. 5136 - Gangs)

(cf. 5137 - Positive School Climate)

(cf. 5141.52 - Suicide Prevention)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. These efforts shall be focused on providing an efficient use of district and community resources.

(cf. 1020 - Youth Services)

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

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

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6020 - Parent Involvement)

The district shall provide age-appropriate instruction to help promote an understanding of and respect for human rights, diversity, and tolerance in a multicultural society and to provide strategies to manage conflicts constructively.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6142.3 - Civic Education)

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

(cf. 6141.94 - History-Social Science Instruction)

The Superintendent or designee shall ensure that staff receive training on recognizing hate-motivated behavior and on strategies to help respond appropriately to such behavior.

(cf. 4131 - Staff Development)

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

Grievance Procedures

Any student who believes he/she is a victim of hate-motivated behavior shall immediately contact the Coordinator for Nondiscrimination/Principal. Upon receiving such a complaint, the Coordinator/Principal shall immediately investigate the complaint in accordance with school-level complaint process/grievance procedures as described in AR 5145.7 - Sexual Harassment. A student who has been found to have demonstrated hate-motivated behavior shall be subject to discipline in accordance with law, Board policy, and administrative regulation.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5131- Conduct)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.7 - Sexual Harassment)

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the Coordinator/Principal, Superintendent or designee, and/or law enforcement, as appropriate.

(cf. 3515.3 - District Police/Security Department)
(cf. 4158/4258/4358 - Employee Security)

As necessary, the district shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

(cf. 6164.2 - Guidance/Counseling Services)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 School safety plans

48900.3 Suspension for hate violence

48900.4 Suspension or expulsion for threats or harassment

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

California Student Safety and Violence Prevention - Laws and Regulations, April 2004

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS & NATIONAL ASSOCIATION OF ATTORNEYS GENERAL PUBLICATIONS

Protecting Students from Harassment and Hate Crime: A Guide for Schools, 1999

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Preventing Youth Hate Crimes: A Guide for Schools and Communities, 1997

WEB SITES

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

California Association of Human Relations Organizations: <http://www.cahro.org>

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

National Youth Violence Prevention Resource Center: <http://www.safeyouth.org>

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

U.S. Department of Justice, Community Relations Service: <http://www.usdoj.gov/crs>

Policy KIT CARSON UNION SCHOOL DISTRICT

adopted: October 14, 2009 Hanford, California

Kit Carson Union ESD

Administrative Regulation

Discipline

AR 4219.11

Personnel

Site-Level Rules

Site-level rules shall be consistent with district policies and administrative regulations. In developing site-level disciplinary rules, the principal or designee shall solicit the participation, views, and advice of one representative selected by each of the following groups: (Education Code 35291.5)

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

(cf. 3515.3 - District Police/Security Department)

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

Annually, site-level discipline rules shall be reviewed and, if necessary, updated to align with any changes in district discipline policies or goals for school safety and climate as specified in the district's local control and accountability plan. A copy of the rules shall be filed with the Superintendent or designee for inclusion in the comprehensive safety plan.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 - Local Control and Accountability Plan)

School rules shall be communicated to students clearly and in an age-appropriate manner.

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

Disciplinary Strategies

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Except when a student's presence causes a danger to himself/herself or others or he/she commits a single act of a grave nature or an offense for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct. Disciplinary strategies may include, but are not limited to:

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

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

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

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6164.2 - Guidance/Counseling Services)

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

(cf. 6164.5 - Student Success Teams)

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

(cf. 6159 - Individualized Education Program)

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

5. Enrollment in a program for teaching prosocial behavior or anger management

6. Participation in a restorative justice program

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

8. Participation in a social and emotional learning program that teaches students the ability to understand and manage emotions, develop caring and concern for others, make responsible decisions, establish positive relationships, and handle challenging situations capably

9. Participation in a program that is sensitive to the traumas experienced by students, focuses on students' behavioral health needs, and addresses those needs in a proactive manner

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

(cf. 5148.2 - Before/After School Programs)

11. Recess restriction as provided in the section below entitled "Recess Restriction"

12. Detention after school hours as provided in the section below entitled "Detention After School"

13. Community service as provided in the section below entitled "Community Service"

14. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities

(cf. 6145 - Extracurricular/Cocurricular Activities)

15. Reassignment to an alternative educational environment

(cf. 6158 - Independent Study)
(cf. 6181 - Alternative Schools/Programs of Choice)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

16. Suspension and expulsion in accordance with law, Board policy, and administrative regulation

(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

When, by law or district policy, other means of correction are required to be implemented before a student could be suspended or expelled, any other means of correction implemented shall be documented and retained in the student's records. (Education Code 48900.5)

(cf. 5125 - Student Records)

Recess Restriction

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

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
2. The student shall remain under a certificated employee's supervision during the period of restriction.
3. Teachers shall inform the principal of any recess restrictions they impose.

(cf. 5030 - Student Wellness)
(cf. 6142.7 - Physical Education and Activity)

Detention After School

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

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

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

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

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

(cf. 6176 - Weekend/Saturday Classes)

Community Service

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

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

Notice to Parents/Guardians and Students

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

(cf. 5145.6 - Parental Notifications)

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

Regulation KIT CARSON UNION SCHOOL DISTRICT
approved: October 22, 2014 Hanford, California

Agenda Item:

6b

Consider approval of the 2017-2018 School Calendar

From: Todd Barlow

Purpose: To approve the 2017-2018 School Calendar

Superintendent's Recommendation: Consideration for approval

**KIT CARSON UNION SCHOOL DISTRICT
2017/2018 CALENDAR DRAFT**

MONTH	M	T	W	Th	F	Reg. Month	Days Taught	Significant Dates	EXPLANATION
AUGUST	31	1	(2)	(3)	(4)			Aug 3-4 Aug 7-8 Aug 9	Teacher PD Days Teacher Work Days First Day of School
	{17}	{8}	<9	10	11				
	14	15	16	17	18				
	21	22	23	24	25				
SEPTEMBER	28	29	30	31	1	1	18		
	4	5	6	7	8			Sept 4	Labor Day
	11	12	13	14	15				
	18	19	20	21	22				
	25	26	27	28	29	2	19		
OCTOBER	2	3	4	5	6				
	9	10	11	12	13				
	{16}	17	18	19	20			Oct 16	Parent/Teacher Conference
	23	24	25	26	27	3	19		
NOVEMBER	30	31	1	2	3			Nov 3 Nov 10	End of Trimester 1 (61 days) Veteran's Day
	6	7	8	9	10				
	13	14	15	16	17				
	20	21	22	23	24	4	14	Nov 20-24	Thanksgiving Break
DECEMBER	27	28	29	30	1				
	4	5	6	7	8				
	11	12	13	14	15			Dec 15 Dec 18 - Jan 5	Early Release Winter Break
	18	19	20	21	22				
	25	26	27	28	29	5	15		
JANUARY	1	2	3	4	5				
	8	9	10	11	12				
	15	16	17	18	19			Jan 15	ML King Day
	22	23	24	25	26	6	14		
FEBRUARY	29	30	31	1	2				
	5	6	7	8	9				
	12	13	14	15	16			Feb 12 Feb 19 March 2	Lincoln's Birthday Washington's Birthday End of Trimester 2 (61 days)
	19	20	21	22	23	7	18		
MARCH	26	27	28	1	2				
	5	6	7	8	9				
	12	13	14	15	16				
	19	20	21	22	23	8	20		
	26	27	28	29	30			Mar 26- Apr 2	Spring Break
APRIL	2	3	4	5	6				
	9	10	11	12	13				
	16	17	18	19	20	9	14		
	23	24	25	26	27				
MAY	30	1	2	3	4				
	7	8	9	10	11				
	14	15	16	17	18	10	20		
	21	22	23	24	25				
JUNE	28	29	30	3	1>	11	9	May 28 June 1	Memorial Day End of Trimester 3 (58 days)
	4	5	6	7	8				
	11	12	13	14	15		180		Last Day of School

☒ Teacher work days
(no school)

<> Student year

☐ Teacher work year

☐ Holidays
(no school)

Testing dates to be determined
KCEA Approved: 2/8/2017
BOARD APPROVED: Pending

START 8/9
1 day "at risk" conferences in October
5 day Thanksgiving Break
END on FRIDAY 6/1
*Possible conflict w HHS graduation

Agenda Item:

6c Consider approving and adopting certain Board Policies and Administrative Regulations for the purpose of updating

From: Todd Barlow

Purpose: To approving and adopt certain Board Policies and Administrative Regulations for the purpose of updating them.

Superintendent's Recommendation: Consideration for approval

POLICY GUIDESHEET
December 2016
Page 1 of 3

Note: Descriptions below identify revisions made in CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts should review the sample materials and modify their own policies accordingly.

AR 1340 - Access to District Records

(AR revised)

Regulation updated to reflect **NEW LAW** (AB 2843, 2016) which prohibits disclosure of employees' personal cell phone numbers and birth dates, and **NEW LAW** (AB 2853, 2016) which authorizes the district, in response to a public records request, to post public records on its web site and refer the requesting member of the public to the location of the records on the web site. Regulation also revised to clarify access to documents containing names, salaries, and pension benefits of district employee sand to records pertaining to claims and litigation against the district.

BP/AR 3311 - Bids

(BP/AR revised)

Policy and regulation updated to move some material into new BP/AR 3311.1 - Uniform Public Construction Cost Accounting Procedures, AR 3311.2 - Lease-Leaseback Contracts, AR 3311.3 - Design-Build Contracts, and AR 3311.4 - Procurement of Technological Equipment. Regulation also revises section on "Award of Contract" to expand the exceptions to awarding contracts based on lowest responsible bidder to include lease-leaseback contracts, which are based on "best value" as defined.

BP/AR 3311.1 - Uniform Public Construction Cost Accounting Procedures

(BP/AR added)

New policy and regulation include material formerly in BP/AR 3311 - Bids pertaining to requirements of the Uniform Public Construction Cost Accounting Act (UPCCAA). Policy also adds prohibition against splitting a project or purchase into smaller work orders in order to evade requirements for competitive bidding, and legal authority to suspend the UPCCAA bidding process for the replacement or repair of a school facility in cases of emergency. Regulation also clarifies the requirement to disseminate the bid notice to the district's list of contractors.

AR 3311.2 - Lease-Leaseback Contracts

(AR added)

New regulation includes material formerly in BP/AR 3311 - Bids pertaining to requirements for awarding lease-leaseback contracts. Material significantly revised to reflect **NEW LAW** (AB 2316, 2016) which no longer permits the selection of a lease-leaseback contractor without advertising, and instead requires districts to use a comprehensive "best value" selection process.

AR 3311.3 - Design-Build Contracts

(AR added)

New regulation includes material formerly in BP/AR 3311 - Bids pertaining to requirements for awarding design-build contracts. Minor editorial changes made to clarify the process and more directly reflect law.

AR 3311.4 - Procurement of Technological Equipment

(AR added)

New regulation includes material formerly in BP/AR 3311 - Bids pertaining to requirements for the "competitive negotiation" process authorized for procurement of computers, software, telecommunications equipment, microwave equipment, or other related electronic equipment and apparatus.

POLICY GUIDESHEET

December 2016

Page 2 of 3

AR 3543 - Transportation Safety and Emergencies

(AR revised)

Regulation updated to reflect **NEW LAW** (SB 1072, 2016) which (1) expands the required components of the transportation safety plan to include procedures to ensure that a student is not left unattended on the bus and procedures for designating an adult chaperone to accompany students on a student activity bus, and (2) requires installation of a child safety alert system on school buses by the beginning of the 2018-19 school year. Regulation also reflects **NEW LAW** (AB 1785, 2016) which prohibits a bus driver from using any electronic wireless communications device while driving, except when the device is voice-operated and used in hands-free mode or with a function that requires only a single swipe or tap of the driver's finger.

BP/AR 4030 - Nondiscrimination in Employment

(BP/AR revised)

Policy and regulation updated to reflect **NEW STATE REGULATIONS** (Register 2015, No. 50), as renumbered, which specify certain requirements to be included in district policy or regulation and extend protections against discrimination to unpaid interns and volunteers. Policy also adds requirement to post the California Department of Fair Employment and Housing publication on workplace discrimination and harassment, and reflects **NEW LAW** (SB 1063, 2016) which prohibits the payment of different wage rates based on race or ethnicity and prohibits the use of prior salary history by itself to justify any disparity in compensation. Regulation reflects provisions of new state regulations regarding training of supervisors and dissemination of the district's nondiscrimination policy to all employees.

BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment

(BP/AR revised)

Policy and regulation updated to reflect **NEW STATE REGULATIONS** (Register 2015, No. 50), as renumbered, which extend protections against sexual harassment to unpaid interns and volunteers, require districts to instruct supervisors to report complaints, and revise requirements pertaining to the training of supervisory employees.

BP 5030 - Student Wellness

(BP revised)

Policy updated to reflect **NEW FEDERAL REGULATIONS** (81 Fed. Reg. 50151) which address the content of the wellness policy, assurance of stakeholder participation in the development and updates of the policy, and periodic assessment and disclosure of compliance. Policy also reflects **NEW STATE LAW** (SB 1169, 2016) which no longer requires posting of district policy on nutrition and physical activity within cafeterias/eating areas, but does require annually informing the public of the content and implementation of the policy.

AR 5111.1 - District Residency

(AR revised)

Policy updated to reflect **NEW LAW** (SB 1455, 2016) which establishes residency within the district for enrollment purposes to students whose parent/guardian is transferred or pending transfer into a military installation within district boundaries. Policy also reflects **NEW LAW** (AB 2537, 2016) which indefinitely extends district authority to grant Allen Bill transfers for students whose parent/guardian is employed within district boundaries for a minimum of 10 hours during the school week.

BP 5116.2 - Involuntary Student Transfers

(BP added)

New policy reflects **NEW LAW** (SB 1343, 2016) which authorizes districts to involuntarily transfer a student who has been convicted of a specified violent felony or a misdemeanor associated with possession of a firearm, whenever the student is enrolled at the same school as the victim of the crime for which he/she was convicted. In order to exercise this authority, the district is mandated to adopt policy with specified components and provide notice of the policy to parents/guardians as part of the annual parental notification.

POLICY GUIDESHEET

December 2016

Page 3 of 3

BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions

(BP/AR revised)

Policy and regulation updated to delete requirements related to the administration of medication in cases of epileptic seizures, as Education Code 49414.7 repeals by its own terms on January 1, 2017, and to clarify that districts may continue to administer such medication under the general authority in state law. Policy and regulation also reflect **NEW LAW** (AB 1748, 2016) which authorizes districts to stock and administer medication in cases of opioid overdose. Regulation also revises definition of epinephrine auto-injector pursuant to **NEW LAW** (AB 1386, 2016).

BP 6146.1 - High School Graduation Requirements

(BP revised)

Policy updated to reflect **NEW LAW** (AB 2306, 2016) which generally exempts from district-established graduation requirements any student who transfers into a district school from a juvenile court school after the second year of high school, unless it is determined that the student is reasonably able to complete the requirements in time to graduate by the end of his/her fourth year of high school.

BP/AR 6154 - Homework/Makeup Work

(BP revised; AR deleted)

Policy updated for consistency with BP 5121 - Grades/Evaluation of Student Achievement and research on effective grading practices, as summarized in recent CSBA governance brief, including optional language providing for full credit to be given for makeup work satisfactorily completed within a reasonable time, regardless of whether the absence is due to an excused or unexcused absence. Policy also addresses guidelines for the assignment of homework, communication of homework expectations to students and parents/guardians, and resources to assist students in completing homework and developing good study habits. Regulation deleted and key concepts moved to BP.

BP/AR 6164.6 - Identification and Education Under Section 504

(BP/AR revised)

Policy updated to add requirement to address the needs of students with disabilities in the district's local control and accountability plan. Regulation updated to reflect **NEW FEDERAL REGULATIONS** (81 Fed. Reg. 53203) which primarily revise definitions used in the Americans with Disabilities Act.

AR 6173.3 - Education for Juvenile Court School Students

(AR added)

New regulation reflects educational rights of former juvenile court school students who transition into a district school, pursuant to **NEW LAW** (AB 2306, 2016). These include rights related to the immediate enrollment of such students, the immediate transfer of educational records, the transfer of coursework and credits, and exemption from district-established graduation requirements under certain conditions.

BB 9240 - Board Training

(BB revised)

Bylaw retitled and updated to address the purposes and importance of board training, recommended topics of training for new and first-term board members, and the district's process for selecting board training activities. The bylaw also reinforces the prohibition against a majority of the board members discussing district business of a specific nature while attending a conference or similar public gathering.

BB 9323 - Meeting Conduct

(BB revised)

Bylaw updated to reflect **NEW LAW** (AB 1787, 2016) which requires the board to provide a member of the public who uses a translator at least twice the allotted time to address the board during board meetings, unless simultaneous translation equipment is used. Bylaw also clarifies that the board may refer a member of the public to an appropriate complaint procedure, but cannot prohibit criticism of district employees, programs, or policies during a board meeting.

CSBA Sample Administrative Regulation

Community Relations

AR 1340(a)

ACCESS TO DISTRICT RECORDS

Note: Article I, Section 3 of the California Constitution grants any person the right to access information concerning meetings and writings of state and local government bodies, officials, and agencies as long as the constitutional rights of privacy and due process are protected. Courts broadly interpret rules or laws granting access and narrowly interpret those denying access; thus, the burden is on the district to demonstrate the need for restricting access to public records.

The following **optional** administrative regulation lists those records defined as public and, in contrast, those defined as confidential to which there is no public access. It is not intended to provide an all-inclusive list of records that may be defined as either public or confidential.

Definitions

Note: Pursuant to Government Code 6252, a "public record" includes any writing that relates to district business as defined below.

Emails discussing district business are considered public records. However, the law is unclear as to whether emails discussing district business sent from an employee's or Governing Board member's home computer or personal digital assistant would be considered a public record that is "retained in the normal course of business" and thus subject to disclosure. Although an appellate court ruled that the California Public Records Act does not require public access to communications by public officials using exclusively private cell phones or email accounts, the case has been appealed to the California Supreme Court. If a district receives a request for such records, legal counsel should be consulted, as appropriate. See BB 9012 - Board Member Electronic Communications.

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

(cf. 3580 - District Records)

(cf. 9012 - Board Member Electronic Communications)

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

Member of the public means any person, except a member, agent, officer, or employee of the district or a federal, state, or other local agency acting within the scope of his/her membership, agency, office, or employment. (Government Code 6252)

ACCESS TO DISTRICT RECORDS (continued)**Public Records**

Note: While not specifically enumerated in Government Code 6252, items #1-15 below are items which fall within the definition of "public records."

Public records to which members of the public shall have access include, but are not limited to:

1. Proposed and approved district budgets and annual audits (Education Code 41020, 42103)

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

2. Statistical compilations
3. Reports and memoranda
4. Notices and bulletins
5. Minutes of public meetings (Education Code 35145)

(cf. 9324 - Minutes and Recordings)

6. Meeting agendas (Government Code 54957.5)

(cf. 9322 - Agenda/Meeting Materials)

7. Official communications between the district and other government agencies
8. School-based program plans (Education Code 52850)

(cf. 0420 - School Plans/Site Councils)

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

(cf. 0440 - District Technology Plan)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

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

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

ACCESS TO DISTRICT RECORDS (continued)

Note: Although Government Code 6254 exempts from disclosure those records pertaining to pending litigation, the Attorney General opined in 71 Ops.Cal.Att'y.Gen. 235 (1988) that records predating the filing of the lawsuit are subject to disclosure. In Fairley v. Superior Court, a California Court of Appeal concurred and held that documents were exempted only if they were prepared for use in litigation. (See item #2 in the section "Confidential Records" below.) The following item reflects the opinion of the court and the Attorney General. The Board should consult legal counsel if it believes that any document related to litigation should not be disclosed.

11. Records pertaining to claims and litigation against the district which have been adjudicated or settled (Government Code 6254, 6254.25)

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

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

(cf. 9270 - Conflict of Interest)

Note: Generally, the names and salaries of public employees are subject to disclosure under the Public Records Act. However, in International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County, the California Supreme Court recognized that, in some instances, the salaries of certain employees might be exempt from disclosure, depending on the facts and circumstances. Additionally, in Sacramento County Employees Retirement System v. Superior Court, a California Court of Appeal held that the names and corresponding pension benefits of members of a county retirement system are subject to disclosure and are not considered "individual records of members" protected by Government Code 31532.

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

14. Employment contracts and settlement agreements (Government Code 53262)

(cf. 2121 - Superintendent's Contract)

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

(cf. 4141/4241 - Collective Bargaining Agreement)

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

(cf. 5020 - Parent Rights and Responsibilities)

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

Access to public records of the district shall be granted to Governing Board members on the same basis as any other member of the public. When Board members are authorized to access public records in the administration of their duties, the Superintendent or designee shall not discriminate among any of the Board members as to which record, or portion of the record, will be made available, or when it will be made available. (Government Code 6252.5, 6252.7)

ACCESS TO DISTRICT RECORDS (continued)

Note: Government Code 6254.29 specifies that the Public Records Act does not require a district to disclose an employee's social security number and states the Legislature's intent that districts redact social security numbers from any records being disclosed to the public. In addition, Government Code 6254.3, as amended by AB 2843 (Ch. 830, Statutes of 2016), prohibits disclosure of an employee's personal cell phone number and birth date.

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

Confidential Public Records

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

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

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

2. Records specifically generated in connection with or prepared for use in litigation to which the district is a party or to respond to claims made against the district pursuant to the Tort Claims Act, until the litigation or claim has been finally adjudicated or otherwise settled, or beyond, if the records are protected by some other provision of law (Government Code 6254, 6254.25)
3. Personnel records, medical records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)

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

The home addresses, home telephone numbers, personal cell phone numbers, or birth date of employees may only be disclosed as follows: (Government Code 6254.3)

- a. To an agent or a family member of the employee

ACCESS TO DISTRICT RECORDS (continued)

- b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties
- c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home address and any telephone number for an employee who performs law enforcement-related functions, or the birth date of any employee, shall not be disclosed

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

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

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

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

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

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 5125.3 - Challenging Student Records)

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

(cf. 6162.51 - State Academic Achievement Tests)

(cf. 6162.52 - High School Exit Examination)

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

ACCESS TO DISTRICT RECORDS (continued)

7. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information (Government Code 6254)
8. Library circulation and patron use records of a borrower or patron including, but not limited to, his/her name, address, telephone number, email address, borrowing information, or use of library information resources, except when disclosure is to a person acting within the scope of his/her duties in the administration of the library, to a person authorized in writing by the individual to whom the records pertain, or by court order (Government Code 6254, 6267)

(cf. 6163.1 - Library Media Centers)

Note: The following exemption protects attorney-client privileged communications and attorney work product, as well as other work product prepared for use in pending litigation or claims. Pursuant to the Rules of Professional Conduct of the State Bar of California, when an attorney has been hired to represent the district as a whole, this privilege may only be waived by the Board.

