

Eureka City Schools Board of Education

2100 J Street - Eureka, CA 95501

Regular Meeting

6:30 PM

October 28, 2021

AGENDA

- A. Employee Recognition Reception (4:15 p.m. | Location: Eureka High School Cafeteria - 1915 J Street, Eureka, CA)**
- B. CALL TO ORDER OF OPEN SESSION (4:30 p.m. | Location: Eureka High School Cafeteria - 1915 J Street, Eureka, CA)**
- C. BOARD RECOGNITION**
 - (1) Newly Hired, Newly Permanent Certificated and Classified Employees
- D. RECONVENING OF OPEN SESSION (District Office - 2100 J Street - Room 116)**
- E. PUBLIC COMMENT ON CLOSED SESSION ITEMS**
- F. CLOSED SESSION (Room 118)**
 - (2) Employee Discipline, Dismissal, Release, Accept the Resignation of a Public Employee (GC § 54957)
 - (3) Public Employee Appointment (Gov. Code §54957) - See Personnel Action Report Consent Agenda Item No. N(11)
 - (4) Public Employment (Gov. Code §54957) - See Personnel Action Report Consent Agenda Item No. N(11)
 - (5) Conference with Labor Negotiator Superintendent Van Vleck Regarding Eureka Teachers Association, Classified White and Blue Collar Units, and/or Unrepresented Employees (Confidential and Classified and Certificated Management) (GC § 54957.6)
- G. RECONVENING OF OPEN SESSION**
- H. REPORT OUT FROM CLOSED SESSION**
- I. PLEDGE OF ALLEGIANCE TO THE FLAG - Alice Birney Elementary School**
- J. BOARD RECOGNITION**
 - (6) Recognition of Students who Received a Perfect Score on California Assessment of Student Performance and Progress (CAASPP)
- K. ADJUSTMENT TO THE AGENDA**

The Board of Trustees reserves the right to change the order in which agenda items are discussed and/or acted upon at this meeting. Subject to further action by the Board, this meeting will proceed as provided in this agenda. Items may be added to this agenda for

discussion or action only as permitted by law.

(7) Approval of Agenda

L. INFORMATION

(8) Student Reports

(9) Superintendent's Reports

(10) Board Members' Reports

M. PUBLIC COMMENT ON NON-AGENDA ITEMS

*** IN ORDER TO ADDRESS THE BOARD, PLEASE COMPLETE THE GREEN SPEAKER'S FORM AT THE DOOR AND GIVE TO THE BOARD PRESIDENT.**

Individual speakers shall be allowed three (3) minutes to address the Board on each non-agenda or agenda item. The Board shall limit the total time for public input on each item to twenty (20) minutes (BB 9323(b)).

N. CONSENT CALENDAR

(11) Approval of Minutes from the Regular Meeting on October 7, 2021

Referred to the Board by:

Fred Van Vleck, Ed.D., Superintendent

(12) Approval of Personnel Action Report No. 5

Referred to the Board by:

Renae Will, Director of Personnel Services and Public Affairs

(13) Approval of September 2021 Warrants

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

(14) Approval of Receipt of Grant Award Notification: 2021-22 Fresh Fruit and Vegetables Program

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

(15) Approval and Receipt of Grant Award Notice: Education for Homeless Children and Youth

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

(16) Approval of Declaration of Equipment as Surplus and Authorization to Sell

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

(17) Approval of the 2021-2022 Career and Technical Education Advisory Committee

Referred to the Board by:

Michael Davies-Hughes, Assistant Superintendent Educational Services

(18) Approval of the Memorandum of Understanding (MOU) Between Taffy Stockton

Consulting and Eureka City Schools

Referred to the Board by:

Michael Davies-Hughes, Assistant Superintendent Educational Services

O. DISCUSSION/ACTION

- (19) Approval of Criteria for Murals at Eureka City Schools

Referred to the Board by:

Michael Davies-Hughes, Assistant Superintendent Educational Services

- (20) Approval of the 2021 ESSER III Expenditure Plan

Referred to the Board by:

Michael Davies-Hughes, Assistant Superintendent Educational Services

- (21) Resolution 21-22-007 of Recruitment Efforts and Credential Assignment Option and Approval of the Local Assignment Option for hiring a Math Teacher, Rachel DeMario, under EC 44256(b)

Referred to the Board by:

Renae Will, Director of Personnel Services and Public Affairs

P. DISCUSSION

- (22) Annual Report to the Board on the English Learner Progress (as per BP 6174 (g))

Referred to the Board by:

Michael Davies-Hughes, Assistant Superintendent Educational Services

- (23) Equipment Replacement Needs

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (24) Policy Updates from CSBA - June 2021 (First Review)

Referred to the Board by:

Fred Van Vleck, Ed.D., Superintendent

Q. CLOSED SESSION (continued)

R. RECONVENING OF OPEN SESSION (continued)

S. REPORT OUT FROM CLOSED SESSION (continued)

T. INFORMATIONAL ONLY ITEMS

U. ADJOURNMENT

Notice: Documents and materials relating to an open session agenda that are provided to the Board less than 72 hours prior to a regular meeting will be available for public inspection and copying at the Eureka City Schools District Office, Superintendent's Office (Room 108), 2100 J Street, Eureka, CA 95501.

Notice: Eureka City Schools adheres to the Americans with Disabilities Act. Should you require special accommodations or auxiliary aids and services in order to participate in the Board meeting, please contact the Superintendent's Office (Room 108) in writing three days prior to the meeting at 2100 J Street, Eureka, CA 95501.

Notice: Regular Board meetings may be digitally recorded. Per Board policy, recordings may be erased or destroyed 30 days after the meeting.

Notice: The Governing Board reserves the right to take action on any item listed on this agenda.

Eureka City Schools Board of Education

AGENDA ITEM

Agenda Title: Recognition of Students who Received a Perfect Score on California Assessment of Student Performance and Progress (CAASPP)

Meeting Date: October 28, 2021

Item:

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Board is asked to recognize the achievements of students who attained a perfect score on the annual CAASPP assessment.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

This recognition serves to acknowledge the achievements of our students.

STRATEGIC PLAN/PRIORITY AREA:

Priority Areas 1 and 2

HISTORY *(list previous staff or board action(s) with dates if possible)*

This recognition is provided annually for years when the summative CAASPP is administered and when we have students who attain a perfect score.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

There is no cost associated with this item.

WHO *(list the name of the contact person(s), job title, and site location)*

Michael Davies-Hughes, Assistant Superintendent, Educational Services

Eureka City Schools Board of Education

AGENDA ITEM

Agenda Title: Approval of Minutes from the Regular Meeting on October 7, 2021

Meeting Date: October 28, 2021

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve the minutes from the regular meeting on October 7, 2021.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Not applicable.

STRATEGIC PLAN/PRIORITY AREA:

Subject does not apply to a Strategic Plan Priority Area

HISTORY *(list previous staff or board action(s) with dates if possible)*

Not applicable.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

Not applicable.

WHO *(list the name of the contact person(s), job title, and site location)*

Fred Van Vleck, Ed.D. - Superintendent

ATTACHMENTS:

Description

- ▣ Draft Minutes - 10.07.21

Eureka City Schools | Board of Education

District Office - 2100 J Street - Eureka, CA 95501
(Room 116)

Regular Meeting

6:30 PM

October 7, 2021

MINUTES

A. CALL TO ORDER OF STUDY SESSION

President Ollivier called the open session to order at 3:36 p.m.

Members Present: Duncan, Johnson, Ollivier, Taplin, Fernandez

Members Absent: None

Staff Present: Van Vleck, Harris

B. STUDY SESSION

- (1) Brown Act Training with School & College Legal Services of California
(Erin Stagg)

Referred to the Board by:

Fred Van Vleck, Ed.D., Superintendent

Attorney Erin Stagg, School and College Legal Services, presented a Brown Act training to the Board and reviewed legal requirements and applicable Board policies.

C. Location | Eureka High School Auditorium - 1915 J Street, Eureka, CA (Approx. 5:30 p.m.)

D. RECONVENING OF OPEN SESSION (Eureka High School Auditorium)

President Ollivier reconvened the meeting at 5:30 pm

Members Present: Duncan, Johnson, Ollivier, Taplin, Fernandez

Members Absent: None

Staff Present: Van Vleck, Ziegler, Will, Leonard, Harris

E. PUBLIC COMMENT ON CLOSED SESSION ITEMS

Kayla Rodgers provided public comment to the Board and requested some of the requirements relating to PE Teachers be removed from the proposed contract. She described coaching duties at both the middle school and high school level and notes concerns with the amount of time dedicated to coaching and what is required to run a successful program. ECS is full of committed teams but asking coaches to commit time outside of their hours is demeaning. She believes the athletes will suffer if the coaches are not committed.

John Moor addressed the Board and states the teachers have negotiated in good faith. He does not feel like the District administration have been negotiating in good faith and is bringing these concerns to the Board. Teachers are the ones doing the hard work directly with the students. Admin have all the resources they need but the teachers in the classrooms are working all day long with the students. The demands are not fair, such as demanding teachers move from site-to-site at the District's will, and forcing teachers to coach. He is concerned with compensation and notes it is far less than what the Superintendent has received. He requests the Board ask the District to compromise on negotiations so it is fair.

Jorey McComas has been a teacher for 21 years and notes his concern with having to ask for fair compensation, as he may face retaliation. He is advocating for a fair contract for both himself and the students. He does not believe the Board would accept an involuntary transfer in their contract. He states this would be uncomfortable in trusted hands and is unconscionable in the District's hands. He believes involuntary transfer has been used for retaliation in the past and it could happen again. Involuntary transfers disrupt teams and progress.

Jennifer Dean Marvinski started working at ECS 25 years ago. She notes she is dedicated but tired of waiting to be appreciated and respected in contract negotiations. ECS proposed a punitive and insulting contract. ECS can become a destination District by offering competitive wages – the teachers deserve the best teachers who stay year-after-year and invest in the community. She urged the Board to drop the involuntary transfer contract clause. She would like the District to work within the provisions the District has already agreed to. The teachers want to focus their energy on students. Stop forcing teachers to coach. Change the culture of ECS.

Ashlynn Cox teaches at EHS. She shared concerns with teachers being required to coach. Coaching goes above and beyond what the contract details. Successful coaching programs including training in the off-season, summer leagues, and preparing students for the next level. If a coach is not passionate about the sport, that teacher will only put in the bare minimum. She notes the skill sets needs for specific sports are not transferable. Asking staff members to take on something they do not truly believe it would be a disservice to the student athletes.

Jamie Bush has been a coach for 31 years and will not coach at ECS due to the the stipends. She has been involuntarily transferred several times and was not trained or given the opportunity to adjust. She was transferred five years in a row, to different sites, to teach five different subject areas. Teachers need time and a choice; that is when teachers do the best job. Moving back to the coaching, the stipends need to be raised, and coaches need to be trained to better coaching skills. Teachers should not be forced to coach. She proposed the Board take on the coaching roles.

It was M/S by Taplin/Fernandez to extend the time for public comment on closed session items to allow for the last public comment. Governing Board: yes 5, noes 0, absent 0. Motion carried.

Mauro Staiano addressed the Board regarding concerns with teachers taking on additional duties/support systems, which were previously handled by other positions. He notes differences between how the District used to be run and how it is run now. Today, teachers struggle to divert attention away from other things. Teachers need their social-emotional needs met as well. Good teachers routinely stay around and teaching positions regularly received many applicants but that is not the case anymore. In the time of critical teacher shortage, the District is asking teachers to take on additional jobs and duties they did not apply for. The District is ignoring the social and emotional needs of staff.

F. Location | Eureka City Schools District Office for Closed Session - 2100 J Street, Eureka, CA (Approx. 6:00 p.m.)

G. CLOSED SESSION (Closed to Public) (Room 118)

President Ollivier moved the meeting to closed session to discuss closed session items.

- (2) Employee Discipline, Dismissal, Release, Appoint, Accept the Resignation or Otherwise Affect the Employment Status of a Public Employee (GC § 54957)
- (3) Conference with Labor Negotiator Superintendent Van Vleck Regarding Eureka Teachers Association, Classified White and Blue Collar Units, and/or Unrepresented Employees (Confidential and Classified and Certificated Management) (GC § 54957.6)
- (4) Conference with Superintendent – Pending Litigation, Two Cases (GC § 54956.9)
- (5) Consideration of Student Retention (Student #28140)

H. RECONVENING OF OPEN SESSION (Room 116)

President Ollivier reconvened the meeting at 6:41 p.m.

Members Present: Johnson, Ollivier, Fernandez, Duncan, Taplin

Members Absent: Watson

Staff Present: Van Vleck, Ziegler, Will, Leonard, Harris

I. REPORT OUT FROM CLOSED SESSION

There was no action to report on closed session items G(2), G(3), G(4), or G(5).

J. PLEDGE OF ALLEGIANCE TO THE FLAG – Eureka High School

Students from Eureka High School led the Board in the pledge of allegiance. EHS ASB students provided a presentation on Student Government to the Board.

K. ADJUSTMENTS TO THE AGENDA

- (6) Approval of the Agenda

No adjustments to the Agenda.

It was M/S by Johnson/Taplin to approve the Agenda. Student Board Representative: yes 0, no 0, absent 1 (Watson). Governing Board: yes 5, noes 0, absent 0. Motion carried.

L. INFORMATION

(7) Student Reports – No student report.

(8) Superintendent's Report – Van Vleck provided information to the Board on the Governor's press conference regarding a vaccine mandate. The District supports steps keeping students learning in-person. However, there are concerns with staff resigning and the independent study being overloaded. The District has to comply with the vaccinate or test requirements by October 15th. He met with the Classified and Parent/Community Stakeholders groups and looks forward to meeting with Certificated group. The Board would like to attend the AEC Annual Meeting in-person, if at all possible. Legal Training coming up with Ellie Austin on December 9th. On January 6th, the Board has a Governance Meeting to discuss protocols. At a subsequent meeting, the Board will review the strategic plan.

(9) Board Members' Reports

Taplin notes her grandson is one of the candidates for King at EHS.

Fernandez may be out of town for the 2/2 meeting at the City. Johnson may be able to attend, if Fernandez cannot attend virtually.

Duncan asked for a moment of silence for the students stuck in Afghanistan.

Ollivier notes her son has been busy preparing for the wrestling season. She hopes people will come support the student athletes.

M. PUBLIC COMMENT ON NON-AGENDA ITEMS

Joel Mitchell provided public comments to the Board on behalf of multiple Winship teachers. He notes the biggest impact on the school right now relates to safety. Creating a safe place for all students is important for growth. Overall acts of student aggression towards teachers and other students happens daily. Inside the classroom, acts are occurring that impact learning. There is a standard of safety on the campus that is not being met. Staff lean heavily on the one administrator, and that administrator faces many additional duties due to staff shortages and covid testing. The overextension leaves a significant amount of things not being monitored. Winship desperately needs an additional administrator. The letter was submitted by Joel Mitchell, Steven Couch, Lisa Jouaneh,

Tara Hutcheon, Alicia Smith, Bobby de Santos, Teal Cody, Emily Lancaster, Darren Allen, and Martin Goddi.

Lisa Jouaneh addressed the Board relating to concerns over incidences occurring at Winship. Winship has 48 less students than Zane and yet Winship has significantly less administrative support. This issue can be remedied by the addition of an Assistant Principal. Jouaneh provided an overview of practices that are inadequate in the face of this year's challenges. She requests additional administrative support such as an assistant principal or CARE coach. Many students need mental health services. The significant shift in climate at Winship this year has led to unprecedented levels of Tier 3 behaviors. On a daily basis, teachers and staff are overwhelmed by increasing student behaviors. The level of chaos makes teaching and learning nearly impossible.

In response to a question from a Board member, Van Vleck provided a update to the Board on open positions and what the staffing ratios are. He reviewed open positions and the steps being taken.

N. CONSENT CALENDAR

It was M/S by Johnson/Taplin to approve the following Consent Calendar items:

- (10) Approval of Memorandum of Understanding (MOU) between the County of Humboldt and Eureka City Schools for Measure Z Funding (School Resource Officer)
Referred to the Board by:
Fred Van Vleck, Ed.D., Superintendent
- (11) Approval of Revision of Warrant Distribution Authorization Form CS-1 and Certification Form CS-7 for 2021-2022
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services
- (12) Approval of Minutes from the Regular Meeting on September 15, 2021
Referred to the Board by:
Fred Van Vleck, Ed.D., Superintendent
- (13) Approval of the Quarterly Report to the Governing Board as Mandated by the State, In Regards to the Williams Lawsuit
Referred to the Board by:
Michael Davies-Hughes, Assistant Superintendent Educational Services
- (14) Approval of Personnel Action Report No. 4
Referred to the Board by:
Renaë Will, Director of Personnel Services and Public Affairs

- (15) Acceptance of the No-Cost Extension for the Arts Integration Project
(Create Humboldt) Grant Award Notification
Referred to the Board by:
Michael Davies-Hughes, Assistant Superintendent Educational Services

Student Board Representative: yes 0, no 0, absent 1 (Watson). Governing Board:
yes 5, noes 0, absent 0. Motion carried.

O. DISCUSSION/ACTION

- (16) Consideration of Student Retention (Student #28140)
Referred to the Board by:
John Leonard, Director of Student Services

It was M/S by Fernandez/Johnson to approve the Student Retention for Student #28140. Student Board Representative: yes 0, no 0, absent 1 (Watson). Governing Board: yes 5, noes 0, absent 0. Motion carried.

- (17) Consideration of Interdistrict Attendance Agreement for the 2022-2023 School Year
Referred to the Board by:
John Leonard, Director of Student Services

The Governing Board has requested a meeting with HCOE, which has been tentatively scheduled for mid-November. The date of the meeting has not been confirmed by HCOE. No action can be taken until there is a meeting with HCOE.

No action taken on this item.

- (18) New Classified White Collar Job Description - Covid Testing Support Aide
Referred to the Board by:
Rena Will, Director of Personnel Services and Public Affairs

Will notes the purpose of this position is to assist sites with testing responsibilities. CSEA has agreed to the job description and creation of the position. The position has been posted, interviews held, and offers are currently being made.

It was M/S by Taplin/Duncan to approve the New Classified White Collar Job Description - Covid Testing Support Aide. Student Board Representative: yes 0, no 0, absent 1 (Watson). Governing Board: yes 5, noes 0, absent 0. Motion carried.

P. DISCUSSION

- (19) Discuss Trustee Boundary/2020 Census Analysis Completed by SchoolWorks, Inc.

Referred to the Board by:
Fred Van Vleck, Ed.D., Superintendent

Van Vleck provided an overview to the Board on the District's requirements to complete a trustee boundary analysis, given the updated census data. Ken Reynolds, President of School Works, presented to the Board on the analysis. He reviewed the current trustee area boundary maps and provided the results of the analysis, which resulted in a peak deviation of 15.75%. Any District with a peak deviation over 10% must create new boundaries and a new map must be approved by February 2022.

Trustee Ollivier notes a preference to not have odd boundary lines and would like to see boundaries more aligned. Trustee Fernandez notes a preference, if possible, to have a school in each of the trustee areas.

Mr. Reynolds will go work on some models, and will bring this back to the Board with the trustee area options.

Q. CLOSED SESSION

Closed session continued on Item G(3).

R. RECONVENING OF OPEN SESSION

S. REPORT OUT FROM CLOSED SESSION

No reportable action on Item G(3).

T. INFORMATIONAL ONLY ITEMS

(20) Information Only: November 2021 - Review of CDE Calendar of Events

U. ADJOURNMENT

President Ollivier adjourned the meeting at 7:53 p.m.

Respectfully submitted,

Fred Van Vleck, Ed.D.
Secretary of the Board of Education

Micalyn Harris, Recording Secretary

Eureka City Schools Board of Education

AGENDA ITEM

Agenda Title: Approval of Personnel Action Report No. 5

Meeting Date: October 28, 2021

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve Personnel Action Report No. 5

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

N/A

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 3: RECRUITMENT, SELECTION, PROFESSIONAL DEVELOPMENT, AND RETENTION OF QUALITY STAFF

HISTORY *(list previous staff or board action(s) with dates if possible)*

N/A

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

N/A

WHO *(list the name of the contact person(s), job title, and site location)*

Renae M. Will

Director Personnel Services and Public Affairs, District Office

ATTACHMENTS:

Description

- Personnel Report No.5

**EUREKA CITY SCHOOLS
PERSONNEL REPORT NO. 5
October 28, 2021**

The following personnel are submitted to the Board of Education of the Eureka City Schools for approval:

CERTIFICATED PERSONNEL

ASSIGNMENTS

Baugh, Rebecca	Department Co-Chair, Science, (EHS), eff. 2021 – 2022
Boyer, Lucia	Department Co-Chair, Science, (EHS), eff. 2021 – 2022
Devlin, Katie	Department Chair, Special Education, (EHS), eff. 2021 – 2022
Grant, Scott	Probationary I Teacher, 1.0 FTE, (Zane), eff. 10/25/21
Griffith, Karen	Department Chair, Physical Education, (EHS), eff. 2021 – 2022
Muldoon, Matt	Department Co-Chair, Math, (EHS), eff. 2021 – 2022
Olson, Timothy	Department Chair, World Languages, (EHS), eff. 2021 – 2022
Polizzi, Savannah	Department Chair, Social Science, (EHS), eff. 2021 – 2022
Sanchez, Tera	Department Chair, Freshman Seminar/AVID/Student Government, (EHS), eff. 2021 – 2022
Sarvinski, Alissa	Department Chair, Agriculture, (EHS), eff. 2021 – 2022
Staack, Aaron	Department Co-Chair, Visual and Performing Arts, (EHS), eff. 2021 – 2022
Staiano, Mauro	Department Co-Chair, English, (EHS), eff. 2021 – 2022
Stevens, David	Department Chair, CTE, (EHS), eff. 2021 – 2022
Turpin, Russell	Department Co-Chair, Math, (EHS), eff. 2021 – 2022
Voss, Nanette	Department Co-Chair, English, (EHS), eff. 2021 – 2022
Young, Charles	Department Co-Chair, Visual and Performing Arts, (EHS), eff. 2021 – 2022

CHANGE OF STATUS

Anderson, Erin	From: Probationary II Teacher, 1.0 FTE, (Washington) To: Teacher, 1.0 FTE, (Washington), eff. 8/18/21
Archibald, Heather	From: Probationary I Teacher, 1.0 FTE, (Winship) To: Probationary II Teacher, 1.0 FTE, (Winship), eff. 8/18/21
Bass, Maikken	From: Teacher, 1.0 FTE, (Grant) To: Reading Intervention Teacher, 1.0 FTE, (Grant), eff. 8/18/21
Behrens, Edith	From: Resource Teacher, 1.0 FTE, (EHS) To: Curriculum Development Specialist – Special Education (TOSA), 1.0 FTE, (District), eff. 8/18/21
Berti, Jessica	From: Probationary II School Nurse, 0.5 FTE, (District) To: School Nurse, 0.5 FTE, (District), eff. 8/18/21

Berube, Seanpaul	From: Probationary I Teacher, 1.0 FTE, (Washington) To: Probationary II Teacher, 1.0 FTE, (Washington), eff. 8/18/21
Biegel, Donna	From: Probationary I Teacher, 1.0 FTE, (EHS) To: Probationary II Teacher, 1.0 FTE, (EHS), eff. 8/18/21
Brooks, Damon	From: Teacher, 1.0 FTE, (Zane) To: Educational Technology Specialist – TOSA, 1.0 FTE, (District), eff. 10/25/21 – 6/17/22
Burke, Taylor	From: Probationary I Teacher, 1.0 FTE, (Winship) To: Probationary II Teacher, 1.0 FTE, (Winship), eff. 8/18/21
Cox, Ashlynn	From: Probationary II Teacher, 1.0 FTE, (EHS) To: Teacher, 1.0 FTE, (EHS), eff. 8/18/21
Cox, Christopher	From: Teacher, 1.0 FTE, (EHS) To: Teacher – Music, 1.0 FTE, (District), eff. 8/18/21
Crandell, Joan	From: Teacher, 1.0 FTE, (Zane) To: CARE Specialist – TOSA, 1.0 FTE, (Zane), eff. 8/18/21
Cruz, Guadalupe	From: Probationary II Teacher, 1.0 FTE, (Alice Birney) To: Teacher, 1.0 FTE, (Alice Birney), eff. 8/18/21
Deandreis, Mary	From: Teacher, 1.0 FTE, (Alice Birney) To: Teacher – Music, 1.0 FTE, (District), eff. 8/18/21
DeHart, Andrew	From: Probationary II Teacher, 1.0 FTE, (Washington) To: Teacher, 1.0 FTE, (Washington), eff. 8/18/21
Delos Santos, Robert	From: Teacher, 0.6 FTE, (Winship) and Teacher, 0.4 FTE, (Zoe) To: Teacher, 1.0 FTE, (Winship), eff. 8/18/21
Eicher, Chloe	From: Probationary I Speech Language Pathologist, 1.0 FTE, (District), To: Probationary II Speech Language Pathologist, 1.0 FTE, (District), eff. 8/18/21
Hansen, Megan	From: Probationary I Teacher, 1.0 FTE, (Zane) To: Probationary II Teacher, 1.0 FTE, (Zane), eff. 8/18/21
LaRochelle, Melinda	From: Probationary II Teacher, 0.8 FTE, (Zane) and Probationary I Teacher, 0.2 FTE, (Zane) To: Teacher, 0.8 FTE, (Zane) and Probationary II Teacher, 0.2 FTE, (Zane), eff. 8/18/21

Larson, David	From: Probationary I Teacher, 1.0 FTE, (Zoe) To: Probationary II Teacher, 1.0 FTE, (Zoe), eff. 8/18/21
Learmouth, Thomas	From: Probationary I Teacher, 1.0 FTE, (EHS) To: Probationary II Teacher, 1.0 FTE, (EHS), eff. 8/18/21
LeGar, Sarah	From: Probationary II Teacher, 1.0 FTE, (EHS) To: Teacher, 1.0 FTE, (EHS), eff. 8/18/21
Macknicki, Jill	From: Probationary I Teacher, 1.0 FTE, (Alice Birney) To: Probationary II Teacher, 1.0 FTE, (Alice Birney), eff. 8/18/21
McComas, Jorey	From: Educational Technology Specialist – TOSA, 1.0 FTE, (District) To: CARE Specialist – TOSA, 1.0 FTE, (Washington), eff. 8/18/21
Mitchell, Sean	From: Teacher – CTE: Auto, 0.4 FTE, (EHS) and Probationary II Teacher, 0.4 FTE, (EHS), and Probationary I Teacher, 0.2 FTE, (EHS) To: Teacher – CTE: Auto, 0.4 FTE, (EHS), and Teacher, 0.4 FTE, (EHS), and Probationary II Teacher, 0.2 FTE, (EHS), eff. 8/18/21
Olson, Timothy	From: Teacher, 0.8 FTE, (EHS) and Teacher, 0.2 FTE (Zane) To: Teacher, 1.0 FTE, (EHS), eff. 8/18/21
Pennsy, Terra	From: Probationary II Teacher, 1.0 FTE, (Zane) To: Teacher, 1.0 FTE, (Zane), eff. 8/18/21
Rains, Betsy	From: Probationary II Teacher, 1.0 FTE, (Washington) To: Teacher, 1.0 FTE, (Washington), eff. 8/18/21
Rodriguez, Beverly	From: Probationary I Teacher, 1.0 FTE, (Winship) To: Probationary II Teacher, 1.0 FTE, (Winship), eff. 8/18/21
Sen, Amrita	From: Probationary II Teacher, 1.0 FTE, (Alice Birney) To: Teacher, 1.0 FTE, (Alice Birney), eff. 8/18/21
Smith, Alicia	From: Probationary II Teacher, 1.0 FTE, (Winship) To: Teacher, 1.0 FTE, (Winship), eff. 8/18/21
Smith, Gary	From: Probationary II Teacher, 1.0 FTE, (Washington) To: Teacher, 1.0 FTE, (Washington)
Sonia, Ed	From: Resource Teacher, 1.0 FTE, (Winship) To: Assistant Principal and Athletic Director, 1.0 FTE, (EHS), eff. 9/27/21
Stewart, Hilary	From: Probationary I Teacher, 1.0 FTE, (Zane) To: Probationary II Teacher, 1.0 FTE, (Zane), eff. 8/18/21

Stewart, Julie	From: Probationary II Teacher, 1.0 FTE, (Zane) To: Teacher, 1.0 FTE, (Zane), eff. 8/18/21
Talmadge, Aimee	From: Probationary I Teacher, 1.0 FTE, (EHS) To: Probationary II Teacher, 1.0 FTE, (EHS), eff. 8/18/21
Tetzlaff, Amy	From: Probationary II Teacher, 1.0 FTE, (Lafayette) To: Teacher, 1.0 FTE, (Lafayette), eff. 8/18/21
Usher-Wong, Stacey	From: Probationary I Teacher, 1.0 FTE, (Washington) To: Probationary II Teacher, 1.0 FTE, (Washington), eff. 8/18/21
Van Herpe, Holly	From: Teacher, 1.0 FTE, (Washington) To: Reading Intervention Teacher, 1.0 FTE, (Washington), eff. 8/18/21
Von Werlhof, Hope	From: Teacher, 1.0 FTE, (Lafayette) To: English Language Intervention Teacher, 1.0 FTE, (Lafayette), eff 8/18/21
Wilson, Holly	From: Probationary II Teacher, 1.0 FTE, (Alice Birney) To: Teacher, 1.0 FTE. (Alice Birney), eff. 8/18/21
Wirt, Whitney	From: Probationary I Teacher, 1.0 FTE, (Winship) To: Probationary II Teacher, 1.0 FTE, (Winship), eff. 8/18/21
Zabierek, Kristina	From: Probationary I Teacher, 1.0 FTE, (EHS) To: Probationary II Teacher, 1.0 FTE, (EHS), eff. 8/18/21
Zystro, Lisa	From: Probationary II Home and Hospital Teacher, Hourly, (Lincoln) To: Home and Hospital Teacher, Hourly, (Lincoln), eff. 8/18/21