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

(cf. 9124 - Attorney)

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

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 9223 - Filling Vacancies)

12. Minutes of Board meetings held in closed session (Government Code 54957.2)

(cf. 9321 - Closed Session Purposes and Agendas)

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

ACCESS TO DISTRICT RECORDS (continued)

14. Information security records, the disclosure of which would reveal vulnerabilities to, or otherwise increase potential for an attack on, the district's information technology system (Government Code 6254.19)
15. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 6254, 6255)

(cf. 5141.6 - School Health Services)

16. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes

Note: Item #17 below reflects an exemption often referred to as the "catch-all" or "public interest" exemption pursuant to Government Code 6255. This exemption allows a district to withhold a record based on analysis of the specific facts of the situation and in light of the competing public interests. This exemption also includes the "deliberative process privilege" which is designed to protect a district's decision-making process in order to encourage candid discussions within the district. Legal counsel should be consulted to determine whether a request for a record falls under this exemption.

17. Any other records for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record (Government Code 6255)

Inspection of Records and Requests for Copies

Note: Court decisions have held that a public record request may be made orally, by phone, or in writing, including by email, fax, or hand delivery. The district may ask, but not require, that the person put an oral request in writing.

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

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

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the

ACCESS TO DISTRICT RECORDS (continued)

extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request: (Government Code 6253)

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

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

Public records shall be open to inspection at all times during district office hours. Any reasonably segregable portion of a record shall be made available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (Government Code 6253)

Note: Government Code 6253 states that copies of records must be provided "promptly." The term "promptly" is not defined in law, but Government Code 6253 also states that a district may not delay or obstruct the copying of records. Thus, if the records are held in a manner that allows for prompt disclosure, the records generally should not be withheld because of the 10-day response period or the 14-day extension detailed above.

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

Note: The following **optional** paragraph is for use by districts that charge for copies. See the accompanying Board policy.

The Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication. Written requests to waive the fee shall be submitted to the Superintendent or designee.

ACCESS TO DISTRICT RECORDS (continued)

Note: Pursuant to Government Code 6253, as amended by AB 2853 (Ch. 275, Statutes of 2016), in addition to having public records available for inspection during office hours, the district may, in response to a public records request, post public records on its web site and refer the requesting member of the public to the location on the web site where the public record is posted, as provided below.

In addition to maintaining public records for public inspection during district office hours, the district may comply with public records requests by posting any public record on the district's web site and, in response to a public records request, directing the member of the public to the location on the web site where the record can be found. However, if the member of the public is unable to access or reproduce the record from the web site, the district shall promptly provide an exact copy of the public record upon payment of duplication fees, if applicable, unless it is impracticable to provide an exact copy. (Government Code 6253)

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

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

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

Assistance in Identifying Requested Records

Note: Government Code 6253.1 requires the district to assist a person requesting to inspect or obtain a copy of a public record as specified below. This assistance is not required if the district grants the request and the records are made available or if the request is denied on the grounds that the records are confidential.

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

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

CSBA Sample

Board Policy

Business and Noninstructional Operations

BP 3311(a)

BIDS

Note: Pursuant to Public Contract Code 20111, public contracts for the lease or purchase of equipment, materials, supplies, or services or for "public projects," as defined, are required to be competitively bid when they involve expenditure of specified amounts.

An alternative procedure for public works projects is provided pursuant to the Uniform Public Construction Cost Accounting Act (Public Contract Code 22000-22045); see BP/AR 3311.1 - Uniform Public Construction Cost Accounting Procedures. Also see AR 3311.2 - Lease-Leaseback Contracts, AR 3311.3 - Design-Build Contracts, and AR 3311.4 - Procurement of Technological Equipment for procedures applicable to those contracts.

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3000 - Concepts and Roles)
(cf. 3230 - Federal Grant Funds)
(cf. 3300 - Expenditures and Purchases)
(cf. 3311.1 - Uniform Public Construction Cost Accounting Procedures)
(cf. 3311.2 - Lease-Leaseback Contracts)
(cf. 3311.3 - Design-Build Contracts)
(cf. 3311.4 - Procurement of Technological Equipment)

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

Note: Requirements for competitive bidding, including notice and advertising, are specified in Public Contract Code 20110-20118.4. See the accompanying administrative regulation.

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

Note: Pursuant to Public Contract Code 20111.5, the district is permitted, but not required, to establish prequalification procedures for any contract for which bids are legally required; see the accompanying administrative regulation. However, pursuant to Public Contract Code 20111.6, a district with average daily

BIDS (continued)

attendance of 2,500 or greater is required to prequalify all general contractors and electrical, mechanical, and plumbing subcontractors for public projects of \$1 million or more, if School Facilities Program funds (Education Code 17070.10-17079.30) or other future state school bonds are used.

For award of contracts which, by law or Board policy, require prequalification, the procedures shall identify a uniform system for rating bidders on the basis of a completed questionnaire and financial statements.

(cf. 9270 - Conflict of Interest)

Note: Districts should be careful in crafting bid specifications, as a misleading specification that results in a lower bid than might have been made may make the district liable for the extra work done or expenses incurred by the contractor. In Los Angeles Unified School District v. Great American Insurance Co., the California Supreme Court held in favor of a contractor who was misled by the district's nondisclosure of material information that would have affected the contractor's bid.

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

Note: Pursuant to Public Contract Code 20111, a contract required to be put out to bid must be awarded to the lowest responsible bidder. As defined in Public Contract Code 1103, a "responsible bidder" is one who possesses the quality, fitness, capacity, and experience to satisfactorily perform the proposed work.

However, a bid may be awarded to other than the lowest responsible bidder when conditions specified in law exist.

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

Note: Pursuant to Public Contract Code 20118, districts may be exempt from the bidding requirements and may "piggyback" onto the bid of any public corporation or agency for specific items when the Governing Board determines it is in the best interest of the district. See the accompanying administrative regulation for a list of those items that may be leased or purchased using this procedure.

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

Legal Reference: (see next page)

BIDS (continued)*Legal Reference:***EDUCATION CODE**

- 17070.10-17079.30 Leroy F. Greene School Facilities Act
- 17250.10-17250.55 Design-build contracts
- 17406 Lease-leaseback contracts
- 17595 Purchase of supplies through Department of General Services
- 17602 Purchase of surplus property from federal agencies
- 38083 Purchase of perishable foodstuffs and seasonable commodities
- 38110-38120 Apparatus and supplies
- 39802 Transportation services

BUSINESS AND PROFESSIONS CODE

- 7056 General engineering contractor
- 7057 General building contractor

CODE OF CIVIL PROCEDURE

- 446 Verification of pleadings

GOVERNMENT CODE

- 4217.10-4217.18 Energy conservation contracts
- 4330-4334 Preference for California-made materials
- 6252 Definition of public record
- 53060 Special services and advice
- 54201-54205 Purchase of supplies and equipment by local agencies

PUBLIC CONTRACT CODE

- 1102 Emergencies
- 1103 Definition, responsible bidder
- 2000-2002 Responsive bidders
- 3000-3010 Roofing projects
- 3400 Bids, specifications by brand or trade name not permitted
- 3410 United States produce and processed foods
- 4113 Prime contractor; subcontractor
- 6610 Bid visits
- 12200 Definitions, recycled goods, materials and supplies
- 20101-20103.7 Public construction projects, requirements for bidding
- 20103.8 Award of contracts
- 20110-20118.4 Local Agency Public Construction Act; school districts
- 20189 Bidder's security, earthquake relief
- 22000-22045 Alternative procedures for public projects (UPCCAA)
- 22152 Recycled product procurement

COURT DECISIONS

- Los Angeles Unified School District v. Great American Insurance Co., (2010) 49 Cal.4th 739
- Great West Contractors Inc. v. Irvine Unified School District, (2010) 187 Cal.App.4th 1425
- Marshall v. Pasadena Unified School District, (2004) 119 Cal.App.4th 1241
- Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449
- City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861

ATTORNEY GENERAL OPINIONS

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

Management Resources: (see next page)

BIDS (continued)

Management Resources:

WEB SITES

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

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

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

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

(8/13 5/16) 12/16

Policy Reference UPDATE Service

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CSBA Sample

Administrative Regulation

Business and Noninstructional Operations

AR 3311(a)

BIDS

Note: Pursuant to Government Code 54202, districts are **mandated** to establish bidding procedures governing the purchase of equipment and supplies. The following administrative regulation reflects the competitive bidding procedures applicable to these purchases, as well as contracts for certain services, public works projects, and repairs and maintenance, when the contract exceeds the amount specified in law.

An alternative procedure for public works projects is provided pursuant to the Uniform Public Construction Cost Accounting Act (UPCCAA) (Public Contract Code 22000-22045), which allows public projects of \$45,000 or less to be performed by district employees and public projects of \$175,000 or less to be awarded through an informal bidding process. See BP/AR 3311.1 - Uniform Public Construction Cost Accounting Procedures. Districts that have adopted the UPCCAA procedures should modify the following regulation to delete or revise conflicting provisions related to contracts for public works. Also see AR 3311.2 - Lease-Leaseback Contracts, AR 3311.3 - Design-Build Contracts, and AR 3311.4 - Procurement of Technological Equipment for procedures applicable to those contracts.

Advertised/Competitive Bids

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

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

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

(cf. 3311.2 - Lease-Leaseback Contracts)

(cf. 3311.3 - Design-Build Contracts)

Note: For the contracts specified in item #2a-c below, Public Contract Code 20111 requires the Superintendent of Public Instruction (SPI) to annually establish a bid limit that reflects U.S. Department of Commerce data. The following paragraph allows the amount to escalate automatically once the SPI has made the annual determination. For 2016, the bid limit is \$87,800.

2. A contract that exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following:
 - a. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district

(cf. 3230 - Federal Grant Funds)

(cf. 3311.4 - Procurement of Technological Equipment)

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

BIDS (continued)

- c. Repairs that are not a public project, including maintenance

Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. *Maintenance* includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. Maintenance does not include painting, repainting, or decorating other than touchup, or among other types of work, janitorial or custodial services and protection provided by security forces. (Public Contract Code 20115)

Instructions and Procedures for Advertised Bids

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

(cf. 1113 - District and School Web Sites)

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

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

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

(cf. 3510 - Green School Operations)

2. All bids for construction work shall be presented under sealed cover. The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20111, 20112)

BIDS (continued)

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

3. When a standardized proposal form is provided by the district, bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)
4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
5. When two or more identical lowest or highest bids are received, the Governing Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)

Note: Public Contract Code 20103.8 specifies that, in those cases when the bid includes items that may be added to or deducted from the scope of the work in the contract, the bid solicitation must specify the method to be used to determine the lowest bid, as detailed below. Districts should consult with legal counsel, as appropriate, if they have questions regarding the applicability of this law.

6. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #6a below shall be used. (Public Contract Code 20103.8)
 - a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.
 - b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
 - c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.

BIDS (continued)

The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the district before the ranking of all bidders from lowest to highest has been determined. (Public Contract Code 20103.8)

Note: For a bid to be successful, it must conform to bid specifications (i.e., it must be "responsive") and the bidder must be determined to be able to perform the work (i.e., he/she must be "responsible" as defined in Public Contract Code 1103). There is no right to a due process hearing when the district has merely found the bid to be nonresponsive. However, the district must be careful in making a determination on the "nonresponsiveness" of a bid based on anything other than the documents submitted. To avoid any confusion, the district should provide clear and comprehensive bid specifications to bidders.

When rejecting the lowest responsive bid on the basis that the bidder is nonresponsive, the district must inform the bidder of the evidence used when making the determination and afford him/her a hearing with the right to present evidence that he/she is responsible. (City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court and Great West Contractors Inc. v. Irvine Unified School District)

7. In determining the lowest bid, the district shall consider only responsive bids that conform to bid specifications and are submitted by responsible bidders who have demonstrated trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the public works contract.
 - a. When a bid is determined to be nonresponsive, the Superintendent or designee shall notify the bidder and give him/her an opportunity to respond to the determination.
 - b. When the lowest bidder is determined to be nonresponsive, the Superintendent or designee shall notify the bidder of his/her right to present evidence of his/her responsibility at a hearing before the Board.
8. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Prequalification Procedure

Note: The following section is **optional**. Pursuant to Public Contract Code 20111.6, a district with average daily attendance (ADA) of 2,500 or greater is required to prequalify all general contractors and electrical, mechanical, and plumbing subcontractors for any public project of \$1 million or more, when the project uses or is reimbursed from School Facilities Program funds (Education Code 17070.10-17079.30) or other future state school bonds.

BIDS (continued)

Additionally, pursuant to Public Contract Code 20111.5, districts are permitted, but not required, to establish prequalification procedures for other contracts which, by law, require competitive bidding.

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized prequalification questionnaire and financial record which, when completed, shall indicate a bidder's statement of financial ability and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

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

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

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

For all other contracts requiring competitive bidding, the district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. Prospective bidders for such contracts shall submit the questionnaire and financial statement

BIDS (continued)

at least five days before the date fixed for public opening of sealed bids and shall be prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

Award of Contract

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

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)
2. When the contract is for any transportation service which involves an expenditure of more than \$10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of a student who is to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)

Note: Pursuant to Public Contract Code 2000-2002, a district is permitted to establish bidding requirements that facilitate the participation of minority, women, disabled veteran, and small business enterprises in contracts. Though minorities and women are included in Public Contract Code 2000, Article 1, Section 31(a) of the California Constitution prohibits the granting of preferences based on race, sex, color, ethnicity, etc., in state employment and contracting. The district should consult legal counsel if there is any question about the granting of preferences to any such business.

3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)
4. When procuring a lease-leaseback contract, in which case the Board shall award the contract based on objective criteria for determining the best combination of price and qualifications in accordance with Education Code 17400 and 17406

(cf. 3311.2 - Lease-Leaseback Contracts)

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

BIDS (continued)

(cf. 3311.3 - Design-Build Contracts)

Protests by Bidders

Note: The law does not specify a procedure for handling protests by bidders. The following **optional** section provides one such procedure and should be modified to reflect district practice.

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

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

Note: The following paragraph provides a process for appealing a bid award to the Board. Although the law does not specify the notice to be given in this circumstance, CSBA recommends at least three business days which may be modified to reflect district practice.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

Limitation on Use of Sole Sourcing

Note: "Sole sourcing" is the practice by which one brand name product is specified, although comparable, competitive products are available. Public Contract Code 3400 allows sole sourcing in limited circumstances and requires that the specification of the designated product be followed by the words "or equal," so that bidders for such a contract are able to base their bids on the use of other products of equal functionality that may result in cost savings for the district. The following section is **optional**.

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

1. Does not directly or indirectly limit bidding to any one specific concern

BIDS (continued)

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

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

Note: The following **optional** paragraph is for use by districts with ADA of more than 2,500. For the repair or replacement of the roof of a public facility, a material must meet the requirements specified below to be considered "equal" pursuant to Public Contract Code 3000-3010.

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

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

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

(cf. 9323.2 - Actions by the Board)

Bids Not Required

Note: The following paragraph lists those items that may be purchased through a "piggybacked" bid; see the accompanying Board policy. Many districts have used the piggyback procedure to purchase portable and relocatable buildings. The Attorney General has opined (89 Ops.Cal.Atty.Gen. 1, 2006) that a district may not rely on the piggyback exception to contract for the acquisition and installation of factory-built modular

BIDS (continued)

building components (i.e., roofs and walls) for installation on a permanent foundation. However, this opinion does not apply to typical portable or relocatable single-classroom buildings, because they lack a permanent foundation and building mobility. Districts considering using the piggyback process for relocatables, portables, modulars, and the like should consult district legal counsel. While Attorney General opinions are not binding, they are often given deference by the court and may also be considered by the State Allocation Board when making funding decisions.

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

(cf. 3300 - Expenditures and Purchases)
(cf. 3512 - Equipment)

Note: The following **optional** paragraph reflects the authority granted to public agencies pursuant to Government Code 4217.10-4217.18 to enter into energy service contracts without competitive bidding when the agency's governing body determines that the contract is in the best interest of the agency based on the "costs-benefits" analysis specified in Government Code 4217.12.

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

(cf. 3511 - Energy and Water Management)
(cf. 9320 - Meetings and Notices)

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

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6163.1 - Library Media Centers)

BIDS (continued)

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

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

Bids shall not be required for day labor under circumstances specified in Public Contract Code 20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

Note: Pursuant to Public Contract Code 20113, a district may award contracts without competitive bidding in emergency situations, as specified below. In Marshall v. Pasadena Unified School District, a court held that the definition of "emergency" in Public Contract Code 1102 is applicable. Public Contract Code 1102 defines "emergency" as a "sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services."

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

(cf. 3517 - Facilities Inspection)

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

(10/15 5/16) 12/16

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3311.1(a)

UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES

Note: The following **optional** policy is for use by districts that elect to use an alternative procedure for awarding contracts for public works projects pursuant to the Uniform Public Construction Cost Accounting Act (UPCCAA) (Public Contract Code 22000-22045), which establishes a higher bid limit and a more informal bidding process for certain projects. See BP/AR 3311 - Bids for traditional bidding procedures pursuant to Public Contract Code 20110-20118.4.

Pursuant to Public Contract Code 22032, projects of \$45,000 or less may be performed by the district's own work force, projects of \$175,000 or less may use a more informal bidding procedure as specified, and projects over \$175,000 require formal bidding procedures. See the accompanying administrative regulation for related requirements.

In order to participate in the UPCCAA, Public Contract Code 22030 requires the Governing Board to adopt a resolution electing to use the UPCCAA for district contracting and to notify the State Controller of that action. In the event of a conflict with any other provision of law relative to bidding procedures, the UPCCAA shall apply for any district that has adopted a resolution and so notified the Controller. According to the California Uniform Construction Cost Accounting Commission's "Frequently Asked Questions," available on its web site, once the Board has adopted such a resolution, it can only withdraw from the UPCCAA by adopting a resolution of the election to withdraw and filing that resolution with the State Controller.

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

(cf. 3311 - Bids)

(cf. 7110 - Facilities Master Plan)

Note: The following paragraph may be revised to reflect district practice. In circumstances where the informal bidding procedure is authorized, Public Contract Code 22034 allows the Board to delegate the authority to award contracts to an appropriate district administrator. Public Contract Code 22039 allows the Board to delegate the authority to adopt plans, specifications, and working details for projects subject to formal bidding procedures.

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

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

UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES

(continued)

Note: In electing to be subject to the UPCCAA, the district thereby agrees to follow the cost accounting procedures set forth in the Cost Accounting Policies and Procedures Manual of the California Uniform Construction Cost Accounting Commission, pursuant to Public Contract Code 22017 and 22019. According to the "Frequently Asked Questions" on the Commission's web site, districts may use the statewide Standardized Account Code Structure to comply with tracking requirements.

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

Emergency Actions

Note: Public Contract Code 22035 allows the district to replace or repair a school facility without going through the UPCCAA process in cases of emergency in accordance with Public Contract Code 22050. Public Contract Code 1102 defines "emergency" as a "sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services."

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

(cf. 9323.2 - Actions by the Board)

Legal Reference: (see next page)

UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES (continued)

Legal Reference:

PUBLIC CONTRACT CODE

1102 *Definition of emergency*

20110-20118.4 *Local Agency Public Construction Act; school districts*

22000-22020 *California Uniform Construction Cost Accounting Commission*

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

22032 *Applicability of procedures based on amount of project*

22034 *Informal bidding procedure*

22035 *Emergency need for repairs or replacement*

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

22050 *Alternative emergency procedures*

Management Resources:

CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION PUBLICATIONS

Cost Accounting Policies and Procedures Manual

Frequently Asked Questions

WEB SITES

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

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

California Uniform Construction Cost Accounting Commission:

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

CSBA Sample

Administrative Regulation

Business and Noninstructional Operations

AR 3311.1(a)

UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES

Note: The following administrative regulation is for use when the Governing Board has adopted a resolution to use the alternative procedures of the Uniform Public Construction Cost Accounting Act (UPCCAA) (Public Contract Code 22000-22045) for awarding public works projects; see the accompanying Board policy.

According to the California Uniform Construction Cost Accounting Commission's "Frequently Asked Questions," available on its web site, a district participating in the UPCCAA is subject to other requirements of the Public Contract Code in areas where the UPCCAA is silent. See BP/AR 3311 - Bids for traditional bidding procedures pursuant to Public Contract Code 20110-20118.4.

Public Contract Code 22032 establishes the following requirements based on the amount of the public project. Pursuant to Public Contract Code 22020, the Commission reviews these monetary limits every five years and recommends to the State Controller whether they need to be adjusted. The State Controller is required to notify all public agencies of any adjustment to these limits.

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

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

Note: Public Contract Code 22034 requires any public agency participating in UPCCAA to adopt an informal bidding ordinance, with specified components, to govern the selection of contractors to perform public projects of \$175,000 or less, as described in item #2 below. The Commission's "Frequently Asked Questions" clarify that, for school districts and other agencies that cannot legally adopt ordinances, a board policy, administrative regulation, or other legally applicable action of the board may be substituted.

2. Contracts for public projects of \$175,000 or less may be awarded through the following informal procedures: (Public Contract Code 22032, 22034, 22038)
 - a. The Superintendent or designee shall maintain a list of qualified contractors, identified according to categories of work.
 - b. The Superintendent or designee shall prepare a notice inviting informal bids which describes the project in general terms, explains how to obtain more information about the project, and states the time and place for submission of bids. The notice shall be disseminated by mail, fax, or email to all contractors on the district's list for the category of work being bid, unless the product or service is proprietary, at least 10 calendar days before bids are due. In addition, the Superintendent or designee may mail, fax, or email a notice inviting informal bids to all construction trade journals identified pursuant to Public Contract Code 22036.

UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES
(continued)

- c. The district shall review the informal bids and award the contract, except that:
 - (1) If all bids received through the informal process are in excess of \$175,000, the contract may be awarded to the lowest responsible bidder, provided that the Governing Board adopts a resolution with a four-fifths vote to award the contract at \$187,500 or less and the Board determines the district's cost estimate is reasonable.
 - (2) If no bids are received through the informal bid procedure, the project may be performed by district employees by force account or negotiated contract.
- 3. Public projects of more than \$175,000 shall, except as otherwise provided by law, be subject to formal bidding procedures, as follows: (Public Contract Code 22032, 22037, 22038)

Note: Pursuant to Public Contract Code 22037, if there is no newspaper of general circulation published in the jurisdiction of the district, the district must post the bid notice in three locations as described below. Public Contract Code 22037 requires that these locations be identified in the agency's ordinance or regulation. Item #3a(1) may be revised to include such locations.