LEAVE OF ABSENCE

Johns, Danielle	From: Teacher, 0.3344 FTE, (Zoe) and Assistant Director of Food Services, 0.5 FTE, (Food Services) To: Pregnancy Disability Leave, eff 8/19/21 – 10/4/21 To: Parental/Child Bonding Leave, eff 10/5/21 – 11/7/21
Sullivan, Deena	From: Teacher, 1.0 FTE, (Washington) To: Medical Leave, 1.0 FTE, eff. 9/21/21 – 11/15/21
Wilson, Holly	From: Teacher, 1.0 FTE, (Alice Birney) To: Medical Leave, 1.0 FTE, eff 10/12/21 – 11/12/21

DAY TO DAY SUBSTITUTE TEACHERS

Bickford, Michael	Day to Day Substitute, eff. 10/1/21 – 6/17/22
LeDoux-Bloom, Cynthia	Day to Day Substitute, eff. 10/19/21 – 6/17/22
Johnston, Jennifer	Day to Day Substitute, eff. 10/18/21 – 6/17/22

McCay, Bruce
Nylander, Molly
Smith, James

Day to Day Substitute, eff. 10/01/21 – 6/17/22
Day to Day Substitute, eff. 9/1/21 – 6/17/22
Day to Day Substitute, eff. 10/1/21 – 6/17/22

CLASSIFIED PERSONNEL

RETIREMENTS

Townsend, Stephanie

Elem. Lead Custodian (Alice Birney), 8 hrs/day, eff. 10/8/22

RESIGNATIONS

Borgelin, Cortney
Cichuniec, Adam
Harris, Mallory
Jones, Christa
van Dissel, Sarah

Instr Asst Indian Ed (DW), 8 hrs/day, eff. 10/20/21
Monitor (Grant), 3 hrs/day, eff. 10/7/21
Instr Asst Spec Ed III (DW), 6 hrs/day, eff. 9/25/21
Secretary (Grant), 8 hrs/day, eff. 10/30/21
Secondary Library/Textbook Tech (Winship), 4 hrs/day, eff. 10/22/21

ASSIGNMENTS

Adams, Mark
Anderson, Deanna
Anglin, Tiffany
Borges-Gilbert, Silvia
Bowling, Jesse
Cichuniec, Adam
Dobie, Caitlin
Ferreira, Jennifer
Francis-Stamm Joanna
Gauthier, Andrea “Luke”
Igness, Jessica
Jensen, Karyn
Johnston, Jennifer
Kortus, Sarah
Lucas, Barbara
Mullins, Taylor
Munguia, Emma
Orozco, Violeta
Sells, Jessica
Slattery, Annika

Covid Testing Support Aide (Winship/Zane/Zoe), 35 hrs/wk, eff. 10/13/21
Monitor (Winship), 3.5 hrs/day, eff. 10/11/21
Instr Asst Spec Ed III (DW), 6 hrs/day, eff. 10/19/21
Classroom Aide (Washington), 5 hrs/day, eff. 10/11/21
Monitor (Zane), 2.75 hrs/day, eff. 10/1/21
Monitor (Grant), 3 hrs/day, eff. 10/4/21
Covid Testing Support Aide (Grant), 2 hrs/day, eff. 10/21/21
School Bus Driver (CY), 5.25 hrs/day, eff. 10/25/21
Classroom Aide (Washington) 5 hrs/day, eff. 10/4/21
Behavioral Support Asst (DW), 7 hrs/day, eff. 10/25/21
Classroom Aide (Washington), 5 hrs/day, eff. 10/4/21
Classroom Aide (Alice Birney), 5 hrs/day, eff. 10/20/21
Secondary Math Technician (Zoe Barnum), 4 hrs/day, eff. 10/13/21
Classroom Aide (Washington), 5 hrs/day, eff. 10/4/21
Monitor (Grant), 4 hrs/day, eff. 11/8/21
Family Services Advocate (MFRC), 7.5 hrs/day, eff. 10/20/2021
Classroom Aide (Grant), 5 hrs/day, eff. 10/28/21
Guidance Tech (EHS), 8 hrs/day, eff. 10/12/21
Covid Testing Support Aide (EHS), 8 hrs/day, eff. 10/8/21
Classroom Aide (Lafayette), 4 hrs/day, eff. 10/1/21

SPECIAL APPOINTMENTS

Anderson, Deanna
Borges-Gilbert, Silvia
Brisette, Dwane
Fuentes-Zittel, Diana
McComas, Maren

After-School Prog Asst (Zane), 3 hrs/day, eff. 10/8/21 - 6/16/22
After-School Prog Asst (Washington), 3 hrs/day, eff. 10/11/21 - 6/16/22
Monitor Sub, eff. 10/1/21
Behavioral Support Asst (Grant), 6 hrs/day, eff. 10/11/21 - 6/16/22
After-School Program Asst (Grant), 3 hrs/day, eff. 9/30/21 - 6/16/22

Montero-Cabrera, Ashley	After-School Prog Asst (Washington), 3 hrs/day, eff. 9/30/21 - 6/16/22
Pope, Troy	Custodian Sub, eff. 10/7/21
Renshaw, Courtney	Monitor Sub, eff. 10/4/21
Twiss, Rebecca	Student Service Coordinator Substitute, Hourly, (EHS), eff. 10/18/21 – 6/17/22
Verges, Brigan	Monitor Sub, eff. 10/11/21
Vickers, Haley	Food Service Worker Sub, eff. 9/24/21
Vogel, Kristin	Food Service Worker (Washington), 4 hrs/day, eff. 10/4/21 - 6/16/22

CHANGE OF STATUS

Blackburn, Jerry	From: Restorative Justice Support Specialist (Winship), 7 hrs/day To: Restorative Justice Support Specialist (Winship), 8 hrs/day, eff. 8/23/21 - 6/16/22
Giacone, Eric	From: Student Svcs Coord (Zane), 3 hrs/day and Asst Ath Director (EHS), 5 hrs/day To: Student Svcs Coord (Zane), 3 hrs/day, Asst Athletic Dir (EHS), 1 hr/day, and Sr. Clerk Typist (EHS), 4 hrs/day, eff. 9/27/21 To: Stud Svcs Coord (Zane), 4 hrs/day and Sr. Clerk Typist (EHS), 4 hrs/day, eff. 10/18/21
Harris, Candes	From: Instr Asst Spec Ed III (DW), 6 hrs/day To: Instr Asst Spec Ed III (DW), 6.5 hrs/day, eff. 9/16/21
Kleyn-Schoorel, Teresa	From: Sec School Attendance Clerk (Winship), 7 hrs/day To: Sec School Attendance Clerk (Winship), 7 hrs/day and Monitor (Winship), 1 hr/day, eff. 10/1/21
Merino, Nicole	From: Monitor (Lafayette), 3 hrs/day To: Monitor (Lafayette), 3.75 hrs/day, eff. 10/1/21
Smith, Lucille	From: Classroom Aide (Alice Birney), 5 hrs/day To: Classroom Aide (Alice Birney), 6 hrs/day, eff. 9/20/21
Souza, Vanessa	From: Instr Asst Spec Ed III (Grant), 5 hrs/day and Monitor (Grant), .75 hrs/day To: Instr Asst Spec Ed III (Grant), 5.5 hrs/day and Monitor (Grant), .75 hrs/day, eff. 10/18/21

LEAVE OF ABSENCE

Anglin, Tiffany	From: Instr Asst Spec Ed III (Lafayette), 6 hrs/day To: Partial Unpaid LOA of 1.25 hrs/day, eff. 10/19/21
Clark, Debra	From: Elem Sr. Food Svc Worker, (Washington) 8 hrs/day To: Family and Medical Leave, eff. 9/16/21 - 11/1/21

Grabow, Glenda	From: Cook Manager (EHS), 8 hrs/day To: Family and Medical Leave, eff. 5/7/21 - 10/8/21 To: Medical Leave, eff. 10/9/21 - 11/7/21
Marmon, Tiffany	From: Sec Sch Counseling Clerk (Winship), 7 hrs/day and Monitor (Winship), 1 hr/day To: Pregnancy Disability Leave, eff. 4/6/21 - 9/20/21 To: Pregnancy Disability Leave, eff. 4/6/21 - 9/24/21 To: Medical Leave, eff. 9/25/21 - 10/25/21 To: 39-month Rehire List, eff. 10/26/21
Staley, Glenda	From: Elem Sr Food Svc Worker (Lafayette), 8 hrs/day To: Medical Leave, eff. 9/14/21 - 1/3/22
Thrash, Balenda	From: Instr Asst Spec Ed II (DW), 6.75 hrs/day To: Medical Leave, 9/1/21-9/30/21 To: Medical Leave, 9/1/21-10/31/21

Eureka City Schools Board of Education

AGENDA ITEM

Agenda Title: Approval of September 2021 Warrants

Meeting Date: October 28, 2021

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve the attached list of warrants issued during the month of September 2021.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Education Code section 17605 allows the District's Board to "adopt a rule, delegating to any officer or employee...the authority to purchase supplies, materials, apparatus, equipment, and services" that do not exceed the amount specified in section 20111 of the Public Contract Code. However, Education Code 35161 requires the Board to retain "ultimate responsibility over the performance of those powers or duties so delegated". As a result, it is recommended that the Governing Board ratify or approve actions taken by the designees.

STRATEGIC PLAN/PRIORITY AREA:

Applied to the "Fiscal Integrity of the District" portion of the Strategic Plan

HISTORY *(list previous staff or board action(s) with dates if possible)*

This issue was discussed at the February 27, 2014 Board meeting. It was agreed that the Warrant listings would come to the Board for review and approval on a monthly basis.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

For September 2021, the District issued warrants totaled \$2,699,092.63.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

▯ September 2021 Warrants

Checks Dated 09/01/2021 through 09/30/2021

Check Number	Check Date	Pay to the Order of	Fund-Resource	Comment	Expensed Amount	Check Amount
3000146751	09/02/2021	Cavazos, Ariana E	01-0027 MATH SUPPL		117.95	
3000146752	09/02/2021	CDW-G	01-0001 H3 New Projector			725.65
3000146753	09/02/2021	Muldoon, Matthew S	01-0027 MATH SUPPLIES			72.14
3000146754	09/02/2021	Smart, Toni	01-0000 P.D. SNACKS			25.00
3000146755	09/02/2021	Spellick, Nicki J	01-6010 ASES SUPPLIES			69.21
3000146756	09/02/2021	U.S. BANK BOND ADMIN	01-0000 INVOICE: Administration Fees			500.00
3000146757	09/02/2021	U.S. BANK CORPORATE PMT	01-0000 CALCARD BENSON 7-22-21		6.50	

CALCARD HARRIS 7-22-21
 CALCARD TAYLOR 7-22-21
 CALCARD VAN DISSEL 7-22-21
 CALCARD VAN VLECK
 01-0001 CALCARD BENSON 7-22-21
 CALCARD CARRIGAN 7-22-21
 01-0027 CALCARD WATERHOUSE 7-22-21
 NR - Versare.com - COUNSELING
 1,199.50

LOTTERY
 01-3150 CALCARD BENSON 7-22-21
 01-3212 CALCARD VAN DISSEL 7-22-21
 01-3220 CALCARD BENSON 7-22-21
 01-3550 * (fulfilled) CC/SPARKFUN.COM - EHS
 Perkins
 371.08

01-4203 NR - cc/Lakeshore. ELD 242.21

MATERIALS/SUPPLIES (GRANT)

01-6010 CALCARD BENSON 7-22-21 239.56
 CALCARD CARRIGAN 7-22-21 2,896.18

01-6105 CALCARD FINANCE 7-22-21 242.00

12-0000 CALCARD RICHARDSON 7-22-21 130.28

12-6127 CALCARD RICHARDSON 7-22-21 1,013.43 22,272.10

01-0027 WINSHIP COPIER LEASE 500-0531060 347.89

01-0000 ALL VERIZON LINES 729.88

01-3212 ALL VERIZON LINES 744.12

01-9029 ALL VERIZON LINES 139.89 1,613.89

67-0000 VISION INS REFUND 24.62

68-0000 DENTAL REF. 137.76 162.38

01-0210 OPEN PO:DOT driver's physical examination 90.00

01-8150 EHS MAIN ALARM 997.85

01-0000 Invoice: Contracted Services 709.75

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

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Checks Dated 09/01/2021 through 09/30/2021

Check Number	Check Date	Pay to the Order of	Fund-Resource	Comment	Expensed Amount	Check Amount
3000147161	09/09/2021	AT&T	01-0000 OPEN PO for 939 - Site phone bills			6,230.98
3000147162	09/09/2021	AVID CENTER	01-0001 ELEVATE XP REGIS MAYO			566.00
3000147163	09/09/2021	BANK OF MARIN	Cancelled Escrow App #1			24,615.00 *
3000147164	09/09/2021	Cancelled on 09/14/2021, Cancel Register # AP09162021				
3000147165	09/09/2021	CRYSTAL CREAMERY	01-0000 Folding machine lease			599.44
3000147166	09/09/2021	DANIELSON CONSTRUCTION	13-6310 BLANKET PO: Dairy purchases			4,199.85
3000147167	09/09/2021	DON'S RENT ALL	23-0000 PARKING LOT WORK BOND 6127			38,608.40
			01-0000 BLANKET PO - Grounds			225.08
			01-8150 MAINT SUPPLIES			26.21
			13-6310 OPEN PO: Local Fruits & Vegetables			251.29
3000147168	09/09/2021	EARTHLY EDIBLES	01-0000 OPEN PO: Fred Van Vleck Monthly Annuity			778.00
3000147169	09/09/2021	ENVOY PLAN SERVICES TSA CONSULTING	Pmts.			150.00
3000147170	09/09/2021	EUREKA ACE HARDWARE	01-0000 MAINT. OPEN PO FOR SUPPLIES			38.33
			01-8150 MAINT. OPEN PO FOR SUPPLIES			343.29
			01-0000 ADVERTISING			
3000147171	09/09/2021	EUREKA BROADCASTING INC.	13-6310 BLANKET PO: Bread purchases			381.62
3000147172	09/09/2021	FRANZ FAMILY BAKERIES	01-3212 SUMMER SCH SUPPLIES			375.00
3000147173	09/09/2021	Graesser, Megan M	01-0000 P.D. SUPPLIES			769.00
3000147174	09/09/2021	Hammons, Trevor	01-0027 SCHOOL SUPPLIES			120.85
			01-6300 FOUNTAS AND PINNELL CONSUMABLES			200.64
3000147175	09/09/2021	HEINEMANN	01-1100 CUSTODIAL SUPPL			257.79
3000147176	09/09/2021	Hickey, Rory D	01-3212 Quote: Picnic Table			458.43
3000147177	09/09/2021	HILFIKER COMPANY	01-0000 BLANKET PO FOR MATERIALS AND SUPPLIES.			8,991.26
3000147178	09/09/2021	KEENAN SUPPLY	01-8150 BLANKET PO FOR MATERIALS AND SUPPLIES.			8.73
			01-6300 SDC CONSUMABLES			1,551.60
3000147179	09/09/2021	MCGRAW HILL	01-0000 BLANKET PO - GROUNDS			475.81
3000147180	09/09/2021	MENDES SUPPLY	01- NR - Initial Stores Stock QMO6651			935.29
3000147181	09/09/2021	MISSION LINEN	12-6105 Open PO for Mission Linen biweekly rug service			845.62
			01-0000 BLANKET PO - GROUNDS			2,920.12
3000147182	09/09/2021	NILSEN FEED	01-8150 INVOICE - EHS AUTO SHOP SUSPENDED			32.80
3000147183	09/09/2021	NORTHCOAST ACOUSTICS	CEILINGLIGHTS			185.95
			01-0000 ELECTRICITY			8,650.00
3000147184	09/09/2021	PACIFIC GAS AND ELECTRIC	12-6105 ELECTRICITY			27,301.18
			01-0210 MISC PARTS FOR BUS 4 AND 10. JOHN DEERE ENGINES			341.68
3000147185	09/09/2021	PAPE MATERIAL HANDLING				27,642.86
						45.44

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Checks Dated 09/01/2021 through 09/30/2021

Check Number	Check Date	Pay to the Order of	Fund-Resource	Comment	Expensed Amount	Check Amount
3000147186	09/09/2021	PARADIGM HEALTH CARE SERVICES	01-5640 LEA BILLING SVCS - INTERIM APPR CLAIMS			773.24
3000147187	09/09/2021	PIERSON BLDG CENTER	01-0000 Blanket PO for supplies and materials		82.67	
			01-1100 BLANKET PO CUSTODIAL		3.81	
			01-8150 Blanket PO for supplies and materials		856.30	
			repairs - vandalism		20.74	
3000147188	09/09/2021	PIONEER HEALTHCARE SVCS	01-6500 OPEN PO for SLP contracted services			963.52
3000147189	09/09/2021	PLATT ELEC SUPPLY INC	01-0000 MAINTENANCE - BLANKET PO		165.08	4,128.00
			SERVICE CHG		6.24	
3000147190	09/09/2021	PPG ARCHITECTURAL FINISHES, IN	01-8150 MAINTENANCE - BLANKET PO		883.09	1,054.41
			01-0000 BLANKET PO for Maintenance		340.01	
3000147191	09/09/2021	PRESENCE LEARNING INC	01-8150 BLANKET PO for Maintenance		235.28	575.29
3000147192	09/09/2021	PRO PACIFIC FRESH	01-6500 OPEN PO for Speech Services			13,000.00
3000147193	09/09/2021	RAY MORGAN CO.	13-5310 BLANKET PO: Food purchases			13,160.06
			01-0027 LAF COPIER MAINT		486.70	
			OPEN PO - WASH - COPIER MAINT		5.65	
3000147194	09/09/2021	REMIND 101	01-3150 OPEN PO: GRANT MAINT AGR		157.59	649.94
3000147195	09/09/2021	S & L FOOD SALES CO.	01-3212 COVID COMM TOOL			14,052.50
3000147196	09/09/2021	Sawas Learning Company LLC	13-5310 BLANKET PO: Food and Supplies			20,839.77
			01-6300 U - ELEMENTARY SOCIAL STUDIES			14,809.61
			CONSUMABLES			
3000147197	09/09/2021	SCHOOL NURSE SUPPLY	01-0000 Blanket PO for health supplies			1,326.17
3000147198	09/09/2021	SHRED AWARE LLC	01-0000 INVOICE: Open PO: Contracted Services			296.00
3000147199	09/09/2021	SISC III	01 - Sept 2021 Medical			
3000147200	09/09/2021	SYSCO	13-5310 BLANKET PO: Food and Supplies			509,862.00
3000147201	09/09/2021	T-MOBILE	01-3212 STUDENT HOTSPOTS			16,201.86
3000147202	09/09/2021	THREE G'S	01-0000 BLANKET PO FOR MATERIALS AND SUPPLIES			16,920.00
						758.45
3000147203	09/09/2021	U.S. BANK CORPORATE PMT	01-4510 CALCARD DAVIES-HUGHES			37.05
3000147511	09/13/2021	Alves, Cassidy J	01-0000 FINGERPRINTING			25.00
3000147512	09/13/2021	Behrens, Edith L	01-0000 MILEAGE			17.08
3000147513	09/13/2021	Berti, Jessica L	01-0000 MILEAGE			25.14
3000147514	09/13/2021	BRAVO, JENNIFER	01-0000 OPEN PO FOR INTERPRETING SERVICES			120.00
3000147515	09/13/2021	Bricco, June L	01-6010 AFTER SCH SUPPLIES			571.45
3000147516	09/13/2021	Brockey, Maya H	01-0001 CLASS SUPPLIES			125.77
3000147517	09/13/2021	Buchannon, Henry	01-0000 FINGERPRINTING			25.00
3000147518	09/13/2021	CALIF SCHOOLS DENTAL COALITION	68-0000 OCT. 2021 DENTAL			40,375.00
		KEENAN & ASSOCIATES, ADMIN				

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Checks Dated 09/01/2021 through 09/30/2021

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3000147519	09/13/2021	CALIF. SCHOOLS VISION COALITN KEENAN & ASSOCIATES, ADMIN	67-0000 OCT. 2021 VISION			6,245.00
3000147520	09/13/2021	CAMPTON ELECTRIC	01-8150 BLANKET PO - MAINT. SUPPLIES			1,390.79
3000147521	09/13/2021	Carvalho, Alejandro L	01-0000 FINGERPRINTING			25.00
3000147522	09/13/2021	Cardenas, Marissa	01-0000 FINGERPRINTING			25.00
3000147523	09/13/2021	Castillo, Denise A	01-0000 FINGERPRINTING			25.00
3000147524	09/13/2021	CDW-G	01-0000 Chromebook AC Adapters and Misc Cables			1,544.68
3000147525	09/13/2021	Chase, Amy M	01-0000 P.D. SUPPLIES		250.71	
			01-0027 P.D. SUPPL REC 2		228.90	
			SCHOOL SUPPLIES		224.48	
			01-3150 SENSORY ITEMS		190.61	894.70
3000147526	09/13/2021	Chase, Laura L	13-5310 MILEAGE			18.70
3000147527	09/13/2021	Chill, Christin M	01-0000 FINGERPRINTING			25.00
3000147528	09/13/2021	CHRIS CRINGLE DBA CHRIS CRINGLES SAW & CHAIN	01-0000 BLANKET PO FOR MATERIALS AND SUPPLIES			30.59
3000147529	09/13/2021	Collins, Victoria	01-0000 FINGERPRINTING			50.00
3000147530	09/13/2021	CRYSTAL CREAMERY	13-5310 BLANKET PO: Dairy purchases			1,509.68
3000147531	09/13/2021	CRYSTAL SPRINGS BOTTLED WATER	01-0000 OPEN PO - CRYSTAL SPRINGS WATER			554.00
3000147532	09/13/2021	Doyle, Brian	01-0000 MILEAGE			32.31
3000147533	09/13/2021	Dutra, Laurie J	13-5310 MILEAGE			36.06
3000147534	09/13/2021	Eden, Daniel C	01-0000 REIMB FINGERPRNT1			30.00
3000147535	09/13/2021	ENTERPRISE RENT-A-CAR ATTN: ACCTS RECEIVABLE	01-0027 OPEN PO ATHLETICS TRAVEL		371.50	
			01-0210 RENTAL CAR		188.22	559.72
3000147536	09/13/2021	Fittinghoff, Marina N	01-0000 FINGERPRINTING			25.00
3000147537	09/13/2021	Forslund, Angela Y	01-0000 FINGERPRINTING			25.00
3000147538	09/13/2021	Gast, Jamie K	01-0000 MILEAGE			39.47
3000147539	09/13/2021	Gaters, Jonathan	01-0000 FINGERPRINTING			25.00
3000147540	09/13/2021	GOLD STAR FOODS	13-5310 BLANKET PO - Food purchases			4,724.11
3000147541	09/13/2021	GOSSELIN AND SONS	01-0000 OPEN PO: replacement and repair of tires		453.79	
3000147542	09/13/2021	Graney, Justine N	01-0210 OPEN PO: replacement and repair of tires		421.69	875.48
3000147543	09/13/2021	Hallowell, Sarah A	01-0000 FINGERPRINTING			25.00
3000147544	09/13/2021	Hammons, Trevor	01-0000 FINGERPRINTING			35.00
			01-0027 OFFICE SUPPL		19.66	
			01-3150 PBIS SUPPLIES		62.32	
			01-3212 COVID SUPPLIES		69.86	151.84
3000147545	09/13/2021	Hang, Angel	01-0000 FINGERPRINTING			25.00
3000147546	09/13/2021	Harvey, Jennifer E	01-0000 FINGERPRINTING			30.00

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Checks Dated 09/01/2021 through 09/30/2021

Check Number	Check Date	Pay to the Order of	Fund-Resource	Comment	Expensed Amount	Check Amount
3000147547	09/13/2021	Herrera, Julian	01-0000 FINGERPRINTING		35.00	35.00
3000147548	09/13/2021	HOLT OF CALIFORNIA	01-8150 BLANKET PO FOR REPAIRS AND SUPPLIES		442.08	442.08
3000147549	09/13/2021	Hunnicutti, Laura	01-0000 FINGERPRINTING		25.00	25.00
3000147550	09/13/2021	JACOB MORRIS LOGGING INC	01-8150 STUMP REMOVAL		1,862.70	1,862.70
3000147551	09/13/2021	Ludwig, Carina	01-0000 REIMB FINGERPRT 2		25.00	25.00
3000147552	09/13/2021	Mann, Becki R	13-5310 MILEAGE		11.36	11.36
3000147553	09/13/2021	Martin, Nancy	01-0000 FINGERPRINTING		25.00	25.00
3000147554	09/13/2021	MCGRAW HILL	01-6300 SDC CONSUMABLES		7,784.49	7,784.49
3000147555	09/13/2021	McHugh, Daniel C	13-5310 MILEAGE		18.36	18.36
3000147556	09/13/2021	McKay, Angela M	13-5310 MILEAGE		9.74	9.74
3000147557	09/13/2021	Mendez, Maguel	01-0000 FINGERPRINTING		30.00	30.00
3000147558	09/13/2021	Moak, Ashlee A	01-0000 MILEAGE		20.16	20.16
3000147559	09/13/2021	Munguia, Emma L	01-0000 FINGERPRINTING		25.00	25.00
3000147560	09/13/2021	RAMONE'S BAKERY & CAFE	01-0000 P.D. LUNCHES		3,060.98	3,060.98
3000147561	09/13/2021	Rosario, Shah A	01-0000 FINGERPRINTING		25.00	25.00
3000147562	09/13/2021	SCHMIDBAUER LUMBER CO	01-0000 BLANKET PO FOR MATERIALS AND SUPPLIES		12.38	12.38
3000147563	09/13/2021	SCHOOL SPECIALTY LLC	01-8150 BLANKET PO FOR MATERIALS AND SUPPLIES		116.00	128.38
3000147564	09/13/2021	Severn, Karen E	01- NR - 7-2021 Restock 1		2,064.77	
3000147565	09/13/2021	SHAFER'S HARDWARE	NR - 7-2021 Restock 2		7,370.46	
3000147566	09/13/2021	SPECIALTY TRAFFIC SYSTEMS	NR - 7-2021 Restock 3		5,280.78	
3000147567	09/13/2021	Steeves, Robert L	NR - 7-2021 Restock 6		2,400.06	
3000147568	09/13/2021	Sterling, Andrea A	01-0000 VFS - Restock #7		34.60	
3000147569	09/13/2021	Thompson, Madelyn G	01-3212 Districtwide summer school supplies		857.47	18,008.14
3000147570	09/13/2021	THRIFTY SUPPLY CO	01-0000 FINGERPRINTING		25.00	25.00
3000147571	09/13/2021	TIMES PRINTING	01-0210 Transp. open PO: Parts and supplies		67.18	67.18
3000147572	09/13/2021	Toomata, Kristina S	01-8150 BLANKET PO FOR MATERIALS AND SUPPLIES		102.42	102.42
3000147573	09/13/2021	Torres, Ben Joaquin	01-1100 CUSTODIAL SUPPLIES		81.96	81.96
3000147574	09/13/2021	Trischum, Jonathan V	01-0000 FINGERPRINTING		25.00	25.00
			01-0000 FINGERPRINT		35.00	35.00
			01-8150 OPEN PO FOR MAINT. SUPPLIES		1,252.24	1,252.24
			01-6500 SPED SUPPLIES		318.68	318.68
			01-3212 SUMMER SCH ESSR FUND		212.32	212.32
			13-5310 MILEAGE		6.27	6.27
			01-0000 FINGERPRINTING		25.00	25.00

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3000147575	09/13/2021	Wright, Laura C	01-0000	FINGERPRINTING		25.00
3000147576	09/13/2021	ZANE JUNIOR HIGH SCHOOL	01-0027	ORIENTATION PRIZES		198.00
3000147964	09/16/2021	BANK OF MARIN	23-0000	INVOICE - Escrow Payment		14,650.00
3000147965	09/16/2021	BANK OF MARIN	23-0000	Escrow Payment		41,358.59
3000147966	09/16/2021	Brookkey, Maya H	01-0027	OFFICE SUPPL		31.80
3000147967	09/16/2021	Brownfield, Quincy C	01-0000	P.D. SUPPLIES		87.78
3000147968	09/16/2021	Butor, Devin W	01-0000	FINGERPRINTING		30.00
3000147969	09/16/2021	CDW-G	01-0000	ECF Chromebooks 2021-2022		513,905.00
3000147970	09/16/2021	CITY OF EUREKA	01-0000	D.O. WATER	618.11	
				POLICE SERVICES	3,570.00	
				WATER - EHS	4,384.15	
				WATER - WASHINGTON	3,975.98	12,548.24
3000147971	09/16/2021	Coradines, Lauren L	01-3212	COVID AIR FILTERS		43.09
3000147972	09/16/2021	CRISIS PREVENTION INSTITUTE	01-0000	CPI RECERT - JENSEN		150.00
3000147973	09/16/2021	CRYSTAL CREAMERY	13-5310	BLANKET PO: Dairy purchases		104.33
3000147974	09/16/2021	Dean-Mervinsky, Jennifer M	01-0001	CLASS SUPPL		110.21
3000147975	09/16/2021	ECOLAB PEST ELIMINATION DIVISN	13-5310	(O?) Pest control svcs school kitchens bimonthly		1,477.54
3000147976	09/16/2021	Fanucchi, Julie M	01-0001	CLASSROOM SUPPL	11.93	
			01-0027	CLASSROOM SUPPL	20.85	32.78
3000147977	09/16/2021	FRANZ FAMILY BAKERIES	13-5310	BLANKET PO: Bread purchases		490.00
3000147978	09/16/2021	James, Tiffany G	01-0210	CASBO CONF. PER DIEM		262.00
3000147979	09/16/2021	MANTOVAS TWO STREET MUSIC	01-0000	Open PO - Elem. Music Supplies - (Chris Cox)		1,377.64
				01- Initial Stores Stock QMO6652	633.34	
				Initial Stores Stock QMO6653	690.22	
				NR - Initial Stores Stock QMO6651	396.58	
				Reprint OK - Stores Restock QMO6654	149.19	
				VFS: Restock	595.34	
				01-0000 Stores Restock/VFS - Quotes QMO6655 & QMO6656	4,073.83	
				01-1100 BLANKET PO CUSTODIAL	251.18	
				BLANKET PO LAUNDRY	748.38	7,538.06
				01-0027 OFFICE SUPPL		39.99
				Cancelled REGIST. WORLD LANG		325.00 *
3000147981	09/16/2021	Mitchell, Sean R				
3000147982	09/16/2021	ORANGE COUNTY DEPT ED				
		Cancelled on 09/23/2021, Cancel Register # AP09232021				
3000147983	09/16/2021	RAMONES BAKERY & CAFE	01-0000	WELCOME BACK REFRESHMENTS		5,946.76
3000147984	09/16/2021	Rico, Emily C	01-0001	REIMB SUPPLIES		208.45