- a. Notice inviting formal bids shall state the time and place for receiving and opening sealed bids and distinctly describe the project. The notice shall be disseminated in both of the following ways:
 - (1) Through publication in a newspaper of general circulation in the district's jurisdiction or, if there is no such newspaper, then by posting the notice in at least three places designated by the district as places for posting its notices. Such notice shall be published at least 14 calendar days before the date that bids will be opened.
 - (2) By mail and electronically, if available, by either fax or email, to all construction trade journals identified pursuant to Public Contract Code 22036. Such notice shall be sent at least 15 calendar days before the date that bids will be opened.

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

- b. The district shall award the contract as follows:

UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES
(continued)

- (1) The contract shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the district may accept the one it chooses.
- (2) At its discretion, the district may reject all bids presented and declare that the project can be more economically performed by district employees, provided that the district notifies an apparent low bidder, in writing, of the district's intention to reject the bid. Such notice shall be mailed at least two business days prior to the hearing at which the district intends to reject the bid.
- (3) If no bids are received through the formal bid procedure, the project may be performed by district employees by force account or negotiated contract.

(cf. 3311 - Bids)

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3311.2(a)

LEASE-LEASEBACK CONTRACTS

Note: The following administrative regulation addresses construction financing contracts that are commonly described as "lease-leaseback" contracts. Education Code 17406, as amended by AB 2316 (Ch. 521, Statutes of 2016), no longer permits the selection of a lease-leaseback contractor without advertising, and instead requires districts to use a comprehensive "best value" selection process. Education Code 17406, as amended, **mandates** that any district choosing to award a lease-leaseback contract adopt and publish procedures and guidelines for evaluating the qualifications of proposers that ensure the fair and impartial selection of the "best value" for the district. In addition, for any project that will involve the use of preconstruction services, the request for sealed proposals must require proposers to include the fee to perform the preconstruction services as part of their sealed proposal to the district. Such procedures and guidelines must include, at a minimum, the provisions specified in Education Code 17406 as reflected in the following regulation.

The lease-leaseback financing method should only be used in coordination with competent technical consultants and legal counsel to ensure all legal requirements are met.

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

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

(cf. 3312 - Contracts)

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

1. Request for Sealed Proposals: The Superintendent or designee shall prepare a request for sealed proposals which shall include:
 - a. An estimate of the project's price
 - b. A clear, precise description of any preconstruction services that may be required and the facilities to be constructed
 - c. The key elements of the contract to be awarded
 - d. A description of the format that proposals shall follow and the elements they shall contain

LEASE-LEASEBACK CONTRACTS (continued)

- e. The standards the district will use in evaluating proposals
 - f. The date on which proposals are due
 - g. The timetable the district will follow in reviewing and evaluating proposals
2. Notice: At least 10 days before the date for receipt of the proposals, the Superintendent or designee shall give notice of the request for sealed proposals using both of the following methods:
- a. Providing notice at least once a week for two weeks in a local newspaper of general circulation pursuant to Public Contract Code 20112
 - b. Providing notice in a trade paper of general circulation published in the county where the project is located

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

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

Note: Pursuant to Education Code 17406, the prequalification requirements for contracts that meet the criteria specified in Public Contract Code 20111.6 are also applicable to lease-leaseback contracts. Education Code 17406 requires prequalification for such projects irrespective of whether or not they are funded locally or through state sources.

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

(cf. 3311 - Bids)

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

The request for sealed proposals shall specify whether each criterion will be evaluated on a pass-fail basis or will be scored as part of the "best value" score, and whether

LEASE-LEASEBACK CONTRACTS (continued)

proposers must achieve any minimum qualification score for award of the contract. For each scored criterion, the district shall identify the methodology and rating or weighting system that will be used by the district in evaluating the criterion, including the weight assigned to the criterion and any minimum acceptable score.

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

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

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

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

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

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

LEASE-LEASEBACK CONTRACTS (continued)

(cf. 9124 - Attorney)

Legal Reference:

EDUCATION CODE

17400 Definitions

17406 Lease-leaseback contract

17407.5 Use of a skilled and trained workforce

PUBLIC CONTRACT CODE

20111.6 Prequalification procedures

20112 Notices

COURT DECISIONS

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

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

Management Resources:

WEB SITES

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

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

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3311.3(a)

DESIGN-BUILD CONTRACTS

Note: As an alternative to the more traditional design-bid-build process (see BP/AR 3311 - Bids) or a lease-leaseback process (see AR 3311.2 - Lease-Leaseback Contracts), the district may enter into a design-build contract for a public works project in excess of \$1 million pursuant to Education Code 17250.10-17250.55. As defined by Education Code 17250.15, "design-build" means a project delivery process in which both the design and construction of a project are procured from a single entity. Education Code 17250.15 and 17250.25 provide that such contracts may be awarded to either the low bid or best value, as defined. Pursuant to Education Code 17250.50 and 17250.55, this authority applies to bid requests issued on or after July 1, 2016 and will be repealed January 1, 2025 unless legislation is enacted to delete or extend that date.

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

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

(cf. 7110 - Facilities Master Plan)

(cf. 7140 - Architectural and Engineering Services)

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

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

1. The district shall prepare a set of documents setting forth the scope and estimated price of the project. The documents may include, but are not limited to:
 - a. The size, type, and desired design character of the project
 - b. Performance specifications that cover the quality of materials, equipment, and workmanship
 - c. Preliminary plans or building layouts
 - d. Any other information deemed necessary to describe adequately the district's needs

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

DESIGN-BUILD CONTRACTS (continued)

2. The district shall prepare and issue a request for qualifications in order to prequalify, or develop a short list of, the design-build entities whose proposals shall be evaluated for final selection. The request for qualifications shall include, but is not limited to, all of the following elements:
 - a. Identification of the basic scope and needs of the project or contract, the expected cost range, the methodology that will be used by the district to evaluate proposals, the procedure for final selection of the design-build entity, and any other information deemed necessary by the district to inform interested parties of the contracting opportunity
 - b. Significant factors that the district reasonably expects to consider in evaluating qualifications, including technical design and construction expertise, acceptable safety record, and all other non-price-related factors
 - c. A standard template request for statements of qualifications prepared by the district, which shall contain all of the information required pursuant to Education Code 17250.25

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

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

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

DESIGN-BUILD CONTRACTS (continued)

4. For those projects utilizing low bid as the final selection method, the bidding process shall result in lump-sum bids by the prequalified or short-listed design-build entities, and the contract shall be awarded to the lowest responsible bidder.
5. For those projects utilizing best value as a selection method, the following procedures shall be used:
 - a. Competitive proposals shall be evaluated using only the criteria and selection procedures specifically identified in the request for proposals. Criteria shall be weighted as deemed appropriate by the district and shall, at a minimum, include price, unless a stipulated sum is specified; technical design and construction experience; and life-cycle costs over 15 or more years.
 - b. Following any discussions or negotiations with responsive proposers and completion of the evaluation process, the responsive proposers shall be ranked on a determination of value provided, provided that no more than three proposers are required to be ranked.
 - c. The contract shall be awarded to the responsible entity whose proposal is determined by the district to have offered the best value to the public.
 - d. The district shall publicly announce the contract award, identifying the entity to which the award is made and the basis of the award. This statement and the contract file shall provide sufficient information to satisfy an external audit.

*Legal Reference:*EDUCATION CODE17250.10-17250.55 *Design-build contracts**Management Resources:*WEB SITESCSBA: <http://www.csba.org>California Association of School Business Officials: <http://www.casbo.org>California Department of Education, Facilities: <http://www.cde.ca.gov/ls/fa>

CSBA Sample

Administrative Regulation

Business and Noninstructional Operations

AR 3311.4(a)

PROCUREMENT OF TECHNOLOGICAL EQUIPMENT

Note: The following administrative regulation is **optional**. As an alternative to competitive bidding procedures (see BP/AR 3311 - Bids), Public Contract Code 20118.2 authorizes the issuance of a request for proposals for district procurement of electronic equipment and apparatus, with the contract being awarded to the proposal that is most beneficial to the district considering price and all other factors.

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

(cf. 0440 - District Technology Plan)

(cf. 3230 - Federal Grant Funds)

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

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

1. The Superintendent or designee shall prepare a request for proposals (RFP) that shall be submitted to an adequate number of qualified sources, as determined by the district, to permit reasonable competition consistent with the nature and requirement of the procurement.
2. Notice of the RFP shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.
3. The Superintendent or designee shall make every effort to generate the maximum feasible number of proposals from qualified sources, and shall make a finding to that effect before proceeding to negotiate if only a single response to the RFP is received.
4. The RFP shall identify all significant evaluation factors, including price, and their relative importance.
5. The Superintendent or designee shall provide reasonable procedures for the technical evaluation of the RFPs received, the identification of qualified sources, and the selection for the award of the contract.
6. The Governing Board shall award the contract to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the district, considering price and all other factors.

PROCUREMENT OF TECHNOLOGICAL EQUIPMENT (continued)

7. If the Board does not award the contract to the bidder whose proposal contains the lowest price, then the Board shall make a finding setting forth the basis for the award to another bidder.
8. The Board, at its discretion, may reject all proposals and request new RFPs.

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

Legal Reference:

PUBLIC CONTRACT CODE

20118.2 Contracting by school districts; technological equipment

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

1. Is a Type 1 school bus manufactured on or after July 1, 2005 which is designed for carrying more than 16 passengers and the driver
2. Is a Type 2 school bus or student activity bus manufactured on or after July 1, 2004 which meets one of the following criteria:
 - a. Is designed for carrying 16 or fewer passengers and the driver
 - b. Has a manufacturer's vehicle weight rating of 10,000 pounds or less and is designed for carrying not more than 20 passengers and the driver

Note: The following **optional** paragraph reflects legislative intent of Vehicle Code 27316.

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

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

Note: Pursuant to Vehicle Code 27316, no person, district, or organization may be held criminally liable if a passenger improperly uses or fails to use the passenger restraint system. However, the CDE's Passenger Restraints Frequently Asked Questions encourages districts to develop procedures to enforce disciplinary actions for nonuse or improper use of the passenger restraint system.

The following **optional** paragraph may be expanded to specify the steps that should be taken by the driver to reasonably ensure that all passengers are properly restrained (e.g., verbal instructions to students, visual inspection), which may vary depending on the age/grade levels of the students. Such steps also may be incorporated in district regulations adopted pursuant to 5 CCR 14103 related to student conduct on buses, bus driver authority, and the suspension of riding privileges; see BP/AR 5131.1 - Bus Conduct.

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

(cf. 5131.1 - Bus Conduct)
(cf. 5144 - Discipline)

Fire Extinguishers

Each school bus shall be equipped with at least one fire extinguisher located in the driver's compartment which meets the standards specified in law. In addition, a wheelchair school bus shall have another fire extinguisher placed at the wheelchair loading door or emergency

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

exit. All fire extinguishers shall be regularly inspected and serviced in accordance with regulations adopted by the State Fire Marshal. (Education Code 39838; 13 CCR 1242; 19 CCR 574-575.3)

Electronic Communications Devices

Note: Vehicle Code 23125 prohibits a person from driving a school bus while using a wireless telephone except for work-related or emergency purposes. Vehicle Code 23123.5, as amended by AB 1785 (Ch. 660, Statutes of 2016), prohibits the driver of a motor vehicle (including a school bus or school activity bus pursuant to Vehicle Code 415 and 545) from using an electronic wireless communications device for any purpose, including, but not limited to, text-based communication, but provides an exception for voice-operated and hands-free operation or for a function that requires only a single swipe or tap of the driver's finger as long as the device is mounted on the windshield, dashboard, or center console of the vehicle. The following paragraph limits the use of any electronic communications device to work-related or emergency purposes. The district should consult legal counsel if it is considering allowing broader use of such devices.

A bus driver is prohibited from driving a school bus or student activity bus while using a wireless telephone or other electronic wireless communications device except for work-related or emergency purposes, including, but not limited to, contacting a law enforcement agency, health care provider, fire department, or other emergency service agency or entity. In any such permitted situation, the driver shall only use a wireless telephone or device that is specifically designed and configured to allow voice-operated and hands-free operation or a function that requires only a single swipe or tap of the driver's finger provided the device is mounted on the windshield, dashboard, or center console of the bus. (Vehicle Code 23123.5, 23125)

Safe Bus Operations

Note: Pursuant to Education Code 39834, any Governing Board member, employee, or other person who knowingly operates or permits operation of a school bus in excess of its seating capacity is guilty of a misdemeanor. However, the Board is authorized to adopt policy that allows seating capacities to be exceeded in cases of emergency; see BP/AR 3516 - Emergencies and Disaster Preparedness Plan.

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

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Note: Vehicle Code 34501.6 **mandates** any district that provides student transportation to adopt procedures that limit bus operation when atmospheric conditions reduce visibility, as described below, and that give drivers for school activity trips discretionary authority to discontinue operation when it is unsafe.

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

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

Unauthorized Entry

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

(cf. 3515.2 - Disruptions)

Transportation Safety Plan for Boarding and Exiting Buses

Note: The district should modify items #1-2 below to reflect grade levels offered by the district. A district that does not maintain any of grades prekindergarten through 8 should delete items #1-2.

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

1. Determining if students in grades prekindergarten through 8 require an escort to cross a private road or highway at a bus stop pursuant to Vehicle Code 22112
2. Procedures for all students in grades prekindergarten through 8 to follow as they board and exit the bus at their bus stops
3. Boarding and exiting a school bus at a school or other trip destination

Note: SB 1072 (Ch. 721, Statutes of 2016) amended Education Code 39831.3 to require that the transportation plan include the procedures specified in items #4-5 below.

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

Note: The procedures included in the transportation safety plan to ensure that a student is not left unattended on a bus may include the requirements of Vehicle Code 28160, as added by SB 1072 (Ch. 721, Statutes of 2016). Pursuant to Vehicle Code 28160, on or before the beginning of the 2018-19 school year, each school bus, school activity bus, youth bus, and child care motor vehicle (i.e., vehicle designed, used, or maintained for more than eight persons, including the driver, that is used by a child care provider to transport children) must be equipped with a "child safety alert system" (i.e., a device located at the interior rear of a vehicle that requires the driver to either manually contact or scan the device before exiting the vehicle). Student activity buses may be exempt from this requirement if certain procedures are followed, as specified in Vehicle Code 28160.

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

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

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

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

Parental Notifications

Note: The following section is for use by districts that offer any of grades prekindergarten through 6 and should be revised to reflect the grade levels offered by the district.

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

1. A list of school bus stops near each student's home
2. General rules of conduct at school bus loading zones
3. Red light crossing instructions
4. A description of the school bus danger zone
5. Instructions for safely walking to and from school bus stops

(cf. 5145.6 - Parental Notifications)

Student Instruction

Students who are transported in a school bus or student activity bus shall receive instruction in school bus emergency procedures and passenger safety as follows: (Education Code 39831.5; 5 CCR 14102)

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

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

Note: Item #2 below is for use by districts that offer any of grades prekindergarten through 8 and should be revised to reflect the grade levels offered by the district.

2. At least once each school year, all students in grades prekindergarten through 8 who receive home-to-school transportation shall receive safety instruction which includes, but is not limited to:
 - a. Proper loading and unloading procedures, including escorting by the driver
 - b. How to safely cross the street, highway, or private road
 - c. In school buses with passenger restraint systems, instruction in the use of such systems as specified in 5 CCR 14105, including, but not limited to, the proper fastening and release of the passenger restraint system, acceptable placement of passenger restraint systems on students, times at which the passenger restraint systems should be fastened and released, and acceptable placement of the passenger restraint systems when not in use
 - d. Proper passenger conduct
 - e. Bus evacuation procedures
 - f. Location of emergency equipment

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

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

- a. District name
- b. School name and location
- c. Date of instruction
- d. Names of supervising adults

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

- e. Number of students participating
- f. Grade levels of students
- g. Subjects covered in instruction
- h. Amount of time taken for instruction
- i. Bus driver's name
- j. Bus number
- k. Additional remarks

This documentation shall be kept on file at the district office or the school for one year and shall be available for inspection by the CHP.

(cf. 3580 - District Records)

Note: Item #3 below applies to all students in grades prekindergarten through 12.

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

Bus Accidents

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

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

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

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

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

*Legal Reference:*EDUCATION CODE

39830-39843 Transportation, school buses

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

51202 Instruction in personal and public health and safety

PENAL CODE

241.3 Assault against school bus driver

243.3 Battery against school bus driver

VEHICLE CODE

415 Definition of motor vehicle

545-546 Definition of school bus and student activity bus

22112 Loading and unloading passengers

23123.5 Use of wireless telephone or communications device while driving; exceptions

23125 Use of wireless telephone prohibited while driving school bus

27316-27316.5 Passenger restraint systems

28160 Child safety alert system

34500 California Highway Patrol responsibility to regulate safe operation of school buses

34501.5 California Highway Patrol responsibility to adopt rules re: safe operation of school buses

34501.6 School buses; reduced visibility

34508 California Highway Patrol responsibility to adopt rules re: equipment and bus operations

CODE OF REGULATIONS, TITLE 5

14100-14105 School buses and student activity buses

CODE OF REGULATIONS, TITLE 13

1200-1293 Motor carrier safety

2480 Airborne toxic control measure; limitation on bus idling

CODE OF REGULATIONS, TITLE 19

574-575.3 Inspection and maintenance of fire extinguishers

CODE OF FEDERAL REGULATIONS, TITLE 49

571.1-571.500 Motor vehicle standards, including school buses

*Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Passenger Restraints Frequently Asked Questions

WEB SITES

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

American School Bus Council: <http://www.americanschoolbuscouncil.org>

California Association of School Transportation Officials: <http://www.castoways.org>

California Department of Education, Office of School Transportation: <http://www.cde.ca.gov/ls/tn>

California Highway Patrol: <http://www.chp.ca.gov>

National Transportation Safety Board: <http://www.nts.gov>

U.S. Department of Transportation, National Highway Traffic Safety Administration:
<http://www.nhtsa.dot.gov>

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

All Personnel

BP 4030(a)

NONDISCRIMINATION IN EMPLOYMENT

Note: The following Board policy and accompanying administrative regulation are **mandated** pursuant to Government Code 11138 and 2 CCR 11023, as added by Register 2015, No. 50. The California Fair Employment and Housing Act (FEHA) (Government Code 12900-12996) prohibits employers from discriminating against employees and job applicants on the basis of actual or perceived race, color, ancestry, national origin, age, sex, sexual orientation, gender, gender identity, gender expression, religious creed, physical or mental disability, medical condition, marital status, or genetic information. Pursuant to 2 CCR 11009, as amended by Register 2015, No. 50, these same protections apply to unpaid interns and volunteers. Consequently, the district is required to also notify unpaid interns and volunteers about these protections. For more information about volunteers, see BP/AR 1240 - Volunteer Assistance.

The same or similar protections are available to employees and job applicants under various provisions of federal law, including Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7), Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17), Title IX of the Education Amendments of 1972 (20 USC 1681-1688), the Americans with Disabilities Act (42 USC 12101-12213), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Genetic Information Nondiscrimination Act (42 USC 2000ff-2000ff-11).

For policy addressing sexual harassment of and by employees, see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment.

The Governing Board is determined to provide district employees, interns, volunteers, and job applicants a safe, positive environment where they are assured of full and equal employment access and opportunities, protection from harassment or intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. This policy shall apply to all district employees and, to the extent required by law, to interns, volunteers, and job applicants.

(cf. 1240 - Volunteer Assistance)

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

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

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

Note: The following paragraph illustrates unlawful discriminatory practices as specified in Government Code 12940. Pursuant to Labor Code 1197.5, an employer is prohibited from paying an employee at wage rates less than the rates paid to employees of the opposite sex for work requiring equal skill, effort, and

NONDISCRIMINATION IN EMPLOYMENT (continued)

responsibility and performed under similar conditions, except when the payment is based on some other bona fide factor such as education, training, or experience. In addition, Labor Code 1197.5, as amended by SB 1063 (Ch. 866, Statutes of 2016), prohibits the payment of different wage rates to employees for similar work based on race or ethnicity and prohibits the use of prior salary history by itself to justify any disparity in compensation under the bona fide factor exception.

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

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

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

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

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

Note: Item #4 below addresses the numerous specific practices prohibited under Government Code 12940 or 2 CCR 11006-11086 in relation to certain protected categories. For example, because "sex" as defined in Government Code 12926 includes pregnancy, childbirth, breastfeeding, or related medical conditions, any of these conditions may be the basis for an employee's sex discrimination claim. As the specific prohibitions are too numerous to list in policy, it is recommended that district legal counsel be consulted when questions arise as to any specific claim.

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

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

(cf. 4033 - Lactation Accommodation)

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

- b. Religious creed discrimination based on an employee's religious belief or observance, including his/her religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement.

NONDISCRIMINATION IN EMPLOYMENT (continued)

- c. Disability discrimination based on a district requirement for a medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

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

(cf. 4032 - Reasonable Accommodation)

Note: Retaliation against complainants or other participants in the grievance procedures is prohibited by Government Code 12940 and 34 CFR 110.34. In addition to the general prohibition against retaliation, Government Code 12940 provides that an employee who requests accommodation for his/her physical or mental disability or religious belief is protected from retaliation as specified below. CSBA recommends that this protection be extended to all protected characteristics and has modified the policy accordingly.

In Thompson v. North American Stainless LP, the U.S. Supreme Court held that a third party may file an anti-retaliation suit.

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

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

Note: Pursuant to 2 CCR 11019, in certain instances, an employee's (especially a supervisor's) knowledge or notice of prohibited conduct of another employee or individual may subject the district to liability. Therefore, it is recommended that the district require its employees with knowledge of harassment or discrimination to report the incident to the appropriate district authorities. In addition, Government Code 12940 provides that an employer may be responsible for the sexual harassment of employees by nonemployees where the employer knows or should have known of the conduct and failed to take immediate and corrective action. See BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment.

NONDISCRIMINATION IN EMPLOYMENT (continued)

See the accompanying administrative regulation for requirements related to the identification of the employee who will be responsible for compliance with the nondiscrimination laws.

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

Note: Government Code 12940 requires districts to take all reasonable steps, including training, to prevent prohibited discrimination and harassment. In addition, 2 CCR 11023, as added by Register 2015, No. 15, imposes an affirmative duty on the district to create a workplace environment that is free from all prohibited practices. For details of such measures, see the accompanying administrative regulation.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy. He/she shall provide training and information to employees about how to recognize harassment, discrimination, or other related conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

In addition, the Superintendent or designee shall post, in a conspicuous place on district premises, the California Department of Fair Employment and Housing publication on workplace discrimination and harassment issued pursuant to 2 CCR 11013.

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

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

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

Legal Reference: (see next page)

NONDISCRIMINATION IN EMPLOYMENT (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

11006-11086 Discrimination in employment

11013 Recordkeeping

11019 Terms, conditions and privileges of employment

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

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

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

6101-6107 Age discrimination in federally assisted programs

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.7 Designation of responsible employee for Section 504

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

110.1-110.39 Nondiscrimination on the basis of age

COURT DECISIONS

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

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

Management Resources: (see next page)

NONDISCRIMINATION IN EMPLOYMENT (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment, December 2014

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

Notice of Non-Discrimination, August 2010

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Questions and Answers: Religious Discrimination in the Workplace, 2008

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

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

WEB SITES

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

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

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

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

All Personnel

AR 4030(a)

NONDISCRIMINATION IN EMPLOYMENT

Note: Pursuant to Government Code 11138 and 2 CCR 11023, as added by Register 2015, No. 50, districts are **mandated** to adopt rules and regulations to ensure that district programs and activities are free from unlawful discriminatory practices. Pursuant to 2 CCR 11009, as amended by Register 2015, No. 50, it is unlawful to discriminate against any person who serves in an unpaid internship or other limited-duration program to gain unpaid work experience, on any basis protected by Government Code 12940.

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

Note: Many nondiscrimination laws and regulations require identification of an employee who will be responsible for compliance with the nondiscrimination laws. For example, pursuant to 34 CFR 104.7, 106.8, and 110.25, the district is required to designate the person(s) responsible for the overall implementation of the requirements of federal laws which prohibit discrimination on the basis of disability, sex, and age, i.e., Section 504 of the Rehabilitation Act of 1973 (29 USC 794), Title IX of the Education Amendments of 1972 (20 USC 1681-1688), and the Age Discrimination in Employment Act (29 USC 621-634). The district should fill in the blanks below to designate the responsible employee and his/her contact information.

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

Administrative Secretary
(position title)
9895 7th Avenue, Hanford, CA.
(address)
559-582-2843
(telephone number)

(email)

Measures to Prevent Discrimination

Note: Pursuant to Government Code 12940 and 2 CCR 11023, as added by Register 2015, No. 50, the district is required to take all reasonable steps to prevent unlawful discrimination and harassment. 2 CCR 11023, as added, specifies certain requirements to be included in the district's policy. The following section reflects the requirements of 2 CCR 11023 and other applicable laws or regulations, as indicated.

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

NONDISCRIMINATION IN EMPLOYMENT (continued)

1. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.9)
 - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
 - b. Posting them in all district schools and offices, including staff lounges and other prominent locations
 - c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

2. Disseminate the district's nondiscrimination policy to all employees by one or more of the following methods: (2 CCR 11023)
 - a. Printing and providing a copy of the policy to all employees, with an acknowledgment form for each employee to sign and return
 - b. Sending the policy via email with an acknowledgment return form
 - c. Posting the policy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
 - d. Discussing the policy with employees upon hire and/or during a new hire orientation session
 - e. Any other way that ensures employees receive and understand the policy

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

3. Provide to employees a handbook that contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to anyone who feels that he/she has been the victim of any discriminatory or harassing behavior
4. Provide training to employees, volunteers, and interns regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

NONDISCRIMINATION IN EMPLOYMENT (continued)

Note: Pursuant to 2 CCR 11023, as added by Register 2015, No. 50, if the district has 50 or more employees, its sexual harassment prevention training must include instruction for its supervisors as specified in the following paragraph.

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

(cf. 1240 - Volunteer Assistance)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

5. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law
6. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce

Complaint Procedure

Note: 2 CCR 11023, as added by Register 2015, No. 50, **mandates** that a district's policy include a complaint process with specified requirements. Some of the requirements of 2 CCR 11023 are similar to those required under existing case law.

Courts have held that an employer may mitigate liability for hostile environment employment discrimination when (1) the employer took reasonable care to prevent and promptly correct the discriminatory or harassing conduct (i.e., provided a complaint procedure) and (2) the aggrieved employee unreasonably failed to take advantage of corrective opportunities offered by the employer (i.e., failure to file a complaint). In its June 1999 Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, EEOC outlines the elements of an effective complaint procedure to include (1) a clear explanation of the process; (2) protection against retaliation; (3) designation of multiple individuals authorized to receive complaints; (4) a mechanism for prompt, thorough, and impartial investigation; (5) assurance of immediate and appropriate corrective action; and (6) information about time frames for filing charges with the EEOC or the DFEH.

While the EEOC's guidance recommends a "prompt" investigation, neither the law nor the EEOC delineates a specific time frame for resolution. The EEOC's guidance acknowledges that whether an investigation is considered "prompt" may vary depending on the seriousness and complexity of the circumstances and that intermediate measures may be necessary to prevent further harassment during the investigation.

The following section, including the listed timelines, is consistent with the EEOC's guidance and should be modified to reflect district practice.

NONDISCRIMINATION IN EMPLOYMENT (continued)

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

1. **Notice and Receipt of Complaint:** A complainant may inform his/her direct supervisor, another supervisor, the coordinator, the Superintendent or, if available, a complaint hotline or an ombudsman.

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

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

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

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

(cf. 4032 - Reasonable Accommodation)

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

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

(cf. 3580 - District Records)

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

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

NONDISCRIMINATION IN EMPLOYMENT (continued)

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

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

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

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

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

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

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

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

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

NONDISCRIMINATION IN EMPLOYMENT (continued)

Other Remedies

Note: Items #1-3 below state the time limits within which employees must file their complaints. The EEOC's guidance states that it is important for employers' nondiscrimination policies to contain information about time frames for filing charges of unlawful discrimination or harassment with the EEOC or DFEH. Employees should be informed that the deadline for filing charges starts to run from the last date of the unlawful act, not from the conclusion of the employer's complaint investigation. Pursuant to DFEH procedures, DFEH will automatically forward any complaint it has accepted for investigation to the EEOC when the matter falls within the EEOC's jurisdiction.

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

Note: Pursuant to Government Code 12960, an employee has one year to file a complaint with DFEH, although that period may be extended under certain circumstances, such as when a person obtains knowledge of the unlawful practice after the expiration of the one-year period.

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

Note: 42 USC 2000e-5 specifies that a person must file a discrimination complaint with the EEOC within 180 days of the alleged discriminatory act. Pursuant to 42 USC 2000e-5, the 180-day timeline for compensation discrimination starts when the discriminatory paycheck is received and that each discriminatory paycheck restarts the timeline for the filing of a complaint.

2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

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CSBA Sample Board Policy

All Personnel

BP 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

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

Generally, courts recognize two types of conduct as constituting sexual harassment. "Quid Pro Quo" ("this for that") sexual harassment is considered to have occurred when a person in a position of authority makes another individual's educational or employment benefits conditional upon that other person's willingness to engage in unwanted sexual behavior (e.g., promising a promotion for sex). "Hostile environment" sexual harassment, on the other hand, is conduct by the perpetrator that is so severe, persistent, or pervasive that it creates a hostile, intimidating, or abusive educational or professional environment for another. Sexual harassment also covers retaliatory behavior against a complainant, witness, or other participant in the complaint process. Pursuant to Government Code 12940 and 2 CCR 11009, as amended by Register 2015, No. 50, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.

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

Pursuant to Government Code 12940, employers may be held liable for sexual harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment.

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

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

(cf. 4030 - Nondiscrimination in Employment)

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

SEXUAL HARASSMENT (continued)

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

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

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

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

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

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

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

Note: Pursuant to 2 CCR 11034, as amended by Register 2015, No. 50, the district may be liable for sexual harassment committed by a supervisor, coworker, or a third party. In addition, as part of its affirmative duty to prevent sexual harassment, the district is required pursuant to 2 CCR 11023, as amended by Register 2015, No. 50, to instruct supervisors to report complaints.

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

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

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

SEXUAL HARASSMENT (continued)

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

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

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

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

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

Legal Reference: (see next page)

SEXUAL HARASSMENT (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

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

UNITED STATES CODE, TITLE 42

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

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

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

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

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

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

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

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

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January 1999

WEB SITES

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

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

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

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

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

All Personnel

AR 4119.11(a)

SEXUAL HARASSMENT

4219.11

4319.11

Note: The following administrative regulation is **mandated** pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sexual harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, as amended by Register 2015, No. 50, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.

For information related to sexual harassment involving students, see BP/AR 5145.7 - Sexual Harassment.

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

Definitions

Note: In Oncale v. Sundowner Offshore Services, Inc., the U.S. Supreme Court held that same-sex sexual harassment could be actionable under Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17).

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

Note: Pursuant to Government Code 12940, conduct may meet the definition of sexual harassment regardless of whether or not the alleged harasser is motivated by sexual desire for the victim.

Prohibited sexual harassment also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment.

SEXUAL HARASSMENT (continued)

Note: Pursuant to Government Code 12940, the district may be held liable for sexual harassment committed against employees by clients, customers, or other third parties if the district knew, or should have known, of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. The following paragraph clarifies that sexual harassment may include acts by supervisors, co-workers, or other parties and should be modified to reflect district practice.

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

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Training

Note: The following paragraph is consistent with a district's affirmative duty to protect its employees from sex discrimination, including sexual harassment, pursuant to 2 CCR 11023, as added by Register 2015, No. 50. In addition, since BP/AR 5145.7 - Sexual Harassment requires employees to report sexual harassment against students, training such employees to recognize and address sexual harassment incidents furthers the district's interest in protecting both employees and students against prohibited conduct. Thus, it is strongly recommended that districts periodically provide sexual harassment training or information to all their employees, especially those who work at school sites.

Provision of periodic training to all district employees could also help foster a positive work environment and mitigate damages against a district in the event of sexual harassment litigation. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court held that employers that have taken reasonable steps to prevent and correct workplace sexual harassment may be able to reduce damages in the event of a lawsuit. Such steps may include establishing anti-harassment policies and communicating those policies to employees.

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. The training shall include the procedures for reporting and/or filing complaints involving an employee,

SEXUAL HARASSMENT (continued)

employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

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

Note: **The remainder of this section is for use by districts with 50 or more employees.** Although the law does not require districts with fewer than 50 employees to provide sexual harassment training to supervisors, court decisions have held that providing training may help mitigate damages in sexual harassment suits. Additionally, provision of supervisor training may be a factor in determining whether a district has taken reasonable steps to prevent discrimination and harassment pursuant to Government Code 12940.

Government Code 12950.1 requires such districts to provide two hours of sexual harassment training and education once every two years to every supervisory employee, defined as any employee with the authority to take employment action, including hiring, transferring, suspending, and disciplining other employees, or recommend such action if the exercise of that authority is not merely routine or clerical in nature. All newly hired supervisors or employees promoted to a supervisory position must receive the training within six months of their hire or assumption of the supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sexual harassment training. Districts should consult with legal counsel to ensure that the appropriate individuals receive training.

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

A *supervisory employee* is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

(cf. 4300 - *Administrative and Supervisory Personnel*)

Note: Government Code 12950.1 and 2 CCR 11024, as amended and renumbered by Register 2015, No. 50, require that the training for supervisory employees contain specified components and be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

SEXUAL HARASSMENT (continued)

The district's sexual harassment training and education program for supervisory employees shall be aimed at assisting them in preventing and effectively responding to incidents of sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws on the prohibition, prevention, and correction of sexual harassment, the remedies available to sexual harassment victims in civil actions, and potential district and/or individual exposure or liability
2. The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment
4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint
5. The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed
6. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received
7. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance

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

SEXUAL HARASSMENT (continued)

Notifications

Note: Education Code 231.5 requires that the district provide copies of its policy on sexual harassment to staff, as specified below. In addition, 2 CCR 11024 requires that supervisory employees undergoing mandatory training receive a copy of the district's policy and acknowledge receipt of the policy; see item #6 in the section "Training" above.

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

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

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

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

Note: Government Code 12950 requires the Department of Fair Employment and Housing (DFEH) to develop posters and information sheets on employment discrimination and the illegality of sexual harassment. These documents are available on DFEH's web site.

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

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC

AR 4119.11(f)
4219.11
4319.11

SEXUAL HARASSMENT (continued)

7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

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

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CSBA Sample

Board Policy

Students

BP 5030(a)

STUDENT WELLNESS

Note: The Healthy, Hunger-Free Kids Act of 2010 (42 USC 1758b) **mandates** each district participating in the National School Lunch Program (42 USC 1751-1769j) or any program in the Child Nutrition Act of 1966 (42 USC 1771-1793), including the School Breakfast Program, to adopt a districtwide school wellness policy. The following policy fulfills this mandate and should be revised to reflect district practice. Other policies in the district's policy manual will likely contain additional provisions supporting this wellness policy, such as BP 3312 - Contracts, BP/AR 3550 - Food Service/Child Nutrition Program, BP/AR 3552 - Summer Meal Program, BP/AR 3553 - Free and Reduced Price Meals, BP/AR 3554 - Other Food Sales, BP/AR 6142.7 - Physical Education and Activity, and BP/AR 6142.8 - Comprehensive Health Education.

Although the Governing Board has discretion under 42 USC 1758b to determine specific policies appropriate for its schools, 7 CFR 210.30, as added by 81 Fed. Reg. 50151, provides a framework and guidelines to assist districts in establishing their student wellness policies, including minimum content requirements, assurance of stakeholder participation in the development and updates, and periodic assessment and disclosure of compliance with the district's wellness policy. The U.S. Department of Agriculture (USDA) and Centers for Disease Control and Prevention (CDC) provide resources and implementation tools on their web sites. In addition, CSBA's Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide summarizes research on the relationship between nutrition and physical activity and student achievement, provides worksheets for policy development, and contains other resources that may be useful in the development of the wellness policy.

The following paragraph links student wellness with the components of a coordinated school health approach recommended in the California Department of Education's (CDE) Health Framework for California Public Schools and may be revised to reflect district practice.

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall coordinate and align district efforts to support student wellness through health education, physical education and activity, health services, nutrition services, psychological and counseling services, and a safe and healthy school environment. In addition, the Superintendent or designee shall develop strategies for promoting staff wellness and for involving parents/guardians and the community in reinforcing students' understanding and appreciation of the importance of a healthy lifestyle.

(cf. 1020 - Youth Services)
(cf. 3513.3 - Tobacco-Free Schools)
(cf. 3514 - Environmental Safety)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.61 - Drug Testing)
(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.3 - Health Examinations)
(cf. 5141.31 - Immunizations)
(cf. 5141.32 - Health Screening for School Entry)

STUDENT WELLNESS (continued)

(cf. 5141.6 - School Health Services)

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

(cf. 6164.2 - Guidance/Counseling Services)

School Wellness Council

Note: 42 USC 1758b and 7 CFR 210.30, as added by 81 Fed. Reg. 50151, require that districts permit specified stakeholders to participate in the development, implementation, and periodic review and update of the district's wellness policy. One method to achieve continuing involvement of those groups and other key stakeholders is through the creation of a school wellness council, as recommended in the CDE's Health Framework for California Public Schools. Pursuant to Government Code 54952, committees created by formal action of the Board are subject to open meeting laws (the Brown Act); see AR 1220 - Citizen Advisory Committees.

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

Note: The remainder of this section is **optional** and may be revised to reflect district practice.

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

(cf. 1220 - Citizen Advisory Committees)

(cf. 9140 - Board Representatives)

The Superintendent or designee may make available to the public and school community a list of the names, position titles, and contact information of the wellness council members.

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

Goals for Nutrition, Physical Activity, and Other Wellness Activities

Note: 42 USC 1758b and 7 CFR 210.30, as added by 81 Fed. Reg. 50151, **mandate** that the district's wellness policy include goals for the activities specified below.

STUDENT WELLNESS (continued)

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

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

Note: The remainder of this section provides policy language to address this mandated topic and should be revised to reflect district practice.

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

(cf. 6011 - Academic Standards)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

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

(cf. 5148.2 - Before/After School Programs)

(cf. 6177 - Summer Learning Programs)

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

(cf. 5142.2 - Safe Routes to School Program)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

STUDENT WELLNESS (continued)

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

(cf. 1330.1 - Joint Use Agreements)

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

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

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness programs and may provide opportunities for regular physical activity among employees.

Nutrition Guidelines for All Foods Available at School

Note: 42 USC 1758b **mandates** that the district's wellness policy include nutrition guidelines that are consistent with federal nutrition standards, as specified below. Also see AR 3550 - Food Service/Child Nutrition Program.

For all foods and beverages available on each campus during the school day, the district shall adopt nutrition guidelines which are consistent with 42 USC 1758, 1766, 1773, and 1779 and federal regulations and which support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

Note: The remainder of this section provides policy language to address this mandated topic and should be revised to reflect district practice.

STUDENT WELLNESS (continued)

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

(cf. 3550 - Food Service/Child Nutrition Program)
 (cf. 3552 - Summer Meal Program)
 (cf. 3553 - Free and Reduced Price Meals)
 (cf. 5141.27 - Food Allergies/Special Dietary Needs)
 (cf. 5148 - Child Care and Development)
 (cf. 5148.3 - Preschool/Early Childhood Education)

Note: Pursuant to 42 USC 1758, schools participating in the National School Lunch Program are required to make free drinking water available for consumption at locations where meals are served during meal service. In addition, Education Code 38086 requires all California schools to make free drinking water available during school meal times, unless the Board adopts a resolution demonstrating that the district is unable to comply due to fiscal constraints or health or safety concerns. See AR 3550 - Food Service/Child Nutrition Program for policy language related to these requirements. Also see CSBA's policy brief [Increasing Access to Drinking Water in Schools](#) for further information and sample strategies for providing water and encouraging consumption. Information on potential funding sources to comply with the potable water requirement is available on the CDE web site.

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

Note: Pursuant to 7 CFR 210.30, as added by 81 Fed. Reg. 50151, districts are **mandated** to include, within the wellness policy, standards for all foods and beverages which are made available to students outside the district's food services program (e.g., sales through vending machines, student stores, and fundraisers). Nutrition standards and other requirements pertaining to such food sales are addressed in AR 3554 - Other Food Sales.

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

(cf. 3312 - Contracts)
 (cf. 3554 - Other Food Sales)

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

STUDENT WELLNESS (continued)

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

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

Note: Pursuant to 7 CFR 210.30, as added by 81 Fed. Reg. 50151, only those foods and beverages that are allowed for sale on campus during the school day may be marketed within the district. The Analysis of Comments to the federal regulations, 81 Fed. Reg. 50151 pg. 50159-50160, clarifies that this includes, but is not limited to, marketing by way of signage, vending machine exteriors, menu boards, coolers, trash cans, cups, and scoreboards, but does not apply to materials for educational purposes. It also states that existing items do not need to be immediately replaced, but as new contracts are signed and/or durable equipment replaced, these guidelines should be followed.

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

(cf. 1325 - Advertising and Promotion)

Program Implementation and Evaluation

Note: 42 USC 1758b and 7 CFR 210.30 require the district to identify an individual with the authority and responsibility to ensure that each district school complies with the wellness policy. The Analysis of Comments to the federal regulations, 81 Fed. Reg. 50151 pg. 50155, recommends that districts provide a means of contacting the designated individual by providing a district or school phone number and/or email address.

The Superintendent designates the individual(s) identified below as the individual(s) responsible for ensuring that each school site complies with the district's wellness policy. (42 USC 1758b; 7 CFR 210.30)

Cafeteria Supervisor
 (Title or Position)
559-582-2843
 (Phone Number)
jwright@kitcarsonschool.com
 (Email Address)

(cf. 0500 - Accountability)

(cf. 3555 - Nutrition Program Compliance)

STUDENT WELLNESS (continued)

Note: 42 USC 1758b and 7 CFR 210.30, as added by 81 Fed. Reg. 50151, require an assessment of the implementation and compliance of the wellness policy, as specified in the paragraph below. At its discretion, the district may revise the following paragraph to reflect a more frequent schedule.

The Superintendent or designee shall assess the implementation and effectiveness of this policy at least once every three years. (42 USC 1758b; 7 CFR 210.30)

Note: 42 USC 1758b requires that the district assessment include a comparison of the district's policy with model wellness policies. See the USDA's web site for model policies and best practices recommended by federal and state agencies and nongovernmental organizations.

The assessment shall include the extent to which district schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

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

Note: Items #1-9 below are **optional** and may be revised to reflect district practice. For further information about the following indicators and a list of other possible indicators, see CSBA's [Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies](#). The guide also describes possible data sources that may be used for each indicator and includes a sample report format. Indicators selected by the district may include a mix of process measures (e.g., level of student participation, number of classes, staffing, and costs) as well as outcome measures that assess the policy's impact on students (e.g., physical fitness test results, Body Mass Index, and food choices).

The Board and the Superintendent or designee shall establish indicators that will be used to measure the implementation and effectiveness of the district activities related to student wellness. Such indicators may include, but are not limited to:

1. Descriptions of the district's nutrition education, physical education, and health education curricula and the extent to which they align with state academic content standards and legal requirements
2. An analysis of the nutritional content of school meals and snacks served in all district programs, based on a sample of menus and production records
3. Student participation rates in all school meal and/or snack programs, including the number of students enrolled in the free and reduced-price meals program compared to the number of students eligible for that program

STUDENT WELLNESS (continued)

4. Extent to which foods and beverages sold on campus outside the food services program, such as through vending machines, student stores, or fundraisers, comply with nutrition standards
5. Extent to which other foods and beverages that are available on campus during the school day, such as foods and beverages for classroom parties, school celebrations, and rewards/incentives, comply with nutrition standards
6. Results of the state's physical fitness test at applicable grade levels
7. Number of minutes of physical education offered at each grade span, and the estimated percentage of class time spent in moderate to vigorous physical activity
8. A description of district efforts to provide additional opportunities for physical activity outside of the physical education program
9. A description of other districtwide or school-based wellness activities offered, including the number of sites and/or students participating, as appropriate

As feasible, the assessment report may include a comparison of results across multiple years, a comparison of district data with county, statewide, or national data, and/or a comparison of wellness data with other student outcomes such as academic indicators or student discipline rates.

Note: In addition to the district self-assessment described above, 7 CFR 210. 18, as amended by 81 Fed. Reg. 50151, requires that the CDE conduct administrative reviews of all districts at least once every three years to ensure that districts are complying with their wellness policy. See section "Records" below for information about records that may be required for this assessment. The USDA's Food and Nutrition Service may grant a one-year extension to the CDE's three-year review cycle if needed for efficient state management of the program.

In addition, the Superintendent or designee shall prepare and maintain the proper documentation and records needed for the administrative review of the district's wellness policy conducted by the California Department of Education (CDE) every three years.

The assessment results of both the district and state evaluations shall be submitted to the Board for the purposes of evaluating policy and practice, recognizing accomplishments, and making policy adjustments as needed to focus district resources and efforts on actions that are most likely to make a positive impact on student health and achievement.