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3000147985	09/16/2021	Shively, Jeanette M	01-0027	WATER FOR STUDENTS		11.96
3000147986	09/16/2021	Tedder, Margaret A	01-0027	REIMB CLASSROOM SUPPL		
3000147987	09/16/2021	U.S. BANK EQUIPMENT	01-0000	CORP YARD COPIER LEASE 500-0582294	262.82	16.79
			F/C		123.10	
			FC		90.45	
			01-0027	A.B. COPIER LEASE 500-0564851	993.65	
				EHS COPIER / FAX ACCESS	1,821.80	
				OPEN PO - WASHINGTON COPIER LEASE	859.80	
				500-0483745		
			01-9029	BRIDGES - COPIER LEASE 500-0589727	126.51	
			11-0000	CNA COPIER LEASE 500-0589729	99.02	
			12-6105	OPEN PO - WCC COPIER LEASE	271.31	4,648.46
				500-0559297		
3000147988	09/16/2021	UNITED RENTALS	01-8150	BLANKET PO FOR MATERIALS AND SUPPLIES	2,123.94	
				FORKLIFT RENTAL FOR WAREHOUSE	1,742.04	3,865.98
3000147989	09/16/2021	WEST COAST PAPER CO.	01- NR	- Initial Stores Stock		1,088.13
3000147990	09/16/2021	WESTERN CHAIN SAW	01-0000	BLANKET PO FOR MATERIALS AND SUPPLIES		264.62
3000148277	09/20/2021	CITY OF EUREKA	11-0000	OPEN PO - CNA FINGERPRINTING		134.00
3000148278	09/20/2021	DAVIS, EMMA	01-0000	FINGERPRINTING	15.00	
			01-5812	MSW STIPEND	500.00	515.00
3000148279	09/20/2021	DOJ OFFICE OF THE ATTORNEY GENERAL	01-0000	Open PO for Volunteer Fingerprinting		682.00
3000148280	09/20/2021	DUTRA, STEVEN	01-5812	MSW STIPEND		500.00
3000148281	09/20/2021	FLORES, VIVIANNA	01-5812	MSW STIPEND		500.00
3000148282	09/20/2021	GOODRICH, SARA	01-5812	MSW STIPEND		500.00
3000148283	09/20/2021	HECKMAN, NATALIE	01-5812	MSW STIPEND		500.00
3000148284	09/20/2021	JOSEPH, LAURA	01-0000	July 7 20-21 ECS BOARD REVIEW POL		900.00
3000148285	09/20/2021	LUNDAHL, ALLISON	01-5812	MSW STIPEND		500.00
3000148286	09/20/2021	MARTINEZ, JENNY	01-5812	MSW STIPEND		500.00
3000148287	09/20/2021	McMurray & Sons, Inc.	01-8150	WASHINGTON ROOF REPAIRS		5,490.00
3000148288	09/20/2021	MENDES SUPPLY	01-0000	Stores restock/VFS - Quote QM06675		77.40
3000148289	09/20/2021	MILLER, ELISA	01-5812	MSW STIPEND		500.00
3000148290	09/20/2021	Miller, Heather J	01-0000	MILEAGE		96.93
3000148291	09/20/2021	MISSION LINEN	12-6105	Open PO for Mission Linen biweekly rug service		16.40
3000148292	09/20/2021	MORRIS, NICOLLE	01-5812	MSW STIPEND		500.00

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Checks Dated 09/01/2021 through 09/30/2021

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3000148293	09/20/2021	NILSEN FEED	01-0000	BLANKET PO - GROUNDS F/C	304.50	311.05
3000148294	09/20/2021	NORTH COAST LABS	01-0210	Storm water testing	6.55	
			23-0000	MATERIALS FOR BOND 6143	255.00	
3000148295	09/20/2021	OROZCO, VIOLET	01-5812	MSW STIPEND	838.00	1,093.00
3000148296	09/20/2021	PACIFIC PAPER	01-0000	Keyboard tray for Missy Filmeo		500.00
3000148297	09/20/2021	PAPE MATERIAL HANDLING	01-0210	BLANKET PO FOR PARTS AND SERVICE		355.06
3000148298	09/20/2021	PIONEER HEALTHCARE SVCS	01-6500	OPEN PO for SLP contracted services		207.50
3000148299	09/20/2021	PLATT ELEC SUPPLY INC	01-8150	MAINTENANCE - BLANKET PO		3,440.00
3000148300	09/20/2021	PPG ARCHITECTURAL FINISHES, IN	01-8150	BLANKET PO for Maintenance		122.63
3000148301	09/20/2021	PRESSED PAPERBOARD/PAPER TECH	13-5310	O - Paper Food Trays	1,493.56	155.74
3000148302	09/20/2021	S & L FOOD SALES CO.	13-5310	BLANKET PO: Food and Supplies	Unpaid Tax	1,367.10
3000148303	09/20/2021	SALAZAR, TAEVIA	01-5812	MSW STIPEND	126.46-	6,797.24
3000148304	09/20/2021	SCHOOL SPECIALTY LLC	01- NR - 7-2021	Restock 5		500.00
3000148305	09/20/2021	SHAFER'S HARDWARE	01-0000	MAINT. OPEN PO FOR SUPPLIES		6,659.79
3000148306	09/20/2021	Shamp, Kyle J	01-6388	CASE/CWI WELDING TEST		28.44
3000148307	09/20/2021	SHN CONSULTING ENGINEERS	23-0000	INVOICE - Engineering Fees		310.00
3000148308	09/20/2021	STOCKTON, TAFFY	01-5812	WELLNESS CONSULTING		11,233.46
3000148309	09/20/2021	SYSCO	13-5310	BLANKET PO: Food and Supplies		3,850.00
3000148310	09/20/2021	THREE G'S	01-0000	F/C		5,213.57
3000148537	09/23/2021	A-1 RADIATOR BATTERY & MUFFLER	01-0210	INVOICE: PRESSURE TEST, FLUSH HEATER CORE		11.37
						39.50
3000148538	09/23/2021	A-Z BUS SALES INC.	01-0210	OPEN PO: Blue Bird school bus replacement parts		1,422.55
3000148539	09/23/2021	ADVANCED SECURITY SYSTEMS	01-8150	QUOTE: Alice Birney fire system addition.		4,698.40
3000148540	09/23/2021	AMERICAN STAR	01-0000	OPEN PO FOR SECURITY SVCS		2,625.00
3000148541	09/23/2021	ANIXTER INC	01-8150	BLANKET PO FOR MATERIALS AND SUPPLIES		735.36
3000148542	09/23/2021	AT&T	01-0000	ANNUAL 234-341-7982 DIST-WIDETECH CIRCUITS		6.43
3000148543	09/23/2021	AT&T	01-0000	OPEN PO - 831 - DISTRICT WAN		3,705.40
3000148544	09/23/2021	B&B PORTABLE TOILETS	01-0000	OPEN PO B&B		496.87
3000148545	09/23/2021	BANK OF MARIN	23-0000	INVOICE- Escrow Fee		45,898.13
3000148546	09/23/2021	Batini, Charles R	01-0000	TRVL TO PICK UP BLINDS		271.32
3000148547	09/23/2021	BICOASTAL MEDIA	01-0000	ADVERTISING		200.00
3000148548	09/23/2021	BIG VALLEY SANITATION	13-5310	(Open?) Grease trap pumping 2 times annually		1,250.00

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Checks Dated 09/01/2021 through 09/30/2021

Check Number	Check Date	Pay to the Order of	Fund-Resource	Comment	Expensed Amount	Check Amount
3000148549	09/23/2021	BLICK ART MATERIALS	01-0001 Art Order			356.58
3000148550	09/23/2021	CAMPTON ELECTRIC	01-8150 BLANKET PO - MAINT. SUPPLIES			2,932.49
3000148551	09/23/2021	CDW-G	01-0000 Admin and Tech Laptops		5,259.72	
			Business Services Conference Room		3,006.21	
			Equipment			
			CDWG Quote#1C5RKH0 - Tech Laptops		3,103.55	
			Chromebook AC Adapters and Misc Cables		30,695.54	
			Syn-Apps Rev Software Renewal for 2021-2022		5,460.00	
			01-3210 Conference Room		77.01	
			01-3212 VISUAL PRESENTER		2,736.38	50,338.41
3000148552	09/23/2021	CHERIE DONAHUE	01-3550 EHS OPEN PO PERKINS			56.82
3000148553	09/23/2021	CITY OF EUREKA	01-0000 D.O. WATER		190.94	
			WATER - EHS		2,870.74	
			WATER - ZANE		1,015.85	
			WATER - ZOE		732.71	
			12-6105 WATER - WINZLER CC		32.26	4,842.50
3000148554	09/23/2021	CRYSTAL CREAMERY	13-5310 BLANKET PO: Dairy purchases			13,829.98
3000148555	09/23/2021	DOJ OFFICE OF THE ATTORNEY GENERAL	01-0000 Open PO for Volunteer Fingerprinting			1,897.00
3000148556	09/23/2021	DTSC STATE OF CA EPA DEPT	01-0000 EPA PERMITS FOR JACOBS			287.50
3000148557	09/23/2021	EARTHLY EDIBLES	13-5310 OPEN PO: Local Fruits & Vegetables			146.00
3000148558	09/23/2021	EUREKA GLASS CO.	01-8150 BLANKET PO FOR MATERIALS AND SUPPLIES.			290.50
3000148559	09/23/2021	EUREKA OXYGEN	01-0210 Open PO for tank rentals		36.84	
			01-8150 Open PO for tank rentals		147.34	184.18
3000148560	09/23/2021	EUREKA RUBBER STAMP CO	01-8150 BLANKET PO FOR MATERIALS AND SUPPLIES.			241.58
3000148561	09/23/2021	FRANZ FAMILY BAKERIES	13-5310 BLANKET PO: Bread purchases			665.25
3000148562	09/23/2021	GOSSELIN AND SONS	01-0000 BLANKET PO FOR MATERIALS AND SUPPLIES		23.35	
			01-0210 BLANKET PO FOR MATERIALS AND SUPPLIES		17.82	41.17
3000148563	09/23/2021	HUMBOLDT COMM SERVICES DIST	01-0000 WATER - GRANTWINSHIPLAF			813.18
3000148564	09/23/2021	HUMBOLDT WASTE MANAGEMENT AUTH	01-0000 Open PO for electronic waste disposal		37.30	
3000148565	09/23/2021	HUNTER COMMUNICATIONS	OPEN PO for Waste Disposal		13,776.15	13,813.45
			01-0000 OPEN PO - FIBER PROJ - EHS STADIUM			8,325.51

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Check Number	Check Date	Pay to the Order of	Fund-Resource	Comment	Expensed Amount	Check Amount
3000148566	09/23/2021	JACK SCHREDER & ASSOC	01-0000	Contracted Services		206.25
3000148567	09/23/2021	ORANGE COUNTY DEPT ED	01-3150	REG. WORLD LANG TRAINING		325.00
3000148568	09/23/2021	RAMONES BAKERY & CAFE	01-0000	8-13-21 REFRESHMENTS		1,535.06
3000148569	09/23/2021	SCHOLASTIC	01-0001	SCHOLASTIC BOOKS		119.77
3000148570	09/23/2021	SCHOOL SAVERS	01-3212	EHS CALCULATORS		2,603.35
3000148571	09/23/2021	SHAFFER'S HARDWARE	01-0027	BLANKET PO AG	19.67	
			01-3550	BLANKET PO AG	19.67	
			01-7010	BLANKET PO AG	39.34	
			01-0000	A.B. GAS	63.01	78.68
3000148572	09/23/2021	SPURR	DQ, CORP - GAS		2,132.98	
			EHS GAS		7,630.01	
			GRANT GAS		210.57	
			LAF GAS		245.04	
			TECH - GAS		15.63	
			WASHINGTON GAS		212.15	
			WINSH GAS		323.52	
			ZANE GAS		54.94	
			ZOE GAS		249.25	
			12-6105 WCC GAS		84.15	11,221.25
3000148573	09/23/2021	SUDDENLINK COMMUNICATIONS	01-0000	SUDDENLINK - INTERNET		253.56
3000148574	09/23/2021	THOMPSON BUILDERS	23-0000	PROPOSAL - Contractor's Fee		872,064.52
3000148575	09/23/2021	VALLEY PACIFIC	01-0000	OPEN PO FOR FUEL	4,200.58	
			01-0027	OPEN PO FOR FUEL	315.52	
			01-0210	OPEN PO FOR FUEL	1,206.61	
			01-8150	OPEN PO FOR FUEL	59.09	5,781.80
3000149303	09/30/2021	Allen, Darren R	01-0001	CLASS SUPPLIES		169.40
3000149304	09/30/2021	Amaro, Deirdre L	01-6500	TARGET - REIMB SUPPLIES		25.22
3000149305	09/30/2021	Bade, Wendy L	01-6500	CLASS SUPPLIES		68.42
3000149306	09/30/2021	Baugh, Rebecca E	01-0001	SCIENCE SUPPL		76.13
3000149307	09/30/2021	Boone, Logan A	01-0000	FINGERPRINTING		25.00
3000149308	09/30/2021	Bowling, Jesse	01-0000	FINGERPRINTING		25.00
3000149309	09/30/2021	BRAVO, JENNIFER	01-0000	OPEN PO FOR INTERPRETING SERVICES		90.00
3000149310	09/30/2021	Cooper, Kristin E	01-0000	fingerprinting		30.00
3000149311	09/30/2021	Cruz, Sarah L	01-0027	PBIS INCENTIVES	47.79	
3000149312	09/30/2021	DINSMORE CONSTRUCTION CO.	23-0000	Lease Leaseback Payments		14,048.00
3000149313	09/30/2021	Duncan, Shelby S	01-0000	FINGERPRINT REIMB		25.00
3000149314	09/30/2021	FASTENAL COMPANY	01-8150	BLANKET PO FOR MATERIALS AND SUPPLIES		100.60

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Check Number	Check Date	Pay to the Order of	Fund-Resource	Comment	Expensed Amount	Check Amount
3000149315	09/30/2021	FLORES, VIVIANNA	01-0000	FINGERPRINTING	30.00	30.00
3000149316	09/30/2021	Fuentes-Zittel, Diana	01-0000	FINGERPRINTING	25.00	25.00
3000149317	09/30/2021	GOODRICH, SARA	01-0000	FINGERPRINTING	20.00	20.00
3000149318	09/30/2021	Jewell, Stacy L.	01-0000	STAFF LUNCH	500.00	500.00
3000149319	09/30/2021	KEENAN SUPPLY	01-8150	BLANKET PO FOR MATERIALS AND SUPPLIES.	503.77	503.77
3000149320	09/30/2021	LEARNING WITHOUT TEARS	01-6300	ADDITIONAL BOOKS FOR KINDERGARTEN	416.68	416.68
3000149321	09/30/2021	Lee, Loua	01-0000	fingerprinting	25.00	25.00
3000149322	09/30/2021	Letter, Madisyn	01-0000	FINGERPRINTING	35.00	35.00
3000149323	09/30/2021	Lucas, Deborah J	01-0000	FINGERPRINTING	25.00	25.00
3000149324	09/30/2021	MAC'S REFRIGERATION SERVICE	13-5310	O - Emergency Refrigeration repairs	669.25	669.25
3000149325	09/30/2021	McCartney, Abigale	01-0000	FINGERPRINTING	25.00	25.00
3000149326	09/30/2021	McGibbon, Melinda R	01-0004	CIS SUPPLIES	41.27	41.27
3000149327	09/30/2021	MENDES SUPPLY	01- Initial Stores Stock QMO6652		3,334.42	
			VFS (emergency can liners)		2,167.11	
			VFS: Restock		4,536.86	10,038.39
3000149328	09/30/2021	MILLER FARMS NURSERY	01-8150	BLANKET PO FOR MATERIALS AND SUPPLIES	32.11	32.11
3000149329	09/30/2021	MISSION LINEN	12-6105	Open PO for Mission Linen biweekly rug service	32.80	32.80
3000149330	09/30/2021	Mitchell, Ruth E	01-0027	LIBRARY BOOKS	42.37	42.37
3000149331	09/30/2021	NAPA AUTO PARTS OF EUREKA	01-0000	BLANKET PO FOR MATERIALS AND SUPPLIES	229.43	
			dup. pmt reversal		17.69-	
			01-0210 reverse dup pmt line		29.05-	
			01-8150 BLANKET PO FOR MATERIALS AND SUPPLIES		12.95	195.64
3000149332	09/30/2021	Olmos Jr, Francisco J	01-0000	MILEAGE	8.23	8.23
3000149333	09/30/2021	Olson, Spencer O	01-0000	FINGERPRINTING	25.00	25.00
3000149334	09/30/2021	PARADIGM HEALTH CARE SERVICES	01-5640	LEA BILLING SVC	18.22	18.22
3000149335	09/30/2021	PIERSON BLDG CENTER	01-1100	BLANKET PO CUSTODIAL	129.56	
			01-8150 Blanket PO for supplies and materials		430.94	560.50
3000149336	09/30/2021	PIONEER HEALTHCARE SVCS	01-6500	OPEN PO for SLP contracted services	6,192.00	6,192.00
3000149337	09/30/2021	Pioneer Manufacturing	01-0000	BLANKET PO FOR MATERIALS AND SUPPLIES	808.08	808.08
3000149338	09/30/2021	POWELL LANDSCAPE MATERIALS	01-8150	BLANKET PO FOR MATERIALS AND SUPPLIES	54.63	54.63

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

012 - Eureka City Schools

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ESCAPE

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Checks Dated 09/01/2021 through 09/30/2021

Check Number	Check Date	Pay to the Order of	Fund-Resource	Comment	Expensed Amount	Check Amount
3000149339	09/30/2021	PRESENCE LEARNING INC	01-6500 OPEN PO for Speech Services			8,419.05
3000149340	09/30/2021	PRO PACIFIC FRESH	13-5310 BLANKET PO: Food purchases			11,417.25
3000149341	09/30/2021	Ramirez-Moctezuma, Elisaveth	01-0000 FINGERPRINTING			25.00
3000149342	09/30/2021	Ramos, Gabriel A	01-0000 FINGERPRINTING			25.00
3000149343	09/30/2021	RAY MORGAN CO.	01-0027 OPEN PO			197.59
3000149344	09/30/2021	Resendez, Jeanine G	01-0000 STAFF LUNCH			143.92
3000149345	09/30/2021	Richards, Thomas R	01-6500 CLASS SUPPLIES			18.32
3000149346	09/30/2021	S & L FOOD SALES CO.	13-5310 BLANKET PO: Food and Supplies			9,407.97
3000149347	09/30/2021	Savvas Learning Company LLC ATLANTA	01-6300 ELEMENTARY SOCIAL STUDIES CONSUMABLES			8,652.68
3000149348	09/30/2021	SCHMIDBAUER LUMBER CO	01-8150 BLANKET PO FOR MATERIALS AND SUPPLIES			120.16
3000149349	09/30/2021	SCHOOL SERVICES OF CALIFORNIA	01-0000 LEF WORKSHOP			275.00
3000149350	09/30/2021	SCHOOL SPECIALTY LLC	01 - 7-2021 Restock 1			159.94
			7-2021 Restock 2			180.92
			VFS: Restock			36.70
3000149351	09/30/2021	SEESAW	01-3212 Districtwide summer school supplies			745.96
3000149352	09/30/2021	SHAFER'S HARDWARE	01-3212 U - SEESAW SUBSCRIPTIONS 2021-2022			3,608.00
			01-0000 MAINT. OPEN PO FOR SUPPLIES			37.11
			01-0027 Open PO for Shaler's Hardware			157.35
			01-8150 MAINT. OPEN PO FOR SUPPLIES			44.77
			23-0000 Engineering Fees			239.23
3000149353	09/30/2021	SHN CONSULTING ENGINEERS	01-0000 INVOICE: Open PO: Contracted Services			14,116.50
3000149354	09/30/2021	SHRED AWARE LLC	01-0000 ATHLETIC TRVL			148.00
3000149355	09/30/2021	Shull, Angela L	01-0000 FINGERPRINTING			213.00
3000149356	09/30/2021	Smith, Lucille	01-0001 STUDENT INCENTIVES			25.00
3000149357	09/30/2021	Sonia III, Edward	01-0027 LEADERSHIP REWARD			78.38
			01-8150 BLANKET PO FOR MATERIALS AND SUPPLIES			68.73
3000149358	09/30/2021	SPECIALTY TRAFFIC SYSTEMS				147.11
						75.33
3000149359	09/30/2021	SYSCO	13-5310 BLANKET PO: Food and Supplies			11,045.77
3000149360	09/30/2021	Taylor, Lila S	01-0000 FINGERPRINT			25.00
3000149361	09/30/2021	Tegarden, Megan L	01-0027 OFFICE SUPPLIES			13.79
3000149362	09/30/2021	THRIFTY SUPPLY CO	01-8150 OPEN PO FOR MAINT. SUPPLIES			1,471.76
3000149363	09/30/2021	TIMES PRINTING	01-1100 CUSTODIAL TIME OFF REQUESTS			197.52
3000149364	09/30/2021	U.S. BANK EQUIPMENT	01-0000 WINSHIP COPIER LEASE 500-0631060			32.29
			01-0027 WINSHIP COPIER LEASE 500-0631060			347.89
			01-0000 FINGERPRINTING			380.18
3000149365	09/30/2021	Vasquez, Josie				25.00
3000149366	09/30/2021	Waterhouse, Teresa J	01-0000 STAFF LUNCH			339.06

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

012 - Eureka City Schools

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Checks Dated 09/01/2021 through 09/30/2021

Check Number	Check Date	Pay to the Order of	Fund-Resource	Comment	Expensed Amount	Check Amount
3000149367	09/30/2021	WESTERN CHAIN SAW	01-0000 BLANKET PO FOR MATERIALS AND SUPPLIES		23.90	
			01-8150 BLANKET PO FOR MATERIALS AND SUPPLIES		3.27	
3000149368	09/30/2021	White, Julia S	23-0000 BOND 6147		5,915.89	5,943.06
3000149369	09/30/2021	WHITECASTLE TOURS INC.	01-0000 FINGERPRINTING			25.00
3000149370	09/30/2021	Wilhelm, Jeanne P	01-0027 CCA - ATHLETICS TRAVEL			10,976.94
3100612193	09/10/2021	Rebecca A. Day	01-0027 STUDENT SUPPLIES			37.56
		Cancelled on 09/21/2021, Cancel Register # PM210922	Cancelled			205.96 *
Total Number of Checks					291	2,724,238.59

Cancel	Count	Amount
	3	25,145.96
Net Issue		2,699,092.63

Fund Recap

Fund	Description	Check Count	Expensed Amount
01	GENERAL FUND	245	1,465,226.56
11	ADULT EDUCATION FUND	2	233.02
12	CHILD DEVELOPMENT FUND	8	1,955.11
13	CAFETERIA FUND	28	126,290.53
23	EUREKA CITY SCHOOLS ME,	10	1,058,731.49
67	SELF INSURANCE FUND-VISI	2	6,269.62
68	SELF INSURANCE FUND-DET	2	40,512.76
Total Number of Checks		288	2,699,219.09
Less Unpaid Tax Liability			126.46
Net (Check Amount)			2,699,092.63

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

012 - Eureka City Schools

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Eureka City Schools Board of Education

AGENDA ITEM

Agenda Title: Approval of Receipt of Grant Award Notification: 2021-22 Fresh Fruit and Vegetables Program

Meeting Date: October 28, 2021

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to accept the Grant Award Notification for the 2021-22 Fresh Fruit and Vegetables Program.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

The purpose of this federal assistance program is to provide an additional free fresh fruit or vegetable snack to students during the school day as a supplement to the School Breakfast Program and the National School Lunch Program, and to teach students about good nutrition. The Fresh Fruit and Vegetable Program also encourages grantees to develop partnerships at the state and local level for support in implementing and operating the program.

STRATEGIC PLAN/PRIORITY AREA:

Subject does not apply to a Strategic Plan Priority Area

HISTORY *(list previous staff or board action(s) with dates if possible)*

The Intent to Apply was approved by the Board at the April 1, 2021 meeting.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

The award is \$24,164.63.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

▣ GAN

Grant Award Notification

GRANTEE NAME AND ADDRESS Fred Van Vleck, Superintendent Eureka City Schools School District 2100 J Street Eureka, CA 95501				CDE GRANT NUMBER			
				FY	PCA	Vendor Number	Suffix
				21	14968	75515	01
Attention Laura Chase				STANDARDIZED ACCOUNT CODE STRUCTURE			COUNTY
Program Office Nutrition Services				Resource Code	Revenue Object Code	Humboldt	
Telephone 707-441-2501				5370	8220	INDEX	
Name of Grant Program Fresh Fruit and Vegetable Program							0190
GRANT DETAILS	Original/Prior Amendments	Amendment Amount	Total	Amend. No.	Award Starting Date	Award Ending Date	
	\$24,164.63		\$24,164.63	0	10-1-21	6-30-22	
CFDA Number	Federal Grant Number	Federal Grant Name				Federal Agency	
10.582	7CA310CA1	Fresh Fruit and Vegetable Program				USDA	

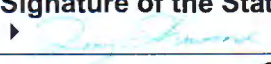
Dear Superintendent Van Vleck:

I am pleased to inform you that you have been funded for the Fresh Fruit and Vegetable Program.

This award is made contingent upon the availability of funds. If the Legislature takes action to reduce or defer the funding upon which this award is based, this award will be amended accordingly.


To formally accept this second allocation, please use the **secure electronic signature process** provided in this award email (via Adobe Sign) **within 10 business days**. As the **authorized child nutrition program representative**, you are set up as the authorized signer in Adobe Sign. Food service directors/managers are cc'd with view only access. Upon completion, all parties will receive a final PDF copy by email.

Mailed documents will **not** be processed. You are voluntarily agreeing to complete this form / transaction electronically. If you do not wish to do so, please immediately contact the Analyst below to explain why.

California Department of Education Contact Sauncerae Gans		Job Title Analyst
E-mail Address sgans@cde.ca.gov		Telephone 916-323-6775
Signature of the State Superintendent of Public Instruction or Designee 		Date September 27, 2021

CERTIFICATION OF ACCEPTANCE OF GRANT REQUIREMENTS

On behalf of the grantee named above, I accept this grant award. I have read the applicable certifications, assurances, terms, and conditions identified on the grant application (for grants with an application process) or in this document or both; and I agree to comply with all requirements as a condition of funding. I intend that this transaction be completed by electronic means, and my signature below is intended to be as binding as a physical signature.

Printed Name of Authorized Agent Fred Van Vleck	Title Superintendent
E-mail Address vanvleckf@eurekacityschools.org	Telephone 707-441-2414
Signature  <small>Fred Van Vleck (Oct 1, 2021 15:41 EDT)</small>	Date Oct 1, 2021

Grant Award Notification (Continued)

Please note these very important Fresh Fruit and Vegetable Program (FFVP) Grant guidelines:

1. Grantees must follow all of the FFVP guidance issued by the U.S. Department of Agriculture (USDA) and the California Department of Education (CDE) as outlined in the FFVP Application Package for the 2021–22 School Year.
 - The USDA's *FFVP Handbook for Schools* (December 2010) can be downloaded at the USDA FFVP web page at <https://fns-prod.azureedge.net/sites/default/files/resource-files/handbook.pdf>.
 - The CDE California FFVP Guidelines is available at <https://www.cde.ca.gov/ls/nu/sn/caffvp.asp?tabsection=2>.
2. Each grantee will receive their FFVP Grant award in **two allocations** during the July 1, 2021, through June 30, 2022, grant period:
 - **First Allocation: July 1, 2021, through September 30, 2021**
 - **Second Allocation: October 1, 2021, through June 30, 2022**

Please note that the initial Grant Award Notification (GAN) letter indicates a grantee's **First Allocation** only. This funding **must be spent by September 30, 2021**. Any unspent funds cannot be used after September 30, 2021, and will be returned to the USDA.

Prior to October 2021, the CDE will provide a second GAN letter to reflect the **Second Allocation** of funding. The grantee must spend these funds from **October 1, 2021, through June 30, 2022**. At the end of the grant period, all unspent funds will be returned to the USDA.

If the School Food Authority has any participating FFVP schools that have not implemented the FFVP by October 16, 2021, the CDE will amend the second allocation award of that school to zero dollars and remove the school from the FFVP.

3. Grantees must abide by the FFVP Grant award reimbursement process provided below:
 - Funds will not be disbursed until a reimbursement claim is submitted.
 - Grantees submit reimbursement claims on a monthly basis.
 - FFVP reimbursement claims must be filed within 30 days after the month for which a grantee is claiming reimbursement.
 - Any reimbursement claims submitted in excess of the grantee's total award amount will **not** be paid.
 - Grantees are responsible for monitoring their award budget to ensure that spending is consistent with allowable costs.
4. All grantees **must** participate in three FFVP Orientation Online Trainings (Program, Fiscal, and Claiming) in August 2021.
5. At the end of the grant period, grantees will be responsible for completing a Final Progress Report, which will include information about the variety of fruits and vegetables served, frequency of snack service, snack delivery method, nutrition education offered, and partners assisting with FFVP implementation.