Notifications

Note: Pursuant to Education Code 49432, as amended by SB 1169 (Ch. 280, Statutes of 2016), 42 USC 1758b, and 7 CFR 210.30, as added by 81 Fed. Reg. 50151, the district is required to inform the public of the content and implementation of the wellness policy and the district's progress towards meeting the goals of the policy, as described below.

STUDENT WELLNESS (continued)

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

(cf. 5145.6 - Parental Notifications)

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

The Superintendent or designee shall distribute this information through the most effective methods of communication, including district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and wellness and academic performance.

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

(cf. 6020 - Parent Involvement)

Note: As amended by SB 1169 (Ch. 280, Statutes of 2016), Education Code 49432 no longer requires schools to post the district's policies and regulations on nutrition and physical activity in public view within all school cafeterias or other central eating areas. Education Code 49432 continues to authorize, but does not require, schools to post a summary of nutrition and physical activity laws and regulations. The following paragraph is **optional**.

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

Records

Note: 7 CFR 210.30, as added by 81 Fed. Reg. 50151, requires the district to retain records to document compliance with the federal regulation. The following paragraph outlines the records that, at a minimum, must be retained by the district.

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

Legal Reference: (see next page)

STUDENT WELLNESS (continued)*Legal Reference:*EDUCATION CODE*33350-33354 CDE responsibilities re: physical education**38086 Free fresh drinking water**49430-49434 Pupil Nutrition, Health, and Achievement Act of 2001**49490-49494 School breakfast and lunch programs**49500-49505 School meals**49510-49520 Nutrition**49530-49536 Child Nutrition Act**49540-49546 Child care food program**49547-49548.3 Comprehensive nutrition services**49550-49562 Meals for needy students**49565-49565.8 California Fresh Start pilot program**49570 National School Lunch Act**51210 Course of study, grades 1-6**51210.1-51210.2 Physical education, grades 1-6**51210.4 Nutrition education**51220 Course of study, grades 7-12**51222 Physical education**51223 Physical education, elementary schools**51795-51798 School instructional gardens**51880-51921 Comprehensive health education*CODE OF REGULATIONS, TITLE 5*15500-15501 Food sales by student organizations**15510 Mandatory meals for needy students**15530-15535 Nutrition education**15550-15565 School lunch and breakfast programs*UNITED STATES CODE, TITLE 42*1751-1769j National School Lunch Program, especially:**1758b Local wellness policy**1771-1793 Child Nutrition Act, especially:**1773 School Breakfast Program**1779 Rules and regulations, Child Nutrition Act*CODE OF FEDERAL REGULATIONS, TITLE 7*210.1-210.33 National School Lunch Program, especially:**210.30 Wellness policy**220.1-220.22 National School Breakfast Program*COURT DECISIONS*Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781**Management Resources:*CSBA PUBLICATIONS*Integrating Physical Activity into the School Day, Governance Brief, April 2016**Increasing Access to Drinking Water in Schools, Policy Brief, April 2013**Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012**Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. April 2012**Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012**Physical Activity and Physical Education in California Schools, Research Brief, April 2010**Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009**Management Resources continued: (see next page)*

STUDENT WELLNESS (continued)*Management Resources: (continued)*CSBA PUBLICATIONS (continued)Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009Physical Education and California Schools, Policy Brief, rev. October 2007School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONSPhysical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003CALIFORNIA PROJECT LEAN PUBLICATIONSPolicy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006CENTER FOR COLLABORATIVE SOLUTIONSChanging Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and Food Security in Afterschool Programs, January 2015CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONSSchool Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide, rev. 2012FEDERAL REGISTERRules and Regulations, July 29, 2016, Vol. 81, Number 146, pages 50151-50170NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONSFit, Healthy and Ready to Learn, rev. 2012U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONSDietary Guidelines for Americans, 2016WEB SITESCSBA: <http://www.csba.org>Action for Healthy Kids: <http://www.actionforhealthykids.org>Alliance for a Healthier Generation: <http://www.healthiergeneration.org>California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>California Department of Public Health: <http://www.cdph.ca.gov>California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>California School Nutrition Association: <http://www.calsna.org>Center for Collaborative Solutions: <http://www.ccscenter.org>Centers for Disease Control and Prevention: <http://www.cdc.gov>Dairy Council of California: <http://www.dairycouncilofca.org>National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>National Association of State Boards of Education: <http://www.nasbe.org>School Nutrition Association: <http://www.schoolnutrition.org>Society for Nutrition Education: <http://www.sne.org>

U.S. Department of Agriculture, Food Nutrition Service, wellness policy:

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

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Students

AR 5111.1(a)

DISTRICT RESIDENCY

Criteria for Residency

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

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

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

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

(cf. 5117 - Interdistrict Attendance)

(cf. 5118 - Open Enrollment Act Transfers)

4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)
5. The student lives with a caregiving adult within district boundaries and the caregiving adult submits an affidavit to that effect. (Education Code 48204)
6. The student resides in a state hospital located within district boundaries. (Education Code 48204)

DISTRICT RESIDENCY (continued)

7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48204, 48207)

(cf. 6183 - Home and Hospital Instruction)

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

Note: Pursuant to Education Code 48204.3, as added by SB 1455 (Ch. 312, Statutes of 2016), a student will be deemed to meet district residency requirements if his/her parent/guardian is transferred or is pending transfer to a military installation (i.e., a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense or the U.S. Coast Guard) within district boundaries.

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

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

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

Note: The following section is **optional**. Education Code 48204 permits, but does not require, districts to admit a student whose parent/guardian is employed within district boundaries for a minimum of 10 hours during the school week (so-called "Allen bill transfers"). If the district chooses to grant residency status to such students, it may nevertheless deny enrollment to students under the circumstances identified in items #1-3 below. AB 2537 (Ch. 106, Statutes of 2016) amended Education Code 48204 to indefinitely extend the district's authority to grant residency under these circumstances.

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

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

DISTRICT RESIDENCY (continued)

3. Other circumstances exist that are not arbitrary.

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

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

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

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

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

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

Proof of Residency

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

DISTRICT RESIDENCY (continued)

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

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

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

(cf. 5141 - Health Care and Emergencies)

A parent/guardian seeking residency status on the basis of his/her employment within district boundaries shall submit proof of the employment which may include, but not be limited to, a paycheck stub or letter from his/her employer listing a physical address within district boundaries. Such evidence shall also indicate the number of hours or days per school week that the parent/guardian is employed at that location.

Note: The following paragraph is for use by districts in which there is a military installation within district boundaries. Pursuant to Education Code 48204.3, as added by SB 1455 (Ch. 312, Statutes of 2016), a parent/guardian who is seeking residency status based on his/her transfer or pending transfer to a military installation within district boundaries may provide any of the following types of proof of residence.

A parent/guardian who is transferred or pending transfer into a military installation within district boundaries shall provide proof of residence within 10 days after the published arrival date provided on official documentation. For this purpose, he/she may use as his/her address a temporary on-base billeting facility, a purchased or leased home or apartment, or federal government or public-private venture off-base military housing. (Education Code 48204.3)

DISTRICT RESIDENCY (continued)

Note: Federal and state law require the immediate enrollment of homeless youth (Education Code 48852.7; 42 USC 11432), foster youth (Education Code 48853.5), or student who has had contact with the juvenile justice system (Education Code 48645.5), regardless of his/her ability to provide the school with records normally required for enrollment, including proof of residency. If a dispute arises over the enrollment of a homeless or foster youth, the student must be allowed to attend school while the district liaison conducts a dispute resolution process. See BP/AR/E 6173 - Education for Homeless Children and AR 6173.1 - Education for Foster Youth.

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

Any homeless or foster youth or student who has had contact with the juvenile justice system shall be immediately enrolled in school even if he/she is unable to provide proof of residency. (Education Code 48645.5, 48852.7, 48853.5; 42 USC 11432)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.3 - Education for Juvenile Court School Students)

Safe at Home/Confidential Address Program

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

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

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

(cf. 3580 - District Records)

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Policy Reference UPDATE Service

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CSBA Sample

Board Policy

Students

BP 5116.2(a)

INVOLUNTARY STUDENT TRANSFERS

The Governing Board desires to enroll students in the school of their choice, but recognizes that circumstances sometimes necessitate the involuntary transfer of some students to another school or program in the district. The Superintendent or designee shall develop procedures to facilitate the transition of such students into their new school of enrollment.

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5116.1 - Intradistrict Open Enrollment)

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

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

(cf. 6173.3 - Education for Juvenile Court School Students)

As applicable, when determining the best placement for a student who is subject to involuntary transfer, the Superintendent or designee shall review all educational options for which the student is eligible, the student's academic progress and needs, the enrollment capacity at district schools, and the availability of support services and other resources.

Whenever a student is involuntarily transferred, the Superintendent or designee shall provide timely written notification to the student and his/her parent/guardian and an opportunity for the student and parent/guardian to meet with the Superintendent or designee to discuss the transfer.

Students Convicted of Violent Felony or Misdemeanor

Note: Education Code 48929, as added by SB 1343 (Ch. 154, Statutes of 2016), authorizes a district to involuntarily transfer a student who has been convicted of a violent felony as defined in Penal Code 667.5(c) (including, but not limited to, attempted murder, rape, assault, kidnapping, and robbery) or a misdemeanor associated with possession of a firearm as specified in Penal Code 29805, whenever the student is enrolled at the same school as a student who was a victim of the crime.

In order to exercise this authority, Education Code 48929 **mandates** the Governing Board to adopt, at a regularly scheduled meeting, policy that contains the following provisions: (1) a requirement that the student and his/her parent/guardian be notified of the right to request a meeting with the principal or designee; (2) a requirement that the school first attempt to resolve the conflict using restorative justice, counseling, or other services; (3) whether the decision to transfer a student is subject to periodic review and the procedure for conducting the review; and (4) the process to be used by the Board to consider and approve or disapprove the recommendation of the principal or designee to transfer the student. Education Code 48929 also requires the district to provide notice of the policy to parents/guardians as part of the annual parental notification required by Education Code 48980.

A student may be transferred to another district school if he/she is convicted of a violent felony, as defined in Penal Code 667.5(c), or a misdemeanor listed in Penal Code 29805 and is enrolled at the same school as the victim of the crime for which he/she was convicted. (Education Code 48929)

INVOLUNTARY STUDENT TRANSFERS (continued)

Before transferring such a student, the Superintendent or designee shall attempt to resolve the conflict using restorative justice, counseling, or other such services. He/she shall also notify the student and his/her parents/guardians of the right to request a meeting with the principal or designee. (Education Code 48929)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 6164.2 - Guidance and Counseling Services)

Participation of the victim in any conflict resolution program shall be voluntary, and he/she shall not be subjected to any disciplinary action for his/her refusal to participate in conflict resolution.

Note: The following paragraph may be revised to reflect district practice. Education Code 48929 **mandates** that the Board adopt policy describing the process to be used by the Board to consider and take action on the recommendation to transfer a student under this law, but does not prescribe any such process.

Education Code 35146 provides that the Board must meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. See BB 9321 - Closed Session Purposes and Agendas.

The principal or designee shall submit to the Superintendent or designee a recommendation as to whether or not the student should be transferred. If the Superintendent or designee determines that a transfer would be in the best interest of the students involved, he/she shall submit such recommendation to the Board for approval.

The Board shall deliberate in closed session to maintain the confidentiality of student information, unless the parent/guardian or adult student submits a written request that the matter be addressed in open session and doing so would not violate the privacy rights of any other student. The Board's decision shall be final.

(cf. 9321 - Closed Session Purposes and Agendas)

The decision to transfer a student shall be subject to periodic review by the Superintendent or designee.

The Superintendent or designee shall annually notify parents/guardians of the district's policy authorizing the transfer of a student pursuant to Education Code 48929. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

INVOLUNTARY STUDENT TRANSFERS (continued)

Other Involuntary Transfers

Students may be involuntarily transferred under either of the following circumstances:

Note: Item #1 below is for use by districts that maintain high schools. Education Code 48432 requires such districts to establish and maintain continuation education schools or classes whenever there are any students residing in the district who are subject to compulsory continuation education. Pursuant to Education Code 48432.5, districts that assign students to continuation schools are mandated to adopt rules and regulations governing procedures for involuntary transfer of students to continuation schools. See BP/AR 6184 - Continuation Education for language fulfilling this mandate.

1. If a high school student commits an act enumerated in Education Code 48900 or is habitually truant or irregular in school attendance, he/she may be transferred to a continuation school. (Education Code 48432.5)

(cf. 6184 - Continuation Education)

Note: Education Code 48660-48666 authorize districts to establish community day schools for expelled students, certain probation-referred students pursuant to Welfare and Institutions Code 300 or 602, and students referred by a school attendance review board or through another formal district process. Pursuant to Education Code 48662, districts establishing a community day school are mandated to adopt policy that provides procedures for the involuntary transfer of students to the school. See BP/AR 6185 - Community Day Schools for language fulfilling this mandate.

2. If a student is expelled from school for any reason, is probation-referred pursuant to Welfare and Institutions Code 300 or 602, or is referred by a school attendance review board or another formal district process, he/she may be transferred to a community day school. (Education Code 48662)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6185 - Community Day School)

Legal Reference: (see next page)

INVOLUNTARY STUDENT TRANSFERS (continued)

Legal Reference:

EDUCATION CODE

35146 Closed sessions; student matters

48430-48438 Continuation classes, especially:

48432.5 Involuntary transfer to continuation school

48660-48666 Community day schools, especially:

48662 Involuntary transfer to community day school

48900 Grounds for suspension and expulsion

48929 Transfer of student convicted of violent felony or misdemeanor

48980 Notice at beginning of term

PENAL CODE

667.5 Violent felony, definition

29805 Misdemeanors involving firearms

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction

602 Minors violating laws defining crime; ward of court

Management Resources:

WEB SITES

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

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

CSBA Sample Board Policy

Students

BP 5141.21(a)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

Note: The following **optional** policy and accompanying administrative regulation apply to the administration of medication to students pursuant to Education Code 49414, 49414.3, 49414.5, 49423, and 49423.1 and the permissive guidelines in 5 CCR 600-611. Education Code 49414.3, as added by AB 1748 (Ch. 557, Statutes of 2016), authorizes districts to make emergency naloxone hydrochloride or another opioid antagonist available to school nurses or trained personnel who have volunteered to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose.

Education Code 49414.7, which authorized trained, unlicensed school personnel to administer medication to students with epilepsy suffering from seizures, is repealed on its own terms effective January 1, 2017. Although the procedures in Education Code 49414.7 are no longer required, health providers may train unlicensed school personnel to administer medication, including emergency anti-seizure medication, pursuant to the general authority in Education Code 49423 and 5 CCR 600-611, as interpreted by the California Supreme Court in American Nurses Association v. Torlakson.

This policy and regulation do not address situations in which a district might be engaged in a collaborative arrangement with another entity for the provision of school health services to students; see BP/AR 5141.6 - School Health Services.

The Governing Board believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should have an opportunity to participate in the educational program.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan, as applicable.

(cf. 5141.24 - Specialized Health Care Services)

(cf. 6159 - Individualized Education Program)

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

Note: 5 CCR 604 authorizes a parent/guardian to administer medication to his/her child or designate an individual to administer the medication, as specified below. In addition, California law allows students to carry and self-administer medication needed for the treatment or management of certain medical conditions, when the district has received a written request from the student's parent/guardian and written authorization from the student's authorized health care provider, as specified in the accompanying administrative regulation. Students have legal authorization to self-administer diabetes medication pursuant to Education Code 49414.5, auto-injectable epinephrine for anaphylactic reactions pursuant to Education Code 49423,

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

and inhaled asthma medication pursuant to Education Code 49423.1. Pursuant to 5 CCR 605, districts may choose to allow students to carry and self-administer other types of medication beyond those specifically authorized by the Education Code.

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing a parent/guardian to administer medication to his/her child at school, designate other individuals to do so on his/her behalf, and, with the child's authorized health care provider's approval, request the district's permission for his/her child to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

(cf. 1250 - Visitors/Outsiders)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Asthma Management)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 6116 - Classroom Interruptions)

The Superintendent or designee shall make available epinephrine auto-injectors at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Education Code 49414)

Note: The following **optional** paragraph is for use by any district that, at its discretion, chooses to make emergency naloxone hydrochloride or other opioid antagonist available at its schools for the purpose of providing emergency medical aid, pursuant to Education Code 49414.3, as added by AB 1748 (Ch. 557, Statutes of 2016). In choosing to make such medications available, the district should be aware of the possibility of increased liability and should consult legal counsel accordingly.

The Board authorizes the Superintendent or designee to make available naloxone hydrochloride or another opioid antagonist for emergency medical aid to any person suffering, or reasonably believed to be suffering, from an opioid overdose. (Education Code 49414.3)

Note: The following **optional** paragraph may be revised to reflect district practice. The U.S. Department of Health and Human Services and the Centers for Disease Control and Prevention recommend that a district's emergency and disaster preparedness plan include procedures for dealing with medical emergencies, such as a pandemic flu outbreak or public disaster.

The Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

Administration of Medication by School Personnel

Note: Various provisions of state law allow districts to train nonmedical district employees (i.e., those who do not possess a medical license) to provide medical assistance to students at school when a credentialed school nurse or other licensed individual is unavailable. For example, Education Code 49414, 49414.3, 49414.5, 49423, and 49423.1 specifically authorize the use of trained, unlicensed school employees to administer medications to students suffering from allergic reactions, opioid overdose, severe hypoglycemia, or asthma. Moreover, in American Nurses Association v. Torlakson, the California Supreme Court held that, as with other prescription medications, state law permits trained, unlicensed school personnel to administer insulin to students where a physician has determined that unlicensed school personnel may safely and appropriately administer the medication. The medication must be administered in accordance with a written health care provider statement and parental consent.

When allowed by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, administrative regulation, and, as applicable, the written statement provided by the student's parent/guardian and authorized health care provider. Such personnel shall be afforded appropriate liability protection.

(cf. 3530 - Risk Management/Insurance)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

The Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual. (Education Code 49414, 49414.3, 49414.5, 49423, 49423.1)

The Superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Legal Reference: (see next page)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

Legal Reference:

EDUCATION CODE

- 48980 Notification at beginning of term
- 49407 Liability for treatment
- 49408 Emergency information
- 49414 Emergency epinephrine auto-injectors
- 49414.3 Emergency medical assistance; administration of medication for opioid overdose
- 49414.5 Providing school personnel with voluntary emergency training
- 49422-49427 Employment of medical personnel, especially:
- 49423 Administration of prescribed medication for student
- 49423.1 Inhaled asthma medication
- 49480 Continuing medication regimen; notice

BUSINESS AND PROFESSIONS CODE

- 2700-2837 Nursing, especially:
- 2726 Authority not conferred
- 2727 Exceptions in general
- 3501 Definitions
- 4119.2 Acquisition of epinephrine auto-injectors
- 4119.8 Acquisition of naloxone hydrochloride or another opioid antagonist

CODE OF REGULATIONS, TITLE 5

- 600-611 Administering medication to students

UNITED STATES CODE, TITLE 20

- 1232g Family Educational Rights and Privacy Act of 1974
- 1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

- 794 Rehabilitation Act of 1973, Section 504

COURT DECISIONS

- American Nurses Association v. Torlakson*, (2013) 57 Cal.4th 570

Management Resources:

AMERICAN DIABETES ASSOCIATION PUBLICATIONS

Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006

Training Standards for the Administration of Epinephrine Auto-Injectors, rev. 2015

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

Program Advisory on Medication Administration, 2005

NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS

Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003

WEB SITES

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

American Diabetes Association: <http://www.diabetes.org>

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

National Diabetes Education Program: <http://www.ndep.nih.gov>

U.S. Department of Health and Human Services, National Institutes of Health, Blood Institute, asthma information: <http://www.nhlbi.nih.gov/health/public/lung/index.htm#asthma>

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Students

AR 5141.21(a)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

Note: The following administrative regulation reflects requirements for the administration of medication to students on a continuing medication regimen or in emergency medical situations at school or a school-related activity. The district should consult legal counsel as necessary to ensure that all legal requirements are met.

Education Code 49414.7, which authorized trained, unlicensed school personnel to administer anti-seizure medication to students with epilepsy, repealed on its own terms effective January 1, 2017. However, districts may choose to continue to train unlicensed school personnel to administer anti-seizure medication under the general authority in Education Code 49423 and 5 CCR 600-611, as interpreted by the California Supreme Court in American Nurses Association v. Torlakson. Such administration must be contingent upon a physician's written authorization for unlicensed personnel to administer the medication to the particular student. The district may revise the following regulation to reflect any district requirements related to the administration of such medication.

Definitions

Authorized health care provider means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant. (Education Code 49423; 5 CCR 601)

Other designated school personnel means any individual employed by the district, including a nonmedical school employee, who has volunteered or consented to administer medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication. (5 CCR 601, 621)

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies. (5 CCR 601)

Note: Education Code 49414, as amended by AB 1386 (Ch. 374, Statutes of 2016), defines "epinephrine auto-injector" as follows.

Epinephrine auto-injector means a disposable delivery device designed for the automatic injection of a premeasured dose of epinephrine into the human body to prevent or treat a life-threatening allergic reaction. (Education Code 49414)

Anaphylaxis means a potentially life-threatening hypersensitivity to a substance, which may result from an insect sting, food allergy, drug reaction, exercise, or other cause. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

(cf. 5141.23 - Asthma Management)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

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

Note: Education Code 49414.3, as added by AB 1748 (Ch. 557, Statutes of 2016), provides the following definition of "opioid antagonist." See section "Emergency Medication for Opioid Overdose" below for requirements for districts that choose to provide opioid antagonists to school nurses or other designated school personnel to administer to persons suffering, or reasonably believed to be suffering, from an opioid overdose.

Opioid antagonist means naloxone hydrochloride or another drug approved by the federal Food and Drug Administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body and that has been approved for the treatment of an opioid overdose. (Education Code 49414.3)

Notifications to Parents/Guardians

Note: Pursuant to Education Code 48980, districts must notify parents/guardians, at the beginning of each school year, of their rights and responsibilities (see section "Parent/Guardian Responsibilities" below) under Education Code 49423 pertaining to the administration of medication by school employees and self-administration of epinephrine by students. Though notification is not required for self-administration of any medication other than epinephrine, it is recommended that the annual notification include other medications to facilitate implementation by school personnel.

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. (Education Code 49480)

(cf. 5145.6 - Parental Notifications)

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following requirements: (Education Code 49480)

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

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

When a student requires medication during the school day in order to participate in the educational program, the Superintendent or designee shall, as appropriate, inform the student's parents/guardians that the student may qualify for services or accommodations pursuant to the Individuals with Disabilities Education Act (20 USC 1400-1482) or Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794).