Eureka City Schools Board of Education

AGENDA ITEM

Agenda Title: Approval and Receipt of Grant Award Notice: Education for Homeless Children and Youth

Meeting Date: October 28, 2021

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to accept the grant notice of award for the Education for Homeless Children and Youth.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

This grant supports the federally mandated McKinney Vento Act services. The grant funds are used to provide on-going support to ensure that all children and youth who are experiencing homelessness in the Eureka area enroll, attend and succeed in school. Some of the services the program offers are support with transportation to/from school, access to tutoring and homework help, school supplies, vouchers for clothing and laundry, and access to mental health counseling.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 4: DISTRICT AND SCHOOL CLIMATE (INCLUDING MENTAL AND SOCIO-EMOTIONAL HEALTH)

HISTORY *(list previous staff or board action(s) with dates if possible)*

This is an annual grant.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

The grant amount is \$73,050.

WHO *(list the name of the contact person(s), job title, and site location)*

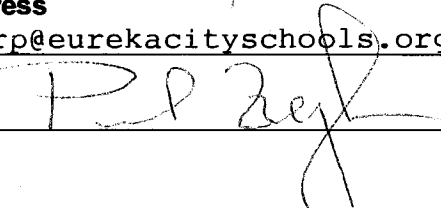
Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

▣ GAN

Grant Award Notification

GRANTEE NAME AND ADDRESS Eureka City Schools 2100 J Street Eureka, CA 95501-3055 <div style="text-align: center; font-size: 2em; opacity: 0.5;">ORIGINAL</div>			CDE GRANT NUMBER				
			FY	PCA	Vendor Number	Suffix	
			21	14332	75515	00	
Attention Fred Van Vleck, Superintendent			STANDARDIZED ACCOUNT CODE STRUCTURE		COUNTY		
Program Office Eureka City Schools			Resource Code	Revenue Object Code	12		
Telephone 707-441-2414			5630	8290	INDEX		
Name of Grant Program Education for Homeless Children and Youth					0510		
GRANT DETAILS	Original/Prior Amendments	Amendment Amount	Total	Amend. No.	Award Starting Date	Award Ending Date	
	\$73,050.00		\$73,050.00		7/1/21	6/30/22	
CFDA Number	Federal Grant Number	Federal Grant Name			Federal Agency		
84.196A	S196A210005	Education for Homeless Children and Youth			U.S. Department of Education		
<p>I am pleased to inform you that you have been funded for the Education for Homeless Children and Youth Program.</p> <p>This award is made contingent upon the availability of funds. If the Legislature takes action to reduce or defer the funding upon which this award is based, then this award will be amended accordingly.</p> <p>Please return this original, signed Grant Award Notification (AO-400) and a 2021–22 Budget Request to:</p> <p style="text-align: center;">Shoshannah Fuentes, Associate Governmental Program Analyst Integrated Student Support and Programs Office California Department of Education 1430 N Street, Suite 6208 Sacramento, CA 95814-5901</p>							
California Department of Education Contact Shoshannah Fuentes				Job Title Associate Governmental Program Analyst			
E-mail Address sfuentes@cde.ca.gov				Telephone 916-319-0384			
Signature of the State Superintendent of Public Instruction or Designee 				Date September 27, 2021			
CERTIFICATION OF ACCEPTANCE OF GRANT REQUIREMENTS							
<p>On behalf of the grantee named above, I accept this grant award. I have read the applicable certifications, assurances, terms, and conditions identified on the grant application (for grants with an application process) or in this document or both; and I agree to comply with all requirements as a condition of funding.</p>							
Printed Name of Authorized Agent Paul Ziegler				Title Assistant Superintendent			
E-mail Address zieglerp@eurekacityschools.org				Telephone 707-441-2412			
Signature 				Date October 6, 2021			

Grant Award Notification (Continued)

1. The Education for Homeless Children and Youth (EHCY) Program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. Section 11431 et seq.). The intent of this funding is to implement some of the new provisions within the Every Student Succeeds Act (ESSA) as it relates to the EHCY Program as well as for countywide activities, such as professional development and technical assistance to all local homeless liaisons that are required to identify and meet the needs of homeless children and youth. The grantee is **required** to attend the annual Coordinator's Meeting. Failure to attend may result in a billing for the entire amount of grant funds advanced. The grantee must expend these funds by June 30, 2022. Carryover of EHCY funds is not allowed.

2. The grantee **must** submit two semi-annual expenditure reports. Reporting period and due dates are:

Reporting Period:

(ER 1) July 1, 2021, through December 31, 2021
(ER 2) January 1, 2022, through June 30, 2022

CDE Due Date:

January 31, 2022
July 31, 2022

Failure to submit the required reports by the due dates will result in a billing for the entire amount of funds advanced. If the grantee is charging indirect, it must be reflected on each quarterly report. The grantee cannot wait until the close of the grant to charge indirect for the entire grant period. The calculation of the subtotal times the indirect must be to-the-penny. No rounding is allowed. All fiscal forms will be emailed to the grantees.

3. Budget changes that are more than 10 percent of the grant amount require advance approval from the California Department of Education (CDE). If the grantee wishes to change an approved budget, a 2021-22 Budget Change Request (BCR) must be submitted. All BCRs must be submitted **before** May 15, 2022. Please email all fiscal forms to Shoshannah Fuentes at the email address shown on the front of this Grant Award Notification (AO-400).

4. The CDE will disburse funds to the grantee in three payments. The initial payment of 70 percent will be disbursed after receipt of all signed AO-400s and approved Budget Requests. The second payment of 20 percent will be disbursed after receipt of the first semi-annual expenditure report, due January 31, 2022. The final payment of up to 10 percent will be disbursed after the grantee has submitted the close-out expenditure report, due July 31, 2022.

5. The grantee must comply with the requirements that pertain to sub-grantees in Title 34 of the *Code of Federal Regulations (CFR) Part 80*. Cash disbursements of federal funds must be limited to the actual immediate cash requirements of the grantee. In addition, 34 CFR Section 80.21 requires the grantee to promptly, but at least quarterly, remit to the federal agency any interest greater than \$100 per year earned on payments. When reporting and remitting federal interest to the CDE, a grantee should specify their Data Universal Numbering system number, the time period associated with the interest earned, and the federal program resource code. Please send interest on federal cash balances to the CDE at the following address:

California Department of Education
Attention: Cashier's Office
P.O. Box 515006
Sacramento, CA 95851

Eureka City Schools Board of Education

AGENDA ITEM

Agenda Title: Approval of Declaration of Equipment as Surplus and Authorization to Sell

Meeting Date: October 28, 2021

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to authorize the District to sell and/or dispose of surplus school equipment that is no longer suitable or required for school use.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

The following equipment is obsolete and no longer suitable or required for school use at: Eureka High School; Welding Shop Media Blaster.

STRATEGIC PLAN/PRIORITY AREA:

Applied to the "Fiscal Integrity of the District" portion of the Strategic Plan

HISTORY *(list previous staff or board action(s) with dates if possible)*

The Media Blaster is in need of repair and is currently not operable.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

There is potential for revenue if items are sold at district surplus sales.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

Eureka City Schools Board of Education

AGENDA ITEM

Agenda Title: Approval of the 2021-2022 Career and Technical Education
Advisory Committee

Meeting Date: October 28, 2021

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is being asked to approve the District CTE/Perkins Advisory Committee for 2021-2022.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Each local educational agency (LEA) receiving Perkins IV funds must involve parents, students, academic and CTE teachers, faculty, administrators, career guidance and academic counselors, representatives of tech prep consortia (if applicable), business and industry, labor organizations, special populations, and other interested individuals in the development, implementation, and evaluation of CTE programs. The governing board of each school district participating in a CTE program shall appoint a CTE advisory committee to develop recommendations on the program and to provide liaison between the district and potential employers. The committee shall consist of one or more representatives of the general public knowledgeable about the disadvantaged, students, teachers, business, industry, school administration, and the field office of the Employment Development Department.

The committee is required to meet at least annually.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 6: CAREER AND TECHNICAL EDUCATION PROGRAMS

HISTORY *(list previous staff or board action(s) with dates if possible)*

During a review of Federal Programs in March 2017, it was determined that the District needed to form a Board-approved CTE Advisory Committee comprised of parents, students, academic and CTE teachers, faculty, administrators, career guidance and academic counselors, business and industry, labor organizations, special populations, and other interested individuals in the development, implementation, and evaluation of the district CTE programs.

HOW MUCH*(list the revenue amount \$ and/or the expense amount \$)*

There is no cost associated with this item.

WHO*(list the name of the contact person(s), job title, and site location)*

Michael Davies-Hughes, Assistant Superintendent Educational Services

Jennifer Johnson, Principal Eureka High School

ATTACHMENTS:

Description

▣ Roster

CTE ADVISORY COMMITTEE: 2021-2022

First Name	Last Name		Company
Karen	Brooks	Karen Brooks	HCOE Decade of Diff
Dale	Maples	Dale Maples	Maples Plumbing
Jeff	Hunerlach	Jeff Hunerlach	Operating Engineers Local #3
Marc	Matteoli	Marc Matteoli	Four Star Realty
Debby	Tucker	Debby Tucker	Express Personnel
Jennifer	Johnson	Jennifer Johnson	EHS Principal
Delores	Haskamp	Delores Haskamp	EHS Guidance Counselor
Lacey	Lorenzen	Lacey Lorenzen	EHS Career Guidance Tech
Alissa	Sarvinski	Alissa Sarvinski	EHS CTE teacher
Aletta	Sauer	Aletta Sauer	EHS CTE teacher
Charli	Roberts	Charli Roberts	EHS CTE Student-Ag
Aden	Ciarabellini	Aden Ciarabellini	EHS CTE Student-Welding
Lily	Williamson	Lily Williamson	EHS CTE Student-Accounting/Ag
Draven	Rush	Draven Rush	EHS CTE Student- Culinary/Computer
Dax	Williamson	Dax Williamson	CTE Parent/Williamson Wealth Advisor
Travis	Land	Travis Land	CTE Parent/PGE
Talia	Ciarabellini	Talia Ciarabellini	CTE Parent

Eureka City Schools Board of Education

AGENDA ITEM

Agenda Title: Approval of the Memorandum of Understanding (MOU) Between Taffy Stockton Consulting and Eureka City Schools

Meeting Date: October 28, 2021

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve the Memorandum of Understanding (MOU) between ECS and Taffy Stockton. This MOU will allow Ms. Stockton to provide consultation in the development of a school-based wellness center on the Eureka High School campus through a grant from the Grantmakers Fund and the Schulze-Kronenberg Memorial Fund of the Humboldt Area Foundation and Wild Rivers Community Foundation grant. The MOU is for up to 180 hours between July 13, 2021 and July 13, 2022.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

This MOU will allow for consultation in the development of a wellness center at Eureka High School for mental and behavioral health.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 4: DISTRICT AND SCHOOL CLIMATE (INCLUDING MENTAL AND SOCIO-EMOTIONAL HEALTH)

HISTORY *(list previous staff or board action(s) with dates if possible)*

This is the first MOU between ECS and Taffy Stockton for consultation on the wellness center.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

ECS will pay up to \$18,000 to Taffy Stockton. The funding source will be the Humboldt County Mental Health Demonstration Grant.

WHO *(list the name of the contact person(s), job title, and site location)*

Michael Davies-Hughes, Assistant Superintendent, Educational Services

Julie Simpson, Humboldt County Mental Health Demonstration Grant Director

ATTACHMENTS:

Description

▣ MOU

MEMORANDUM of UNDERSTANDING

Between
Eureka City Schools
And
Taffy Stockton, MBA

Eureka City Schools agrees to contract with Taffy Stockton for up to 180 hours to provide consultation in the development of a school-based health center on the Eureka High School campus through a grant from the Grantmakers Fund and the Schulze-Kronenberg Memorial Fund of the Humboldt Area Foundation and Wild Rivers Community Foundation grant. This grant is for planning to develop the wellness center at Eureka High School for mental and behavioral health.

The HCDG project information:

- The granting institution: Grantmakers Fund and the Schulze-Kronenberg Memorial Fund of the Humboldt Area Foundation and Wild Rivers Community Foundation grant.
- The period of performance: July 13, 2021 through July 13, 2022
- Contract payments to Taffy Stockton: Up to \$18,000 (180 hours @ \$100/hour)

Ms. Stockton is a subcontractor for the Grantmakers Fund and the Schulze-Kronenberg Memorial Fund of the Humboldt Area Foundation and Wild Rivers Community Foundation grant.

Each party shall be responsible for its negligent acts or omissions and the negligent acts or omissions of its employees, officers, or directors to the extent allowed by law.

Ms. Stockton will provide the following in the time period specified:

July 13, 2021 through July 13, 2022.

1. Provide up to 180 hours of support to the Grantmakers Fund and the Schulze-Kronenberg Memorial Fund of the Humboldt Area Foundation and Wild Rivers Community Foundation grant to include:
 - a. Work with the MHDG project director to research and develop a school-based wellness center for the provision of mental health services and/or programming in the Eureka City Schools district.
 - b. Work with the MHDG project director to provide partner and stakeholder engagement with the goal of deepening understanding of the MHDG and expanding joint work/projects.
 - c. Work with the MHDG Project Director to reach out to new potential partners to engage in joint work around the MHDG.
 - d. May include other activities, as determined by project needs and mutual agreement.

Eureka City Schools will provide the following in the time period specified:

July 13, 2021 through July 13, 2022.

1. The MHDG Project Director will provide Ms. Stockton the appropriate guidance and collaboration so that she can fulfill her role in supporting the HCDG.
2. Provide Ms. Stockton access to appropriate data, information, and personnel so she can fulfill her role in supporting the HCDG Project Director.
3. Pay Ms. Stockton in an appropriate and timely manner upon receipt of invoice from her.

Any changes to the terms of this Contract are subject to mutual agreement of both parties hereto. This agreement is subject to cancellation upon 30 days written notice by either party involved. If the contract is cancelled at any time, the Consultant will complete all current assigned work, and ECS will pay for all hours completed and billed for before termination of the contract.

Michael Davies-Hughes
Assistant Superintendent, Eureka City Schools

Date

Taffy Stockton, Consultant

Date

Eureka City Schools Board of Education

AGENDA ITEM

Agenda Title: Approval of Criteria for Murals at Eureka City Schools

Meeting Date: October 28, 2021

Item: Discussion/Action

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Board is asked to discuss and approve the process and criteria for approving the display of murals at school sites within the District.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

There is ongoing interest and support by the student body at Eureka High School for displaying murals that represent the diversity and voice of our school community.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 4: DISTRICT AND SCHOOL CLIMATE (INCLUDING MENTAL AND SOCIO-EMOTIONAL HEALTH)

HISTORY *(list previous staff or board action(s) with dates if possible)*

This is a new item for consideration.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

The cost of mounting and maintaining murals are not known at this time

WHO *(list the name of the contact person(s), job title, and site location)*

Michael Davies-Hughes, Assistant Superintendent, Educational Services
Jennifer Johnson, Principal of Eureka High School

ATTACHMENTS:

Description

- Mural Proposal

Mural Procedures in Eureka City Schools

Definition and Intent:

At Eureka City Schools, murals are a public display of art intended for viewing enjoyment and appreciation over an extended period of time. This art belongs to the entire school community. A mural does not always affect people the same way. Murals may produce different opinions and reactions but should not alienate any member of our community. The intent of murals in Eureka City Schools is to reflect our diverse community. Murals are encouraged to be of unique designs and styles. The artwork should be tasteful and transcend the boundaries of time.