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

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

Parent/Guardian Responsibilities

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

Note: Education Code 49423 and 5 CCR 600 authorize districts to administer prescribed medication only upon receipt of written statements from the student's authorized health care provider and parent/guardian. Appropriate statements must be received before students are allowed to carry and self-administer diabetes medication pursuant to Education Code 49414.5, auto-injectable epinephrine pursuant to Education Code 49423, or asthma medication pursuant to Education Code 49423.1. Districts may choose to allow students to carry and self-administer other types of medication beyond those authorized by the Education Code. If so, the district should modify the following section accordingly. See the accompanying Board policy.

1. Providing parent/guardian and authorized health care provider written statements each school year as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. The parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, 49423, 49423.1; 5 CCR 600, 626)
2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician and updating the information when needed. (Education Code 49480)

Note: Pursuant to 5 CCR 606, the district is authorized to establish rules for the delivery and storage of medication on a school site.

3. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider. (5 CCR 606)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

Parent/Guardian Statement

Note: 5 CCR 603 authorizes the district to establish specific requirements regarding the parent/guardian's written statement. The following list should be modified to reflect the district's requirements.

When district employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student
2. Grant permission for an authorized district representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to the medication
3. Contain an acknowledgment that the parent/guardian understands how district employees will administer the medication or otherwise assist the student in its administration
4. Contain an acknowledgment that the parent/guardian understands his/her responsibilities to enable district employees to administer or otherwise assist the student in the administration of medication, including, but not limited to, the parent/guardian's responsibility to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment
5. Contain an acknowledgment that the parent/guardian understands that he/she may terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that his/her child be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall: (Education Code 49423, 49423.1)

1. Consent to the self-administration
2. Release the district and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the district to administer medication to his/her child, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation
2. That the individual is permitted to be on the school site
3. Any limitations on the individual's authority

Health Care Provider Statement

Note: Education Code 49423 and 49423.1 and 5 CCR 602 list items that the authorized health care provider's written statement must contain, as specified in items #1-5 below. Districts that request additional information in the statement should modify the following list accordingly.

When any district employee is to administer prescribed medication to a student, or when a student is to be allowed to carry and self-administer prescribed medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student (Education Code 49423, 49423.1; 5 CCR 602)
2. The name of the medication (Education Code 49423, 49423.1; 5 CCR 602)
3. The method, amount, and time schedules by which the medication is to be taken (Education Code 49423, 49423.1; 5 CCR 602)
4. If a parent/guardian has requested that his/her child be allowed to self-administer medication, confirmation that the student is able to self-administer the medication (Education Code 49414.5, 49423, 49423.1; 5 CCR 602)
5. For medication that is to be administered by unlicensed personnel, confirmation by the student's health care provider that the medication may safely and appropriately be administered by unlicensed personnel (Education Code 49423, 49423.1; 5 CCR 602)

Note: Items #6-8 below may be revised to reflect district practice.

6. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation
7. Possible side effects of the medication

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

8. Name, address, telephone number, and signature of the student's authorized health care provider

District Responsibilities

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

The Superintendent or designee shall ensure that any unlicensed school personnel authorized to administer medication to a student receives appropriate training from the school nurse or other qualified medical personnel.

The school nurse or other designated school personnel shall:

1. Administer or assist in administering medication in accordance with the authorized health care provider's written statement
2. Accept delivery of medications from parents/guardians and count and record them upon receipt
3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medication, and note on the list the type of medication and the times and dosage to be administered

Note: 5 CCR 601 specifies items that districts may, but are not required to, include in the medication log, as provided in item #4 below.

4. Maintain for each student a medication log which may:
 - a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information
 - b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication

Note: 5 CCR 601 specifies items that may be included in the medication record, as detailed below. In addition, 5 CCR 607 authorizes the district to establish policies regarding documentation of medication, including the maintenance of the medication record.

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

5. Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student

6. Ensure that student confidentiality is appropriately maintained

(cf. 5125 - Student Records)

7. Coordinate and, as appropriate, ensure the administration of medication during field trips and other school-related activities

(cf. 5148.2 - Before/After School Programs)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

8. Report to a student's parent/guardian and the site administrator any refusal by the student to take his/her medication
9. Keep all medication to be administered by the district in a locked drawer or cabinet
10. As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects
11. Counsel other designated school personnel regarding the possible effects of a medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose

Note: 5 CCR 609 authorizes the district to establish policies regarding unused, discontinued, or outdated medication.

12. Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances
13. In the event of a medical emergency requiring administration of medication, provide immediate medical assistance, directly observe the student following the administration of medication, contact the student's parent/guardian, and determine whether the student should return to class, rest in the school office, or receive further medical assistance

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

14. Report to the site administrator, the student's parent/guardian, and, if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement

Emergency Epinephrine Auto-Injectors

Note: Education Code 49414 requires districts to provide epinephrine auto-injectors to school nurses or other employees who volunteer and receive training, which they may use to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an anaphylactic reaction.

The Superintendent or designee shall provide epinephrine auto-injectors to school nurses or other employees who have volunteered to administer them in an emergency and have received training. The school nurse, or a volunteer employee when a school nurse or physician is unavailable, may administer an epinephrine auto-injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis at school or a school activity. (Education Code 49414)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer an epinephrine auto-injector and describing the training that the volunteer will receive. (Education Code 49414)

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

Note: Education Code 49414 specifies topics to be included in training for employees who volunteer to be trained in the use of epinephrine auto-injectors. Education Code 49414 requires the Superintendent of Public Instruction (SPI), in consultation with specified agencies and organizations, to review the minimum standards for the training at least every five years. These standards are available on the California Department of Education's web site.

The principal or designee at each school may designate one or more volunteers to receive initial and annual refresher training, which shall be provided by a school nurse or other qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414 and shall be based on the standards developed by the Superintendent of Public Instruction (SPI). Written materials covering the required topics for training shall be retained by the school for reference. (Education Code 49414)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

Note: Education Code 49414 specifies the type of epinephrine auto-injectors that must be provided to each school and the district personnel authorized to obtain the prescriptions. The following paragraphs may be revised to reflect the position(s) assigned to fulfill this responsibility and the grade levels maintained by the district.

A school nurse or other qualified supervisor of health, or a district administrator if the district does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto-injectors for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or epinephrine auto-injector manufacturers. Elementary schools shall, at a minimum, be provided one adult (regular) and one junior epinephrine auto-injector. Secondary schools shall be provided at least one adult (regular) epinephrine auto-injector, unless there are any students at the school who require a junior epinephrine auto-injector. (Education Code 49414)

If an epinephrine auto-injector is used, the school nurse or other qualified supervisor of health shall restock the epinephrine auto-injector as soon as reasonably possible, but no later than two weeks after it is used. In addition, epinephrine auto-injectors shall be restocked before their expiration date. (Education Code 49414)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering epinephrine auto-injectors shall be provided to each volunteer and retained in his/her personnel file. (Education Code 49414)

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

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414, including, but not limited to, the acceptance of epinephrine auto-injectors from a manufacturer or wholesaler. (Education Code 49414)

(cf. 3290 - Gifts, Grants and Bequests)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of epinephrine auto-injectors for a period of three years from the date the records were created. (Business and Professions Code 4119.2)

(cf. 3580 - District Records)

Emergency Medication for Opioid Overdose

Note: The following section is **optional**. Education Code 49414.3, as added by AB 1748 (Ch. 557, Statutes of 2016), authorizes, but does not require, districts to make emergency naloxone hydrochloride or another

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

(continued)

opioid antagonist available to school nurses or trained personnel who have volunteered to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. Districts that choose to provide the medication must meet specified requirements as provided below. Such districts may revise the following section to indicate the grade levels at which such medication will be available (e.g., at secondary schools only).

The district may elect to make emergency naloxone hydrochloride or another opioid antagonist available at schools for the purpose of providing emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. In determining whether to make this medication available, the Superintendent or designee shall evaluate the emergency medical response time to the school and determine whether initiating emergency medical services is an acceptable alternative to providing an opioid antagonist and training personnel to administer the medication. (Education Code 49414.3)

When available at the school site, the school nurse shall provide emergency naloxone hydrochloride or another opioid antagonist for emergency medical aid to any person exhibiting potentially life-threatening symptoms of an opioid overdose at school or a school activity. Other designated personnel who have volunteered and have received training may administer such medication when a school nurse or physician is unavailable, and shall only administer the medication by nasal spray or auto-injector. (Education Code 49414.3)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer naloxone hydrochloride or another opioid antagonist, describing the training that the volunteer will receive, and explaining the right of the volunteer to rescind his/her offer to volunteer at any time, including after receiving training. The notice shall also include a statement that no benefit will be granted to or withheld from any employee based on his/her offer to volunteer and that there will be no retaliation against any employee for rescinding his/her offer to volunteer. (Education Code 49414.3)

Note: Pursuant to Education Code 49414.3, the training provided to designated school personnel must be based on standards adopted by the SPI in consultation with specified agencies and organizations. The SPI is required to review those standards at least once every five years. Required topics of the training include (1) techniques for recognizing symptoms of an opioid overdose; (2) standards and procedures for the storage, restocking, and emergency use of the medication; (3) basic emergency follow-up procedures; and (4) recommendations on the necessity of instruction and certification in cardiopulmonary resuscitation. In addition, the CDE is required to include on its web site a clearinghouse for best practices in training nonmedical personnel to administer an opioid antagonist to students.

The principal or designee may designate one or more volunteer employees to receive initial and annual refresher training, based on standards adopted by the SPI, regarding the storage and emergency use of naloxone hydrochloride or another opioid antagonist. The training

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

shall be provided at no cost to the employee, conducted during his/her regular working hours, and be provided by a school nurse or other qualified person designated by an authorizing physician and surgeon. Written materials provided during the training shall be retained at the school for reference. (Education Code 49414.3)

A school nurse, other qualified supervisor of health, or, if the district does not have a qualified supervisor of health, a district administrator shall obtain a prescription for naloxone hydrochloride or another opioid antagonist for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or manufacturers. (Education Code 49414.3)

If the medication is used, the school nurse, other qualified supervisor of health, or district administrator, as applicable, shall restock the medication as soon as reasonably possible, but no later than two weeks after it is used. In addition, the medication shall be restocked before its expiration date. (Education Code 49414.3)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering naloxone hydrochloride or another opioid antagonist for emergency aid shall be provided to each volunteer and retained in his/her personnel file. (Education Code 49414.3)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414.3, including, but not limited to, the acceptance of the naloxone hydrochloride or another opioid antagonist from a manufacturer or wholesaler. (Education Code 49414.3)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of naloxone hydrochloride or another opioid antagonist for a period of three years from the date the records were created. (Business and Professions Code 4119.8)

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CSBA Sample Board Policy

Instruction

BP 6146.1(a)

HIGH SCHOOL GRADUATION REQUIREMENTS

Note: The following policy is for use by districts that maintain grades 9-12.

Education Code 60851.5 provides that the administration of the California High School Exit Examination and the requirement that each student completing grade 12 successfully pass the exam as a condition of receiving a diploma or graduating from high school are suspended for the 2015-16, 2016-17, and 2017-18 school years.

The Governing Board desires to prepare all students to obtain a high school diploma to enable them to take advantage of opportunities for postsecondary education and employment.

(cf. 5127 - Graduation Ceremonies and Activities)

(cf. 5147 - Dropout Prevention)

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

(cf. 6146.3 - Reciprocity of Academic Credit)

Course Requirements

Note: Education Code 51225.3 specifies the courses that a student is required to complete in order to graduate from high school as listed in items #1-6 below.

Pursuant to Education Code 66204, each district that maintains a high school also is required to develop a process for submitting courses to the University of California to ensure that they align with the "a-g" course requirements for college admission.

To obtain a high school diploma, students shall complete at least the following courses in grades 9-12, with each course being one year unless otherwise specified:

1. Three courses in English (Education Code 51225.3)

(cf. 6142.91 - Reading/Language Arts Instruction)

2. Two courses in mathematics (Education Code 51225.3)

At least one mathematics course, or a combination of the two mathematics courses, shall meet or exceed state academic content standards for Algebra I or Mathematics I. Completion of such coursework prior to grade 9 shall satisfy the Algebra I or Mathematics I requirement, but shall not exempt a student from the requirement to complete two mathematics courses in grades 9-12. (Education Code 51224.5)

HIGH SCHOOL GRADUATION REQUIREMENTS (continued)

Note: The following optional paragraph is for use only by districts that require more than two courses in mathematics for graduation and should be deleted by other districts. Pursuant to Education Code 51225.3 and 51225.35, a district that requires more than two courses in mathematics may award up to one mathematics course credit for an approved computer science course, as defined. Any such course must have been approved by the University of California as a "category c" (mathematics) course in the university's "a-g" course admission criteria; see BP 6143 - Courses of Study.

Students may be awarded up to one mathematics course credit for successful completion of an approved computer science course that is classified as a "category c" course based on the "a-g" course requirements for college admission. (Education Code 51225.3, 51225.35)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6152.1 - Placement in Mathematics Courses)

3. Two courses in science, including biological and physical sciences (Education Code 51225.3)

(cf. 6142.93 - Science Instruction)

4. Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics (Education Code 51225.3)

(cf. 6142.3 - Civic Education)

(cf. 6142.94 - History-Social Science Instruction)

Note: Education Code 51225.3 authorizes the Board to include a course in career technical education (CTE) as an alternative to the visual or performing arts or foreign language course requirement for high school graduation. If the Board chooses to do so, it must, at a regular Board meeting prior to allowing a CTE course as an alternative, notify parents/guardians, students, teachers, and the public of information specified in Education Code 51225.3. In addition, the information must be included in the district's annual notification to parents/guardians pursuant to Education Code 48980; see the accompanying administrative regulation. Districts that do not allow this alternative course requirement should delete references to CTE in item #5 below.

The CTE course may be offered through different means, including a district-operated program, regional occupational center or program, or county office of education program pursuant to a joint powers agreement. See BP/AR 6178 - Career Technical Education and BP 6178.2 - Regional Occupational Center/Program for program details pertaining to CTE.

5. One course in visual or performing arts, foreign language, including American Sign Language, or career technical education (CTE) (Education Code 51225.3)

To be counted towards meeting graduation requirements, a CTE course shall be aligned to the CTE model curriculum standards and framework adopted by the State Board of Education.

HIGH SCHOOL GRADUATION REQUIREMENTS (continued)

(cf. 6142.2 - World/Foreign Language Instruction)
(cf. 6142.6 - Visual and Performing Arts Education)
(cf. 6178 - Career Technical Education)
(cf. 6178.2 - Regional Occupational Center/Program)

6. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)

(cf. 6142.7 - Physical Education and Activity)

Note: Pursuant to Education Code 51225.3, the Board may prescribe additional coursework (e.g., health education, service learning) or other requirements (e.g., portfolios or senior projects) that district students must complete in order to obtain a diploma. If the Board does so, such courses or projects should be listed below.

If the district requires a course in health education for graduation, Education Code 51225.36 requires that the district include instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard pursuant to Education Code 67386. Also see AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction.

In addition, pursuant to Education Code 51225.6, as added by AB 1719 (Ch. 556, Statutes of 2016), a district that requires a course in health education for graduation is required to include instruction in compression-only cardiopulmonary resuscitation beginning in the 2018-19 school year. See AR 6143 - Courses of Study.

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6142.8 - Comprehensive Health Education)

Note: Education Code 51225.3 requires the Board to adopt alternative means for students to complete the prescribed course of study; see BP/AR 6146.11 - Alternative Credits Toward Graduation.

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

(cf. 6146.11 - Alternative Credits Toward Graduation)
(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)
(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

HIGH SCHOOL GRADUATION REQUIREMENTS (continued)

Exemptions and Waivers

Note: Education Code 51225.1 requires the district to exempt from any district-adopted graduation requirements a foster youth or homeless student who transfers into the district or between district high schools any time after completing his/her second year of high school, unless the Superintendent or designee makes a finding that the youth is reasonably able to complete the requirements in time to graduate by the end of his/her fourth year of high school; see AR 6173.1 - Education for Foster Youth and AR 6173 - Education for Homeless Children. AB 2306 (Ch. 464, Statutes of 2016) amends Education Code 51225.1 to extend this exemption and related requirements to a student transferring from a juvenile court school any time after his/her second year of high school; see AR 6173.3 - Education for Juvenile Court School Students.

Pursuant to Education Code 51225.1, within 30 calendar days of the transfer of a foster youth, homeless student, or former juvenile court school student, the district is required to provide notice to the student of the availability of the exemption and whether the student qualifies for it. If the district fails to provide that notification, the student will be eligible for the exemption once notified, even if the notification is received after the termination of the court's jurisdiction over the foster youth or former juvenile court school student or after the homeless student ceases to be homeless.

Education Code 51225.1 also provides that, if an exempted student completes the statewide coursework requirements before the end of his/her fourth year of high school, the district or a district school must not require or request that he/she graduate before the end of his/her fourth year of high school.

Any complaint alleging the district's failure to comply with the requirements of Education Code 51225.1 may be filed using the district's uniform complaint procedures pursuant to 5 CCR 4600-4687; see BP/AR 1312.3 - Uniform Complaint Procedures.

A foster youth, homeless student, or former juvenile court school student who transfers into the district any time after completing his/her second year of high school shall be required to complete all graduation requirements specified in Education Code 51225.3 but shall be exempt from any additional district-adopted graduation requirements, unless the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of his/her fourth year of high school. Within 30 days of the transfer, any such student shall be notified of the availability of the exemption and whether he/she qualifies for it. (Education Code 51225.1)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5145.6 - Parental Notifications)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.3 - Education for Juvenile Court School Students)

Note: Education Code 49701 requires district officials to help facilitate the on-time graduation of children of military families by waiving specific course requirements for graduation if the student has satisfactorily completed similar coursework in another district. If the district does not grant such a waiver, then "best efforts" must be used to provide the student with alternative means to acquire the required coursework so that he/she can graduate on time. See BP/AR 6173.2 - Education of Children of Military Families for additional language implementing this requirement.

HIGH SCHOOL GRADUATION REQUIREMENTS (continued)

In addition, the Superintendent or designee shall facilitate the on-time graduation of children of military families by waiving specific course requirements for graduation if the student has satisfactorily completed similar coursework in another district. (Education Code 49701)

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

Retroactive Diplomas

Until July 31, 2018, any student who completed grade 12 in the 2003-04 school year or a subsequent school year and has met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (Education Code 60851.6)

Note: The remainder of this section is optional .
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The district may retroactively grant a high school diploma to a former student who was interned by order of the federal government during World War II or who is an honorably discharged veteran of World War II, the Korean War, or the Vietnam War, provided that he/she was enrolled in a district school immediately preceding the internment or military service and he/she did not receive a diploma because his/her education was interrupted due to the internment or military service. A deceased former student who satisfies these conditions may be granted a retroactive diploma to be received by his/her next of kin. (Education Code 51430)

In addition, the district may grant a diploma to a veteran who entered the military service of the United States while he/she was a district student in grade 12 and who had completed the first half of the work required for grade 12. (Education Code 51440)

*Legal Reference:***EDUCATION CODE**

47612 Enrollment in charter school

48200 Compulsory attendance

48412 Certificate of proficiency

48430 Continuation education schools and classes

48645.5 Acceptance of coursework

48980 Required notification at beginning of term

49701 Interstate Compact on Educational Opportunity for Military Children

51224 Skills and knowledge required for adult life

51224.5 Algebra instruction

51225.1 Exemption from district graduation requirements

51225.2 Pupil in foster care defined; acceptance of coursework, credits, retaking of course

51225.3 High school graduation

51225.35 Mathematics course requirements; computer science

Legal Reference continued: (see next page)

HIGH SCHOOL GRADUATION REQUIREMENTS (continued)

Legal Reference: (continued)

EDUCATION CODE (continued)

51225.36 Instruction in sexual harassment and violence; districts that require health education for graduation
51225.5 Honorary diplomas; foreign exchange students
51225.6 Compression-only cardiopulmonary resuscitation
51228 Graduation requirements
51240-51246 Exemptions from requirements
51250-51251 Assistance to military dependents
51410-51412 Diplomas
51420-51427 High school equivalency certificates
51430 Retroactive high school diplomas
51440 Retroactive high school diplomas
51450-51455 Golden State Seal Merit Diploma
51745 Independent study restrictions
56390-56392 Recognition for educational achievement, special education
60851.5 Suspension of high school exit examination
60851.6 Retroactive diploma; completion of all graduation requirements except high school exit examination
66204 Certification of high school courses as meeting university admissions criteria
67386 Student safety; affirmative consent standard
CODE OF REGULATIONS, TITLE 5
1600-1651 Graduation of students from grade 12 and credit toward graduation
4600-4687 Uniform complaint procedures
COURT DECISIONS
O'Connell v. Superior Court (Valenzuela), (2006) 141 Cal.App.4th 1452

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>
California Department of Education, High School: <http://www.cde.ca.gov/ci/gs/hs>
University of California, List of Approved a-g Courses:
<http://www.universityofcalifornia.edu/admissions/freshman/requirements>

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

Instruction

BP 6154(a)

HOMEWORK/MAKEUP WORK

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

The Governing Board recognizes that meaningful homework assignments can be a valuable extension of student learning time and assist students in developing good study habits. Homework shall be assigned when necessary to support classroom lessons, enable students to complete unfinished assignments, or review and apply academic content for better understanding.

The Superintendent or designee shall collaborate with school administrators and teachers to develop and regularly review guidelines for the assignment of homework and the related responsibilities of students, staff, and parents/guardians.

Note: The following **optional** paragraph may be revised to specify the average number of minutes of homework that may be expected per day at each grade level, or the district may adopt an administrative regulation that contains such guidelines.

Homework assignments shall be reasonable in length and appropriate to the grade level and course. The Board expects that the number, frequency, and degree of difficulty of homework assignments will increase with the grade level and the maturity of students. Teachers shall assign homework only as necessary to fulfill academic goals and reinforce current instruction.

(cf. 6011 - Academic Standards)

As needed, teachers may receive training in designing relevant homework assignments that reinforce classroom learning objectives.

(cf. 4131 - Staff Development)

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

~~Although on-time completion of homework is important to maintain academic progress, the Board recognizes that students learn at different rates. Students shall receive credit for work that is completed late in order to encourage their continued learning.~~

Age-appropriate instruction may be given to help students allocate their time wisely, meet their deadlines, and develop good personal study habits.

At the beginning of the school year, teachers shall communicate homework expectations to students and their parents/guardians. Homework guidelines also shall be included in student

HOMEWORK/MAKEUP WORK (continued)

and/or parent handbooks. These communications shall include the manner in which homework relates to achievement of academic standards and course content, the impact of homework assignments on students' grades, any school resources and programs that are available to provide homework support, and ways in which parents/guardians may appropriately assist their children.

Although it is the student's responsibility to undertake assignments independently, parents/guardians may serve as a resource and are encouraged to ensure that their child's homework assignments are completed. When a student repeatedly fails to complete his/her homework, the teacher shall notify the student's parents/guardians as soon as possible so that corrective action can be taken prior to the release of any final grades or report cards.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

Note: The following paragraph should be revised to reflect district practice. Pursuant to Education Code 8482.3, before-school and after-school programs operated under the After School Education and Safety Program (Education Code 8482-8484.65) and/or the federal 21st Century Community Learning Center program (Education Code 8484.7-8484.9; 20 USC 7171-7176) are required to include an educational and literacy component in which tutoring or homework assistance is provided in language arts, mathematics, history-social science, computer training, and/or science. If the district offers a before-school or after-school program under the 21st Century High School After School Safety and Enrichment for Teens program for grades 9-12 (Education Code 8420-8428; 20 USC 7171-7176), the program must include an academic assistance program, which may include homework assistance. See AR 5148.2 - Before/After School Programs. In addition, some districts offer a supervised study hall elective which high school students can take instead of other electives.

~~To further support students' homework efforts, the Superintendent or designee may establish and maintain telephone help lines, provide access to school library media centers and technological resources, and/or provide before-school and after-school programs where students can receive homework assistance from teachers, volunteers, and/or student tutors. The Board encourages the Superintendent or designee to design class and transportation schedules that will enable students to make use of homework support services.~~

(cf. 1240 - Volunteer Assistance)

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

(cf. 3541 - Transportation Routes and Services)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6112 - School Day)

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

(cf. 6163.1 - Library Media Centers)

Teachers shall review all completed homework to assess the student's understanding of academic content and shall provide timely feedback to the student.

HOMEWORK/MAKEUP WORK (continued)**Makeup Work**

Note: Pursuant to Education Code 48205, students who miss school work because of an excused absence must be given full credit for makeup work satisfactorily completed within a reasonable period of time. State law does not require districts to give full credit for makeup work following an unexcused absence. However, CSBA's governance brief Research-Supported Strategies to Improve the Accuracy and Fairness of Grades recommends that student absence be dealt with separately from determining students' academic understanding and progress. Thus, the following paragraph provides for full credit to be awarded for satisfactory completion of makeup work regardless of the reason for the absence, an approach which is consistent with BP/AR 5121 - Grades/Evaluation for Student Achievement. Also see BP/AR 5113.1 - Chronic Absence and Truancy for strategies to address excessive excused and/or unexcused absences. The district may revise the following paragraph to reflect district practice, provided that it ensures compliance with Education Code 48205.

Students who miss school work shall be given the opportunity to complete all assignments and tests that can be reasonably provided. As determined by the teacher, the assignments and tests shall be reasonably equivalent to, but not necessarily identical to, the assignments and tests missed during the absence. Students shall receive full credit for work satisfactorily completed within a reasonable period of time.

(cf. 5113 - Absences and Excuses)

The Superintendent or designee shall notify parents/guardians that no student may have his/her grade reduced or lose academic credit for any excused absence when missed assignments and tests are satisfactorily completed within a reasonable period of time. Such notification shall include the full text of Education Code 48205. (Education Code 48980)

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

(cf. 5145.6 - Parental Notifications)

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

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

Legal Reference: (see next page)

HOMEWORK/MAKEUP WORK (continued)

Legal Reference:

EDUCATION CODE

8420-8428 *21st Century High School After School Safety and Enrichment for Teens*

8482-8484.65 *After School Education and Safety Program*

8484.7-8484.9 *21st Century Community Learning Centers*

48205 *Absences for personal reasons*

48913 *Completion of work missed by suspended student*

48980 *Parental notifications*

UNITED STATES CODE, TITLE 20

7171-7176 *21st Century Community Learning Centers*

Management Resources:

CSBA PUBLICATIONS

Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, Governance Brief,
July 2016

WEB SITES

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

California State PTA: <http://www.capta.org>

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Policy Reference UPDATE Service

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CSBA Sample

Board Policy

Instruction

BP 6164.6(a)

IDENTIFICATION AND EDUCATION UNDER SECTION 504

Note: The following policy and accompanying administrative regulation address the identification and education of students who may be eligible for services under the provisions of Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794; 34 CFR 104.1-104.39). Pursuant to 34 CFR 104.33, eligible students are entitled to a free appropriate public education (FAPE) which is designed to meet the student's individual educational needs as adequately as the needs of students without disabilities are met. Enforcement of Section 504 requirements is the responsibility of the U.S. Department of Education's Office for Civil Rights (OCR), which monitors districts' policies, processes, and practices to ensure legal compliance.

A student may be identified as a student with a disability under Section 504 even though he/she is not identified as a child with a disability under the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482). The identification of students eligible for special education and related services under the IDEA is addressed at BP/AR 6164.4 - Identification and Evaluation of Individuals for Special Education.

The Governing Board believes that all children, including children with disabilities, should have the opportunity to learn in a safe and nurturing environment. The Superintendent or designee shall work to identify children with disabilities who reside within the jurisdiction of the district in order to ensure that they receive educational and related services required by law.

Note: Section 504 of the Rehabilitation Act of 1973 and its implementing regulations (34 CFR 104.1-104.39) prohibit discrimination on the basis of disability in district programs and activities; see BP 0410 - Nondiscrimination in District Programs and Activities.

The Superintendent or designee shall provide qualified students with disabilities with a free appropriate public education (FAPE), as defined under Section 504 of the federal Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of students without disabilities are met. (34 CFR 104.33)

- (cf. 0410 - Nondiscrimination in District Programs and Activities)*
- (cf. 0430 - Comprehensive Local Plan for Special Education)*
- (cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*
- (cf. 5141.22 - Infectious Diseases)*
- (cf. 5141.23 - Asthma Management)*
- (cf. 5141.24 - Specialized Health Care Services)*
- (cf. 5141.27 - Food Allergies/Special Dietary Needs)*
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*
- (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

Note: Pursuant to 34 CFR 104.33, as interpreted by OCR in its January 2013 Dear Colleague Letter, a district's responsibility under Section 504 extends to providing students with disabilities equal opportunity to participate in extracurricular athletics and other nonacademic programs or activities that constitute the overall educational program.

In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the district's basic education program, including, but not limited to, extracurricular athletics, interscholastic sports, and/or other nonacademic activities. (34 CFR 104.37)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6145.5 - Student Organizations and Equal Access)

Note: The following **optional** paragraph may be revised to reflect district practice. Education Code 52060 requires that the district adopt a local control and accountability plan (LCAP) that includes annual goals, aligned with specified state priorities, to be achieved for all students and for each numerically significant subgroup as defined in Education Code 52052. Pursuant to Education Code 52052, students with disabilities are one of the numerically significant subgroups whose needs must be addressed in the LCAP, when there are at least 30 students with disabilities in the district or a school. See BP/AR 0460 - Local Control and Accountability Plan.

~~The district's local control and accountability plan shall include goals and specific actions to improve student achievement and other outcomes of students with disabilities. At least annually, the Superintendent or designee shall assess the district's progress in attaining the goals established for students with disabilities and shall report these results to the Board. (Education Code 52052, 52060)~~

(cf. 0460 - Local Control and Accountability Plan)

In providing services to students with disabilities under Section 504, the Superintendent or designee shall ensure district compliance with law, including providing the students and their parents/guardians with applicable procedural safeguards and required notifications. Any dispute as to the identification, evaluation, or placement of any student with a disability shall be resolved in accordance with the processes specified in the "Procedural Safeguards" section of the accompanying administrative regulation.

Note: The following **optional** paragraph ensures the availability of hearing officers to conduct impartial hearings to resolve disagreements about the provision of FAPE, pursuant to 34 CFR 104.36.

~~The Superintendent or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with the district in any other capacity except as hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.~~

Legal Reference: (see next page)

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

Legal Reference:

EDUCATION CODE

49423.5 *Specialized physical health care services*

52052 *Numerically significant student subgroups*

52060-52077 *Local control and accountability plan*

56043 *Special education, timelines*

56321 *Assessment; development of IEP; parental notifications, consent*

CODE OF REGULATIONS, TITLE 5

3051.12 *Health and Nursing Services*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act of 1974*

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

705 *Definitions; Vocational Rehabilitation Act*

794 *Rehabilitation Act of 1973, Section 504*

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

CODE OF REGULATIONS, TITLE 28

35.101-35.190 *Nondiscrimination on the basis of disability in state and local government services*

CODE OF FEDERAL REGULATIONS, TITLE 34

104.1-104.61 *Nondiscrimination on the basis of handicap, especially:*

104.1 *Purpose to effectuate Section 504 of the Rehabilitation Act of 1973*

104.3 *Definitions*

104.32 *Location and notification*

104.33 *Free appropriate public education*

104.34 *Educational setting*

104.35 *Evaluation and placement*

104.36 *Procedural safeguards*

104.37 *Nonacademic services*

104.7 *Responsible employee; grievance procedures*

COURT DECISIONS

Christopher S. v. Stanislaus County Office of Education, (2004) 384 F.3d 1205

Management Resources:

CSBA PUBLICATIONS

Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, December 2007

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

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

Dear Colleague Letter and Resource Guide on Students with ADHD, July 2016

Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the

Education of Children with Disabilities, October 2015

Dear Colleague Letter, January 2013

Dear Colleague Letter and Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools, January 2012

Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973, September 2007

Management Resources continued: (see next page)

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

Management Resources: (continued)

WEB SITES

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

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

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

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Instruction

AR 6164.6(a)

IDENTIFICATION AND EDUCATION UNDER SECTION 504

Note: Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794) prohibits discrimination on the basis of disability. The following **optional** administrative regulation focuses on district procedures for identifying and evaluating students who are eligible to receive a free appropriate public education (FAPE) under Section 504 and is consistent with guidance from the U.S. Department of Education Office for Civil Rights (OCR), which is responsible for enforcing the provisions of Section 504 and also for receiving and handling complaints from parents/guardians, students, and advocates.

Pursuant to 34 CFR 104.7, the district is required to designate the person(s) responsible for the overall implementation of the requirements of Section 504. The district should fill in the blanks below to specify the position title and contact information of the designated employee(s).

The Superintendent designates the following position as the district's 504 Coordinator to implement the requirements of Section 504 of the federal Rehabilitation Act of 1973: (34 CFR 104.7)

Learning Director
(position title)
9895 7th Ave Hanford, CA 93230
(address)
559-582-2843
(telephone number)

Definitions

Note: The following definitions are consistent with the Americans with Disabilities Act (ADA) Amendments Act of 2008 (42 USC 12101-12213), and its implementing regulations (28 CFR 35.101-35.190, as amended by 81 Fed. Reg. 53203).

For the purpose of implementing Section 504, the following terms and phrases shall have only the meanings specified below:

Free appropriate public education (FAPE) means the provision of regular or special education and related aids and services designed to meet the individual educational needs of a student with disabilities as adequately as the needs of students without disabilities are met, at no cost to the student or his/her parent/guardian except when a fee is specifically authorized by law for all students. (34 CFR 104.33)

(cf. 3260 - Fees and Charges)

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

Note: Pursuant to 28 CFR 35.108, a student is considered to have a disability when he/she has a physical or mental impairment that substantially limits a major life activity, has a record of such impairment, or is regarded as having such impairment. Accordingly, a student may have a disability and technically meet eligibility requirements under Section 504, but not actually need any services. A Dear Colleague Letter issued by OCR in July 2016 clarifies that a district is not required to provide additional services to a student with a disability if the student does not need any special education or related service as a result of the disability. However, Section 504 still requires districts to protect a student who has a record of or is regarded as having such an impairment from discriminatory treatment. For example, it would be discriminatory and thus illegal to prohibit a student who has a record of bone cancer, even if currently in remission, from trying out for the basketball team based on his/her history of cancer.

As added by 81 Fed. Reg. 53203, 28 CFR 35.108 expands and clarifies the definition of "disability" and its associated terms. In general, the term "disability" must be interpreted broadly, in favor of providing "expansive coverage" to the maximum extent permitted by the ADA.

Student with a disability means a student who has a physical or mental impairment which substantially limits one or more major life activities. (28 CFR 35.108)

Note: As added by 81 Fed. Reg. 53203, 28 CFR 35.108 defines "physical and mental impairment" and provides a nonexhaustive list of conditions that qualify as physical and mental impairments, updated to include dyslexia, attention deficit hyperactivity disorder (ADHD), and disorders and conditions affecting the immune and circulatory systems. In the event that these conditions fall within the disabilities categories specified in the Individuals with Disabilities Education Act (IDEA), then the student may need to be considered for services under that law; see BP/AR 6164.4 - Identification and Evaluation of Individuals for Special Education.

Physical impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, immune, hemic, lymphatic, skin, and endocrine. (28 CFR 35.108)

Mental impairment means any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability. (28 CFR 35.108)

Note: 28 CFR 35.108, as added by 81 Fed. Reg. 53203, requires the term "substantially limits" to be construed broadly. An impairment is a disability if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. Such comparison usually does not require scientific, medical, or statistical evidence. An impairment need not prevent or significantly or severely restrict the performance of a major life activity in order to qualify as substantially limiting.

28 CFR 35.108 also provides that (1) in determining whether or not an impairment substantially limits a major life activity, the ameliorative effects of mitigating measures, other than ordinary eyeglasses or contact lenses, may not be considered; (2) an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active; and (3) an impairment that substantially limits one major life activity need not substantially limit other major life activities in order to be considered a substantially limiting impairment.

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

Additionally, 28 CFR 35.108 expands the definition of "major life activities" to include the operation of specific major bodily functions.

Substantially limits major life activities means limiting a person's ability to perform functions, as compared to most people in the general population, such as caring for himself/herself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, and working. *Major life activities* also includes major bodily functions such as functions of the immune system, special sense organs and skin, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions, as well as the operation of an individual organ within a body system. The determination of whether an impairment *substantially limits* a student's major life activities shall be made without regard to the ameliorative effects of mitigating measures other than ordinary eyeglasses or contact lenses. *Mitigating measures* are measures that an individual may use to eliminate or reduce the effects of an impairment, including, but not limited to, medications, medical supplies or equipment, prosthetic devices, assistive devices, reasonable modifications or auxiliary aids or services, learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy. (42 USC 12102; 28 CFR 35.108)

Referral, Identification, and Evaluation

Note: 34 CFR 104.35 requires the district to conduct an evaluation of any student who needs or is believed to need special education or related services under Section 504. However, the law does not require a specific procedure for referral of a student for the evaluation. Items #1-2 below provide such a procedure and should be modified to reflect district practice.

Any action or decision to be taken by the district involving the referral, identification, or evaluation of a student with disabilities shall be in accordance with the following procedures:

1. A parent/guardian, teacher, other school employee, student success team, or community agency may refer a student to the principal or 504 Coordinator for identification as a student with a disability under Section 504.

(cf. 6164.5 - Student Success Teams)

2. Upon receipt of any such referral, the principal, 504 Coordinator, or other qualified individual with expertise in the area of the student's suspected disability shall consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a review of the student's school records, including those in academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the student's needs.

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

If it is determined that an evaluation is unnecessary, the principal or 504 Coordinator shall inform the parents/guardians in writing of this decision and of the procedural safeguards available, as described in the "Procedural Safeguards" section below.

3. If the student needs or is believed to need special education or related services under Section 504, the district shall conduct an evaluation of the student prior to his/her initial placement. (34 CFR 104.35)

Note: OCR has interpreted Section 504 to require districts to obtain parent/guardian permission for initial evaluations. Although the law is silent on the form of parent/guardian consent, it is recommended that the district obtain such consent in writing. The following paragraph should be modified to reflect district practice.

Prior to conducting an initial evaluation of a student for eligibility under Section 504, the district shall obtain written parent/guardian consent.

Note: 34 CFR 104.35 requires that the district's evaluation and placement procedures include the elements specified in items #a-c below.

The district's evaluation procedures shall ensure that the tests and other evaluation materials: (34 CFR 104.35)

- a. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers
- b. Are tailored to assess specific areas of educational need and are not merely designed to provide a single general intelligence quotient
- c. Reflect the student's aptitude or achievement or whatever else the tests purport to measure rather than his/her impaired sensory, manual, or speaking skills, except where those skills are the factors that the tests purport to measure

Section 504 Services Plan and Placement

Services and placement decisions for students with disabilities shall be determined as follows:

1. A multidisciplinary 504 team shall be convened to review the evaluation data in order to make placement decisions.

The 504 team shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. (34 CFR 104.35)

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34. (34 CFR 104.35)

Note: While there is no specific requirement that a Section 504 services plan (sometimes called an accommodation plan) be in writing, it is strongly recommended that the district develop a written plan for each student detailing the regular and/or special education and related services that the student will be provided in order to ensure that the student is receiving FAPE in accordance with 34 CFR 104.33.

2. If, upon evaluation, a student is determined to be eligible for services under Section 504, the team shall meet to develop a written 504 services plan which shall specify the types of regular or special education services, accommodations, and supplementary aids and services necessary to ensure that the student receives FAPE.

The parents/guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.

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

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Asthma Management)

(cf. 5141.24 - Specialized Health Care Services)

(cf. 5141.26 - Tuberculosis Testing)

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

3. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a person with a disability under Section 504 and shall state the basis for the determination that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.
4. The student shall be placed in the regular educational environment, unless the district can demonstrate that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs. (34 CFR 104.34)

Note: The law does not specify a time frame for completion of the evaluation and placement process, but OCR requires completion within "a reasonable amount of time." Generally, compliance with the timelines in the IDEA will be considered "reasonable" and thus in compliance with Section 504. However, Section 504 does not provide for an automatic suspension of the timelines during extended breaks or when schools are

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

not in session, as is permitted for the IDEA-associated timelines pursuant to Education Code 56043 and 56321. For timelines under the IDEA, see AR 6164.4 - Identification and Evaluation of Individuals for Special Education.

5. The district shall complete the identification, evaluation, and placement process within a reasonable time frame. The district shall adhere to this time frame regardless of any extended school breaks or times that school is otherwise not in session.
6. A copy of the student's Section 504 services plan shall be kept in his/her student record. The student's teacher(s) and any other staff who provide services to the student shall be informed of the plan's requirements.

If a student transfers to another school within the district, the principal or designee at the school from which the student is transferring shall ensure that the principal or designee at the new school receives a copy of the plan prior to the student's enrollment in the new school.

(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5125 - Student Records)

Review and Reevaluation

Note: 34 CFR 104.35 requires the district to establish procedures for the periodic reevaluation of a student who has been identified as needing services under Section 504. A reevaluation procedure consistent with the IDEA is one means of meeting this requirement. The following section should be modified to reflect district practice.

The 504 team shall monitor the progress of the student and, at least annually, shall review the effectiveness of the student's Section 504 services plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of students without disabilities are met. In addition, each student with a disability under Section 504 shall be reevaluated at least once every three years.

Note: As part of its responsibilities pursuant to 34 CFR 104.35, the district is required to reevaluate a student's needs before a significant change in his/her placement. Examples of actions that might constitute a "significant change in placement" triggering a reevaluation include, but are not limited to, expulsions; suspensions that exceed 10 school days within a school year; or removal from a fully integrated curriculum to a resource room, home instruction, independent study, or continuation school.

A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement. (34 CFR 104.35)

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

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

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

Procedural Safeguards

Note: 34 CFR 104.36 requires districts to adopt a system of procedural safeguards which must include the rights of parents/guardians to receive notice, examine relevant records, have an impartial hearing in which they would have an opportunity to participate and be represented by legal counsel, and a process for review of the hearing and decision as detailed in the following section.

Timelines suggested in this section should be revised to reflect district practice; however, OCR requires that the due process hearing procedures be completed within a "reasonably prompt time frame."

The Superintendent or designee shall notify the parents/guardians of students with disabilities of all actions and decisions by the district regarding the identification, evaluation, or educational placement of their children. He/she also shall notify the parents/guardians of all the procedural safeguards available to them if they disagree with the district's action or decision, including an opportunity to examine all relevant records and an impartial hearing in which they shall have the right to participate. (34 CFR 104.36)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

Note: 34 CFR 104.36 requires that the district's procedural safeguards for Section 504 include an impartial hearing to resolve disagreements about the provision of FAPE. This Section 504 due process hearing is separate from the due process hearing procedures under the IDEA and from the district's uniform complaint procedures, which are used to resolve complaints regarding discriminatory treatment (e.g., harassment or accessibility issues). See BP/AR 1312.3 - Uniform Complaint Procedures.

If a parent/guardian disagrees with any district action or decision regarding the identification, evaluation, or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing within 30 days of that action or decision.

Note: According to OCR, the parent/guardian cannot be required to participate in an administrative review prior to exercising his/her right to a Section 504 due process hearing. Districts with questions should consult legal counsel, as appropriate.

Prior to requesting a Section 504 due process hearing, the parent/guardian may, at his/her discretion, but within 30 days of the district's action or decision, request an administrative review of the action or decision. The Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue and the administrative review shall be held within 14 days of receiving the parent/guardian's request. If the parent/guardian is not satisfied with the resolution of the issue, or if the parent/guardian did not request an administrative review, he/she may request a Section 504 due process hearing.

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

A Section 504 due process hearing shall be conducted in accordance with the following procedures:

1. The parent/guardian shall submit a written request to the Coordinator within 30 days of receiving the district's decision or, if an administrative review is held, within 14 days of the completion of the review. The request for the due process hearing shall include:
 - a. The specific nature of the decision with which he/she disagrees
 - b. The specific relief he/she seeks
 - c. Any other information he/she believes is pertinent to resolving the disagreement
2. Within 30 days of receiving the parent/guardian's request, the Superintendent or designee and 504 Coordinator shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties.
3. Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45-day deadline may be extended for good cause or by mutual agreement of the parties.
4. The parties to the hearing shall be afforded the right to:
 - a. Be accompanied and advised by legal counsel and by individuals with special knowledge or training related to the problems of students with disabilities under Section 504
 - b. Present written and oral evidence
 - c. Question and cross-examine witnesses
 - d. Receive written findings by the hearing officer stating the decision and explaining the reasons for the decision

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

Notifications

The Superintendent or designee shall ensure that the district has taken appropriate steps to notify students and parents/guardians of the district's duty under Section 504. (34 CFR 104.32)

(cf. 5145.6 - Parental Notifications)

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CSBA Sample

Administrative Regulation

Instruction

AR 6173.3(a)

EDUCATION FOR JUVENILE COURT SCHOOL STUDENTS

Note: The following administrative regulation is for use by districts that maintain secondary schools. Juvenile court schools are operated by county offices of education pursuant to Education Code 48645-48646 and serve students who are under the protection or authority of the county juvenile justice system. Pursuant to Education Code 48645.2, such schools may be administered either by the County Superintendent of Schools or by the board of the district in which the juvenile court school is located, through a contract between the County Board of Education and the district's governing board.

Education Code 51225.1 and 51225.2, as amended by AB 2306 (Ch. 464, Statutes of 2016), establish educational rights of former juvenile court school students who transition into a district school. These include rights related to the immediate enrollment of such students, the immediate transfer of educational records, the transfer of coursework and credits, and exemption from district-established graduation requirements under certain conditions.

The following **optional** paragraph reflects the intent expressed in Education Code 48647 to encourage collaboration between the district and county agencies to ensure effective communication, enrollment, and placement practices.

The Superintendent or designee shall collaborate with the County Superintendent of Schools and the county probation department to facilitate the transition of students from a juvenile court school into the regular schools of the district. Such collaboration may include, but not be limited to, the development of data-sharing systems, communication strategies, and other structures that aid in the enrollment, placement, and continuous educational progress of such students.

Enrollment

Note: Education Code 48645.5 requires the immediate enrollment of a student who has had contact with the juvenile justice system. Pursuant to Education Code 48645.5 and 48853.5, such a student must be enrolled even if he/she (1) has outstanding fees, fines, textbooks, or other items or monies due to the previous school; (2) does not have clothing normally required by the school, such as school uniforms; or (3) is unable to produce records normally required for enrollment.

A former juvenile court school student transferring into a regular district school shall be immediately enrolled in the school. The Superintendent or designee shall not deny enrollment to a student solely on the basis of his/her arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other contact with the juvenile justice system. (Education Code 48645.5)

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

(cf. 5125 - Student Records)

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

EDUCATION FOR JUVENILE COURT SCHOOL STUDENTS (continued)

(cf. 5132 - Dress and Grooming)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.31 - Immunizations)

Transfer of Coursework and Credits

When a student transfers from a juvenile court school into a district school, the district shall accept and issue full credit for any coursework that the student has satisfactorily completed at that school and shall not require the student to retake the course. If the student did not complete the entire course, he/she shall be issued partial credit for the coursework completed and shall not be required to retake the portion of the course completed. (Education Code 48645.5, 51225.2)

However, a student may be required to retake the portion of the course completed if the Superintendent or designee, in consultation with the holder of educational rights for the student, finds that the student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a former juvenile court school student in any particular course, he/she shall be enrolled in the same or equivalent course, if applicable, so that he/she may continue and complete the entire course. (Education Code 51225.2)

Note: The following paragraph should be revised to reflect district practice, consistent with district policy related to partial credit awarded to homeless students and foster youth. Although Education Code 51225.2, as amended by AB 2306 (Ch. 464, Statutes of 2016), requires districts to award partial credits to former juvenile court school students who transfer from school to school, there is no uniform system for calculating and awarding partial credits. The following paragraph reflects a recommendation in the California Child Welfare Council's Partial Credit Model Policy and Practice Recommendations and is consistent with the approach provided in AR 6173 - Education for Homeless Children and AR 6173.1 - Education for Foster Youth.

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject.

In no event shall the district prevent a former juvenile court school student from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

(cf. 6143 - Courses of Study)

Graduation

If a student completes district graduation requirements while being detained in a juvenile facility, the district shall issue the student a diploma from the school the student last attended, unless the County Superintendent issues the diploma. (Education Code 48645.5)

EDUCATION FOR JUVENILE COURT SCHOOL STUDENTS (continued)

(cf. 6146.1 - High School Graduation Requirements)

Note: The remainder of this section addresses the completion of graduation requirements by students who transfer from a juvenile court school to a district school after completing two years of high school. Education Code 51225.1, as amended by AB 2306 (Ch. 464, Statutes of 2016), exempts such students from district-established graduation requirements under certain conditions.

A student who transfers to a district school from a juvenile court school shall generally be expected to complete all courses required by Education Code 51225.3 and to fulfill any additional graduation requirements prescribed by the Governing Board.

However, when a student who has completed his/her second year of high school transfers from a juvenile court school into a district school, he/she shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of his/her fourth year of high school. Within 30 calendar days of the student's transfer, the Superintendent or designee shall notify the student, the person holding the right to make educational decisions for him/her, and the student's social worker or probation officer of the availability of the exemption and whether the student qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the termination of the court's jurisdiction over the student. (Education Code 51225.1)

(cf. 5145.6 - Parental Notifications)

To determine whether a student is in his/her third or fourth year of high school, the district shall use either the number of credits he/she has earned as of the date of the transfer or the length of his/her school enrollment, whichever qualifies him/her for the exemption. (Education Code 51225.1)

The Superintendent or designee shall notify any former juvenile court school student who is granted an exemption and the person holding the right to make educational decisions for him/her how any requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.1)

The district shall not require or request a former juvenile court school student to transfer schools in order to qualify for an exemption, and no request for a transfer solely to qualify for an exemption shall be made by a student, the person holding the right to make educational decisions for the student, or the student's social worker or probation officer. (Education Code 51225.1)

EDUCATION FOR JUVENILE COURT SCHOOL STUDENTS (continued)

If a student is exempted from local graduation requirements, the exemption shall continue to apply after the termination of the court's jurisdiction over the student or if he/she transfers to another school or school district. (Education Code 51225.1)

If the Superintendent or designee determines that a former juvenile court school student is reasonably able to complete district graduation requirements within his/her fifth year of high school, he/she shall: (Education Code 51225.1)

1. Inform the student and, if the student is under 18 years of age, the person holding the right to make educational decisions for him/her, of the option available to the student to remain in school for a fifth year to complete the district's graduation requirements and how that will affect his/her ability to gain admission to a postsecondary educational institution
2. Provide information to the student about transfer opportunities available through the California Community Colleges
3. Upon agreement with the student or with the person holding the right to make educational decisions for him/her if he/she is under 18 years of age, permit the student to stay in school for a fifth year to complete the district's graduation requirements

Notification and Complaints

Information regarding the educational rights of former juvenile court school students, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)

Note: Education Code 51225.1 and 51225.2, as amended by AB 2306 (Ch. 464, Statutes of 2016), provide that complaints of noncompliance with specified requirements related to the educational rights of former juvenile court school students may be filed in accordance with the uniform complaint procedures specified in 5 CCR 4600-4687. As with other complaints covered under the uniform complaint procedures, a complainant may appeal the district's decision to the California Department of Education (CDE) and, if the district or CDE finds any merit in the complaint, the district must provide a remedy to the affected student. See BP/AR 1312.3 - Uniform Complaint Procedures.

Any complaint that the district has not complied with requirements regarding the education of former juvenile court school students, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Legal Reference: (see next page)

EDUCATION FOR JUVENILE COURT SCHOOL STUDENTS (continued)

Legal Reference:

EDUCATION CODE

48645-48648 Juvenile court schools

48853.5 Immediate enrollment

51225.1 Exemption from district graduation requirements

51225.2 Former juvenile court school student defined; acceptance of coursework, credits, retaking of course

51225.3 High school graduation

60851.5 Suspension of high school exit examination

WELFARE AND INSTITUTIONS CODE

602 Minors violating law; ward of court

880-893 Wards and dependent children; juvenile homes, ranches and camps

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

Management Resources:

CALIFORNIA CHILD WELFARE COUNCIL

Partial Credit Model Policy and Practice Recommendations

YOUTH LAW CENTER PUBLICATIONS

Educational Injustice: Barriers to Achievement and Higher Education for Youth in California Juvenile Court Schools, 2016

WEB SITES

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

California Child Welfare Council: <http://www.chhs.ca.gov/Pages/CAChildWelfareCouncil.aspx>

California Department of Education, Juvenile Court Schools: <http://www.cde.ca.gov/sp/eo/jc>

Youth Law Center: <http://www.ylc.org>

CSBA Sample Board Bylaw

Board Bylaws

BB 9240(a)

BOARD TRAINING

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

CSBA's Professional Governance Standards include expectations that each individual Governing Board member will participate in professional development and commit the time and energy necessary to be an informed and effective leader. See CSBA's web site for education opportunities available through CSBA, including, but not limited to, CSBA's Institute for New and First-Term Board Members, Masters in Governance program, Annual Education Conference and Trade Show, Legal Symposium for Experienced Board Members, Board Presidents Workshop, Brown Act Workshop, Back-to-School Webcast, other workshops and webinars on specific topics, and in-district governance consulting services.

The Governing Board believes that the Board's ability to effectively and responsibly govern the district is essential to promoting student achievement, building positive community relations, and protecting the public interest in district schools. Board members shall be provided sufficient opportunities for professional development that helps them understand their responsibilities, stay abreast of new developments in education, and develop boardmanship skills.

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

The Board and/or the Superintendent or designee shall ~~provide~~ ^{offer to provide} an orientation to newly elected or appointed Board members which includes comprehensive information regarding Board roles, policies, and procedures and the district's vision and goals, operations, and current challenges. Throughout their first term, Board members shall continue to participate in additional educational opportunities designed to assist them in understanding the principles of effective governance, including, but not limited to, information on school finance and budgets, student achievement and assessment, labor relations, community relations, program evaluation, open meeting laws (the Brown Act), conflict of interest laws, and other topics necessary to govern effectively and in compliance with law.

(cf. 9230 - Orientation)

All Board members are encouraged to continuously participate in advanced training offered by the California School Boards Association in order to reinforce boardmanship skills and build knowledge related to key education issues. Such activities may include online courses, webinars, webcasts, and in-person attendance at workshops and conferences. In addition, workshops and consultations may be held within the district on issues that involve the entire governance team.

BOARD TRAINING (continued)

Note: CSBA recommends that board training and travel expenses be budgeted as separate items. While training is essential to maintain an effective, well-informed Board, travel expenses are incurred for a variety of reasons.

It is also recommended that the Board determine the manner in which board training activities that require the use of district funds will be selected or approved. Districts may allocate funds equally to each Board member and allow each member discretion to select activities that meet his/her needs, or may require that all activities or activities over a specified cost be approved by the full Board. The following paragraph may be revised to reflect district practice.

~~Funds for board training shall be budgeted annually for the Board and each Board member. In selecting appropriate activities, the Board and/or individual Board members shall consider activities that are aligned with the district's vision and goals and the needs of the Board or individual member to obtain specific knowledge and skills. The Board shall annually develop a board training calendar in order to schedule and track board training activities and to schedule opportunities for Board members to report on the activities in which they participated.~~

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 3100 - Budget)

(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)

Note: Pursuant to Government Code 54952.2, a "meeting" subject to Brown Act requirements does not include the attendance of a majority of the Board's members at a conference or similar public gathering, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the Board. Also see BB 9320 - Meetings and Notices.

Board members may attend a conference or similar public gathering with other Board members and/or with the Superintendent or designee in order to develop common knowledge and understanding of an issue or engage in team-building exercises. In such cases, a majority of the Board members shall not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the district's jurisdiction, so as not to violate the Brown Act open meeting laws pursuant to Government Code 54952.2.

(cf. 9320 - Meetings and Notices)

Board members shall report to the Board, orally or in writing, on the board training activities they attend, for the purpose of sharing the acquired knowledge or skills with the full Board and enlarging the benefit of the activity to the Board and district.

Legal Reference: (see next page)

BOARD TRAINING (continued)

Legal Reference:

GOVERNMENT CODE

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

54952.2 *Meeting*

Management Resources:

CSBA PUBLICATIONS

Professional Governance Standards for School Boards

WEB SITES

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

California County Boards of Education: <http://www.thecbbe.org>

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

(12/87 6/94) 12/16

Policy Reference UPDATE Service

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CSBA Sample Board Bylaw

Board Bylaws

BB 9323(a)

MEETING CONDUCT

Note: Education Code 35010 **mandates** the Governing Board to "prescribe and enforce" rules for its own governance. These rules must not be inconsistent with law or with regulations prescribed by the State Board of Education. The following bylaw provides suggested rules and procedures for meeting conduct and reflects provisions of law as applicable.

Meeting Procedures

All Governing Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board bylaws and posted and distributed in accordance with the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

(cf. 9322 - Agenda/Meeting Materials)

Note: The law does not specify that a particular set of procedures must govern Board meetings. Although Robert's Rules of Order can serve as a useful guide, the Board may adopt any procedure that allows for the efficient and consistent conduct of meetings.

The Board president shall conduct Board meetings in accordance with Board bylaws and procedures that enable the Board to efficiently consider issues and carry out the will of the majority.

(cf. 9121 - President)

Note: The following **optional** paragraph limits the length of Board meetings and should be revised to reflect district practice.

The Board believes that ~~late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned at 10:30 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than one hour and subsequently may be adjourned to a later date.~~

(cf. 9320 - Meetings and Notices)

Note: In Rubin v. City of Burbank, an appellate court held that inclusion of "sectarian prayer" at city council meetings, which communicated a preference for a particular religious faith and advanced one faith over another, was unconstitutional by directing the prayer "in the name of Jesus." The court held that it would be constitutional to require the city to advise those people conducting the prayer of this limitation. This opinion is consistent with an unpublished 9th Circuit federal court opinion which stated that an invocation "in the name of Jesus" was unconstitutional in that it displayed allegiance to a particular faith.

MEETING CONDUCT (continued)

Some general guidelines for invocations can be found in an Attorney General's opinion (76 Ops.Cal.Atty.Gen. 281 (1993)) which stated that a county board of supervisors could open its sessions with an invocation when the invocation is (1) not required by law as a condition to the official proceedings, (2) not part of the deliberative agenda, (3) not offered, supervised, or approved as to content by a public officer, (4) not officially limited to a particular religion, (5) not disparaging of others, and (6) not directed towards proselytizing. However, because this is an unsettled area of law that is subject to frequent litigation, it is strongly recommended that districts consult legal counsel if they wish to open meetings with an invocation. Note that a different legal analysis applies to student-led or student-initiated prayer; see BP 5127 - Graduation Ceremonies and Activities.

Quorum and Abstentions

The Board shall act by majority vote of all of the membership constituting the Board. (Education Code 35164)

(cf. 9323.2 - Actions by the Board)

Note: According to an Attorney General opinion (61 Ops.Cal.Atty.Gen. 243 (1978)), members of a public body have a duty to vote on issues before them so that the public is represented and receives the services which the public body was created to provide. Issues arise when a motion is tied and one Board member has abstained. The general parliamentary rule is that an abstention is counted as agreeing with the action taken by the majority of those who vote, whether affirmatively or negatively (66 Ops.Cal.Atty.Gen. 336 (1983)). However, a stronger argument could be made that the parliamentary rule is in conflict with Education Code 35164 which requires a majority vote of all of the membership of the Board in order for the Board to act (i.e., a majority of all of the membership of the Board must vote affirmatively in order to approve any action). In 55 Ops.Cal.Atty.Gen. 26 (1972), the Attorney General opined that, when a statutory requirement exists that requires an affirmative action of at least a majority of the members of the Board, the general rule that members not voting were deemed to have agreed with the action taken by the majority of those that voted is not applicable.

The following **optional** paragraph is consistent with CSBA's opinion that a majority of the Board must vote affirmatively for a motion to carry, but the law is not settled and contrary legal opinions may exist. It is strongly recommended that the district consult with legal counsel and modify the following paragraph to ensure consistency with district practice.

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, his/her abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

(cf. 9270 - Conflict of Interest)

Note: The following paragraph applies only to districts with seven member boards and **should be deleted by districts with a three or five member board.**

Provided the Board typically has seven members and there are no more than two vacancies on the Board, the vacant position(s) ~~shall not be counted for purposes of determining how~~

MEETING CONDUCT (continued)

many members of the Board constitute a majority. In addition, whenever any provisions of the Education Code require unanimous action of all or a specific number of the members, the vacant position(s) shall be not be counted for purposes of determining the total membership constituting the Board. (Education Code 35165)

Public Participation

Note: Pursuant to Government Code 54953.3, a member of the public cannot be required to register his/her name, complete a questionnaire, or provide other information as a condition of attending a Board meeting. If an attendance list or similar document is posted near the entrance or circulated during the meeting, it must clearly state that signing or completing the document is voluntary.

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting.

In order to conduct district business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures:

Note: Education Code 35145.5 **mandates** the Board to adopt regulations which ensure that the public can address the Board regarding agenda items, as specified below.

District employees have the same right as members of the public to address the Board during a public Board meeting. In 90 Ops.Cal.Atty.Gen. 47 (2007), the Attorney General opined that, under the Ralph M. Brown Act, an administrative district employee cannot be prohibited from attending a Board meeting or from speaking during the public comment period, including comments on an employment-related issue.

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board's consideration of the item. (Education Code 35145.5; Government Code 54954.3)
2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Education Code 35145.5; Government Code 54954.2)
3. Without taking action, Board members or district staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the

MEETING CONDUCT (continued)

public, a Board or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities. (Government Code 54954.2)

Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)

4. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard the item, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)

(cf. 9130 - Board Committees)

5. A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.

Note: Government Code 54954.3 authorizes regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. The following paragraph should be revised to reflect district practice.

If the Board limits the time for public comment, Government Code 54954.3, as amended by AB 1787 (Ch. 507, Statutes of 2016), requires the Board to provide at least twice the allotted time to a member of the public who utilizes a translator, as provided below.

Individual speakers shall be allowed three minutes to address the Board on each agenda or nonagenda item. The Board shall limit the total time for public input on each item to 20 minutes. With Board consent, the Board president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The president may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.

In order to ensure that non-English speakers receive the same opportunity to directly address the Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the Board, unless simultaneous translation equipment is used to allow the Board to hear the translated public testimony simultaneously. (Government Code 54954.3)

MEETING CONDUCT (continued)

6. The Board president may rule on the appropriateness of a topic, subject to the following conditions:
 - a. If a topic would be suitably addressed at a later time, the Board president may indicate the time and place when it should be presented.
 - b. The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3)

Note: The following **optional** item addresses the issue of specific charges or complaints against district employees in open Board meetings. Although the Board may inform the speaker of appropriate district complaint procedures, it cannot prohibit criticisms of the district and its employees, no matter how harsh. Board members and staff may briefly respond to the concerns raised by the complainant at the meeting.

In Baca v. Moreno Valley Unified School District, a federal district court issued a preliminary injunction against the district prohibiting it from enforcing its policy barring criticism of employees at public Board meetings. The court found that the district's policy violated the plaintiff's First Amendment rights by restricting the content of her speech. The court further noted that the district could not legally prevent a person from speaking in open session, even if the speech was clearly defamatory. It is recommended that the Board consult legal counsel if a question arises regarding public criticism of a district employee.

- c. The Board shall not prohibit public criticism of district employees. However, whenever a member of the public initiates specific complaints or charges against an individual employee, the Board president shall inform the complainant of the appropriate complaint procedure.

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

Note: As provided in item #7 below, Government Code 54957.9 authorizes the Board to remove persons who willfully disrupt or disturb a meeting. Examples of disruptive conduct might include conduct that is extremely loud, disturbing, or creates a health or safety risk. In McMahon v. Albany Unified School District, the court held that a speaker's constitutional rights were not violated when he was removed from a Board meeting after dumping a substantial amount of garbage on the floor of the meeting room. Because the speaker was not removed based on the content of his speech, the court upheld his conviction for a willful disruption of a public meeting. In City of San Jose v. Garbett, the court held that a legislative body may exclude from a meeting a person who has expressed a credible threat of violence that would place a reasonable person in fear for his/her safety or the safety of his/her immediate family and that serves no legitimate purpose.

However, the courts have found that a person's conduct must actually disrupt the meeting in order to warrant ejection. In Norse v. City of Santa Cruz, the court held that the city council improperly ejected a member of the public who gave the council a silent Nazi salute, on the grounds that the action did not interfere with the proceedings of the meeting.

MEETING CONDUCT (continued)

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the president to terminate the privilege of addressing the Board.

The Board may remove disruptive individuals and order the room cleared if necessary. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

When such disruptive conduct occurs, the Superintendent or designee shall contact local law enforcement as necessary.

Recording by the Public

Note: Government Code 54953.5 provides that any person attending an open meeting may record it with an audio or video recorder or a still or motion picture camera unless the Board makes a reasonable finding that the recording cannot continue without noise, illumination, or obstruction of view which would persistently disrupt the meeting. Government Code 54953.6 requires a similar finding before the Board can prohibit or restrict a broadcast of its meetings.

The following paragraph extends the right to record an open meeting to include recordings made by other devices such as a cell phone.

Members of the public may record an open Board meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise, illumination, or obstruction of view does not persistently disrupt the meeting. The Superintendent or designee may designate locations from which members of the public may make such recordings without causing a distraction.

(cf. 9324 - Board Minutes and Recordings)

If the Board finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

Legal Reference: (see next page)

MEETING CONDUCT (continued)

Legal Reference:

EDUCATION CODE

- 5095 Powers of remaining board members and new appointees
- 32210 Willful disturbance of public school or meeting a misdemeanor
- 35010 Prescription and enforcement of rules
- 35145.5 Agenda; public participation; regulations
- 35163 Official actions, minutes and journal
- 35164 Vote requirements
- 35165 Effect of vacancies upon majority and unanimous votes by seven member board

CODE OF CIVIL PROCEDURE

- 527.8 Workplace Violence Safety Act

GOVERNMENT CODE

- 54953.3 Prohibition against conditions for attending a board meeting
- 54953.5 Audio or video recording of proceedings
- 54953.6 Broadcasting of proceedings
- 54954.2 Agenda; posting; action on other matters
- 54954.3 Opportunity for public to address legislative body; regulations
- 54957 Closed sessions
- 54957.9 Disorderly conduct of general public during meeting; clearing of room

PENAL CODE

- 403 Disruption of assembly or meeting

COURT DECISIONS

- City of San Jose v. Garbett*, (2010) 190 Cal.App.4th 526
- Norse v. City of Santa Cruz*, (9th Cir. 2010) 629 F3d 966
- McMahon v. Albany Unified School District*, (2002) 104 Cal.App.4th 1275
- Rubin v. City of Burbank*, (2002) 101 Cal.App.4th 1194
- Baca v. Moreno Valley Unified School District*, (1996) 936 F.Supp. 719

ATTORNEY GENERAL OPINIONS

- 90 *Ops. Cal. Atty. Gen.* 47 (2007)
- 76 *Ops. Cal. Atty. Gen.* 281 (1993)
- 66 *Ops. Cal. Atty. Gen.* 336 (1983)
- 63 *Ops. Cal. Atty. Gen.* 215 (1980)
- 61 *Ops. Cal. Atty. Gen.* 243, 253 (1978)
- 59 *Ops. Cal. Atty. Gen.* 532 (1976)
- 55 *Ops. Cal. Atty. Gen.* 26 (1972)

Management Resources:

CSBA PUBLICATIONS

- Call to Order: A Blueprint for Great Board Meetings*, 2015
- The Brown Act: School Boards and Open Meeting Laws*, rev. 2014

ATTORNEY GENERAL PUBLICATIONS

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

WEB SITES

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

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