General Requirements:

1. Mural designs at Eureka High School shall be approved by the Inter Club Council. At other sites, mural designs shall be approved by a committee composed of students, staff, and if appropriate, other members of the school community. Murals designed by clubs should align with the club's motto or statement as well as align with the school's standards to keep students safe, responsible and respectful.
2. Mural designs must be approved prior to starting the final mural work. At the secondary level, the mural design should seek to encourage students' participation and future enrollment in clubs and should explain through imagery, symbolism, and/or quotes what and who the club represents and what the club's message is.
3. Designs should have an overall theme or themes that are reinforced by layout, images, and/or words.
4. Designs cannot represent a political standpoint, bias or affiliation.
5. Designs cannot advertise, advocate, or symbolize any type of alcohol, drugs, tobacco, gambling, weapons, gang affiliations or acts that are illegal, violent, obscene, or hazardous.
6. Designs cannot actively discriminate, be offensive or degrading on the basis of race, gender, cultural, religious, or ethnic values.

Design and Mounting Requirements:

1. Murals must be painted on plywood panels and be able to be removed from wall mountings for building maintenance.

Date of Board approval: _____

2. Plywood panel must be primed before painting. Mural grade acrylic paint should be used as well as a varnish layer for preservation and weather protection. For outdoor painted murals follow low VOC requirements.
3. The District's Maintenance Department will have jurisdiction over hanging and mounting murals.
4. Any mural not completed within one year of approval will be subject to removal.

Long-Term Considerations:

1. If it is determined that a mural is deteriorating, there are two ways to go about addressing this issue:
 - a. At the secondary level, the original artist(s) or club may take on the task of restoring the mural.
 - b. The mural may be removed by the Maintenance Department. If a mural is removed an image of the mural should be archived along with the date of removal.

Date of Board approval: _____

Eureka City Schools Board of Education

AGENDA ITEM

Agenda Title: Approval of the 2021 ESSER III Expenditure Plan

Meeting Date: October 28, 2021

Item: Discussion/Action

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Board is asked to approve the 2021 ESSER III Expenditure Plan.

[Note: Item attachment will be added on Monday, October 25, 2021.]

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

The ARP Act requires local educational agencies (LEAs) that receive ESSER III funds to complete an Expenditure Plan for how ESSER III funds will be used to address students' academic, social, emotional, and mental health needs, as well as the opportunity gaps that existed before, and were exacerbated by, the COVID-19 pandemic.

STRATEGIC PLAN/PRIORITY AREA:

Applies to all Strategic Plan priority areas.

HISTORY *(list previous staff or board action(s) with dates if possible)*

In response to the 2019 Novel Coronavirus (COVID-19), the U.S. Congress passed American Rescue Plan (ARP) Act, which was signed into law on March 11, 2021. This is the third federal stimulus funding act in response to COVID-19, following the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA). The Board has previously approved the budget for ESSER I and II.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

The District expects to receive \$10,825,553 in ESSER III funding.

WHO *(list the name of the contact person(s), job title, and site location)*

Michael Davies-Hughes, Assistant Superintendent, Educational Services
Paul Ziegler, Assistant Superintendent, Business Services

ATTACHMENTS:

Description

- ESSER III Plan

ESSER III Expenditure Plan

Local Educational Agency (LEA) Name	Contact Name and Title	Email and Phone
Eureka City Schools	Michael Davies-Hughes Assistant Superintendent, Educational Services	davieshughesm@eurekacityschools.org 707-441-3363

School districts, county offices of education, or charter schools, collectively known as LEAs, that receive Elementary and Secondary School Emergency Relief (ESSER) funds under the American Rescue Plan Act, referred to as ESSER III funds, are required to develop a plan for how they will use their ESSER III funds. In the plan, an LEA must explain how it intends to use its ESSER III funds to address students' academic, social, emotional, and mental health needs, as well as any opportunity gaps that existed before, and were worsened by, the COVID-19 pandemic. An LEA may also use its ESSER III funds in other ways, as detailed in the Fiscal Requirements section of the Instructions. In developing the plan, the LEA has flexibility to include community input and/or actions included in other planning documents, such as the Local Control and Accountability Plan (LCAP), provided that the input and actions are relevant to the LEA's Plan to support students.

For more information please see the Instructions.

Other LEA Plans Referenced in this Plan

Plan Title	Where the Plan May Be Accessed
2021-24 LCAP (stakeholder engagement)	ECS Website: https://www.eurekacityschools.org/for_parents/lcap
2020-21 LCP (stakeholder engagement)	ECS Website: https://www.eurekacityschools.org/c_o_v_i_d-19_help/learning_continuity_attendance_plan

Summary of Planned ESSER III Expenditures

Below is a summary of the ESSER III funds received by the LEA and how the LEA intends to expend these funds in support of students.

Total ESSER III funds received by the LEA

\$10,825,553

Plan Section	Total Planned ESSER III
Strategies for Continuous and Safe In-Person Learning	\$8,660,442
Addressing Lost Instructional Time (a minimum of 20 percent of the LEAs ESSER III funds)	\$2,165,111
Use of Any Remaining Funds	\$0

Total ESSER III funds included in this plan

\$10,825,553

Community Engagement

An LEA's decisions about how to use its ESSER III funds will directly impact the students, families, and the local community. The following is a description of how the LEA meaningfully consulted with its community members in determining the prevention and mitigation strategies, strategies to address the academic impact of lost instructional time, and any other strategies or activities to be implemented by the LEA. In developing the plan, the LEA has flexibility to include input received from community members during the development of other LEA Plans, such as the LCAP, provided that the input is relevant to the development of the LEA's ESSER III Expenditure Plan.

For specific requirements, including a list of the community members that an LEA is required to consult with, please see the Community Engagement section of the Instructions.

A description of the efforts made by the LEA to meaningfully consult with its required community members and the opportunities provided by the LEA for public input in the development of the plan.

Eureka City Schools is purposeful in its efforts to meaningfully engage stakeholders in the development of this plan. The ESSER III presented to the board for approval reflects stakeholder input that has shaped the District's actions and services for students during the course of the COVID-19 pandemic through the development of the 2021-24 Local Control and Accountability Plan (LCAP), the 2021-22 Expanded Learning Opportunities (ELO) Grant Plan, and the Learning Continuity and Attendance Plan (LCP). Although developed during the 2020-21 school year, the LCP is referenced here because the stakeholder input from this plan had direct and significant implications on how the District determined its long-term strategies for actions and services during the COVID-19 pandemic. Additionally, the District's Strategic Plan, whose outcomes were shared during a 9/15/2021 meeting of the ECS Board of Trustees, and on which the public has had opportunities to provide input, has informed our ESSER III Expenditure Plan. Over the past 19-months, District-level stakeholder input has been conducted via virtual meetings, surveys, in-person focused meetings and board meetings. This process has provided us with feedback from families, including families that speak languages other than English; school and district administrators, including special education administrators; teachers, principals, school leaders, other educators, school staff, and local bargaining units. Additionally consultation has occurred with tribal educational representatives and community organizations. The District held more than a dozen individual meetings (some virtually and some in-person) for the purpose of stakeholder input and collected more than seven hundred survey responses. In

addition, opportunities for public comments regarding the priorities of the District for spending LCAP, ELO and ESSER III funds were provided during meetings of the Eureka City Schools Board of Trustees on 02/04/21, 03/11/21, 04/29/21, 05/13/21, 06/03/21, 06/24/21, 06/29/21 and 10/28/21.

A description of how the development of the plan was influenced by community input.

Community input helped shape the development of the District's specific strategies for addressing the loss of instructional time and providing supplemental instruction and support to identified students. Priorities from stakeholders have remained largely consistent through the development of the District's Strategic Plan, LCP, LCAP, ELO and ESSER III plans. These priorities include a commitment to safe in-person learning, additional support personnel for struggling learners (in the form of academic and social-emotional supports), enrichment opportunities, and high quality extended learning opportunities (after-school programs and summer school). The services and opportunities for students as described in the ESSER III plan incorporate evidence-based practices that align with the stakeholder feedback. As a result, the District has modified or enhanced existing services to improve the impact that these services have on students. Examples of such services specific to the ESSER III plan include the following: Comprehensive TK-12 summer school programs in 2022-2023, classroom paraprofessionals at each elementary school ('21-'22 and '22-'23), extending the instructional day in grades TK-3, bolstering the amount of nursing time ('21-'22 and '22-'23), and increasing the number of behavior support aides (BSAs) in the District.

Actions and Expenditures to Address Student Needs

The following is the LEA's plan for using its ESSER III funds to meet students' academic, social, emotional, and mental health needs, as well as how the LEA will address the opportunity gaps that existed before, and were exacerbated by, the COVID-19 pandemic. In developing the plan, the LEA has the flexibility to include actions described in existing plans, including the LCAP and/or Expanded Learning Opportunity (ELO) Grant Plan, to the extent that the action(s) address the requirements of the ESSER III Expenditure Plan.

For specific requirements, please refer to the Actions and Expenditures to Address Student Needs section of the Instructions.

Strategies for Continuous and Safe In-Person Learning

A description of how the LEA will use funds to continuously and safely operate schools for in-person learning in a way that reduces or prevents the spread of the COVID-19 virus.

Total ESSER III funds being used to implement strategies for continuous and safe in-person learning

\$8,660,442

Plan Alignment (if applicable)	Action Title	Action Description	Planned ESSER III Funded Expenditures
N/A	Additional Nursing Staff for 2 years ('21-'22 and '22-'23)	Provide nurses to ensure to oversee COVID testing, contact tracing, and staff training. This is a strategy to facilitate continuous and safe operation of in-person learning and to reduce and prevent the spread of COVID-19 in accordance with CDPH guidelines.	\$578,471
N/A	Classroom paraprofessionals for 2 years ('21-'22 and '22-'23)	Provide classroom paraprofessionals at the elementary sites (4 sites). Staffing level is 2 hrs per regular classroom. Distribution of paras will be the decision of the site principal and will be based on student need.	444,994
N/A	Quarter 1 '21-'22 Certificated and Classified staff salaries and benefits	Ensure adequate staffing to address student learning needs and address the opportunity gaps that existed before, and were exacerbated by, the COVID-19 pandemic	\$850,368
N/A	Behavior Support Aides (BSAs) for '21-'22	Provide BSAs to work with students who exhibit challenging but correctable behaviors while at school. They create positive behavior strategies for children while promoting positive reinforcement.	\$55,962
N/A	Classroom Teachers for quarters 2, 3 and 4 of '21-'22 and entire year for '22-'23	Ensure adequate staffing to address student learning needs and address the opportunity gaps that existed before, and were exacerbated by, the COVID-19 pandemic	\$6,730,647

Addressing the Impact of Lost Instructional Time

A description of how the LEA will use funds to address the academic impact of lost instructional time.

Total ESSER III funds being used to address the academic impact of lost instructional time

\$2,165,111

Plan Alignment (if applicable)	Action Title	Action Description	Planned ESSER III Funded Expenditures
N/A	Summer School (Tier I/II evidence-based practice)	2-years ('21-'22 and ('22-'23) of TK-12 summer school to address impact of lost instructional time due to COVID. At the elementary and middle grades there will be two three-week sessions while at the 9-12 grades summer school will be one four-week session.	\$1,000,000
N/A	Increasing Instructional Minutes (Tier I/II evidence-based practice)	Instructional minutes will be increased in the district (achieved through negotiations between the District and the teachers association). Additional minutes shall help ensure that learning time is maximized; positively impacting the lost instructional time due to the COVID-19 pandemic.	\$1,165,111

Use of Any Remaining Funds

A description of the how the LEA will use any remaining ESSER III funds, as applicable.

Total ESSER III funds being used to implement additional actions

\$0			
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Plan Alignment (if applicable)	Action Title	Action Description	Planned ESSER III Funded Expenditures
No remaining funds			

Ensuring Interventions are Addressing Student Needs

The LEA is required to ensure its interventions will respond to the academic, social, emotional, and mental health needs of all students, and particularly those students most impacted by the COVID–19 pandemic. The following is the LEA’s plan for ensuring that the actions and expenditures in the plan are addressing the identified academic, social, emotional, and mental health needs of its students, and particularly those students most impacted by the COVID–19 pandemic.

Action Title(s)	How Progress will be Monitored	Frequency of Progress Monitoring
Additional Nursing Staff	CDPH Safe School COVID-19 Guidelines	Continuously/ongoing
Classroom paraprofessionals at the elementary sites	Student performance on informal and formal classroom assessments in English-Language Arts and Math. Report Card marks (to include Core Growth for TK-2). CAASPP Interim and Summative Assessment data (Grades 3-5)	Classroom assessments - continuously/ongoing Report Card marks - once per trimester CAASPP Interim assessments (grades 3-5) - once per trimester CAASPP Summative data (grades 3-5) - once per trimester
Adequate certificated staffing to meet student needs	Staffing ratios, compliance with GSA, section allocations at secondary sites	Continuously/ongoing
Behavior Support Aides	School climate data (including SWIS), data for time-on-task/time in the classroom for specific students served	Continuously/ongoing
Summer School	At the elementary level, data on readiness of students for new school year through beginning of year assessments - followed by student performance on informal and formal classroom assessments in English-Language Arts and Math. Report Card marks (to include Core Growth for TK-2). CAASPP Interim and Summative Assessment data (Grades 3-5). Secondary level: graduation rate & school dropout rate, credit recovery data	Elementary and middle: Classroom assessments - continuously/ongoing Report Card marks - once per trimester CAASPP Interim assessments (grades 3-5) - once per trimester CAASPP Summative data (grades 3-5) - once per trimester Secondary: graduation rate and dropout rate - annually credit recovery rate - immediately following conclusion of each summer school session
Increasing Instructional minutes	Increased engagement as measured by attendance rate School climate data - to include SWIS and California Healthy Kids Survey (CHKS)	Attendance rate - monthly Student performance - continuously/ongoing School Climate data - monthly (CHKS, annually)

ESSER III Expenditure Plan Instructions

Introduction

School districts, county offices of education (COEs), or charter schools, collectively known as local educational agencies (LEAs), that receive Elementary and Secondary School Emergency Relief (ESSER) funds under the American Rescue Plan (ARP) Act, referred to as ESSER III funds, are required to develop a plan for how they will use ESSER III funds to, at a minimum, address students' academic, social, emotional, and mental health needs, as well as the opportunity gaps that existed before, and were exacerbated by, the COVID-19 pandemic.

The plan must be adopted by the local governing board or body of the LEA at a public meeting on or before October 29, 2021 and must be submitted for review and approval within five days of adoption. A school district must submit its ESSER III Expenditure Plan to its COE for review and approval; a COE must submit its plan to the California Department of Education for review and approval. A charter school must submit its plan to its chartering authority for review and to the COE of the county in which the charter school operates for review and approval.

In addition, consistent with the requirements of the ARP, Volume 86, *Federal Register*, page 21201, April 22, 2021, the ESSER III Expenditure Plan must be:

- Written in an understandable and uniform format;
- Written in a language that parents can understand, to the extent practicable;
 - If it is not practicable to provide written translations to a parent with limited English proficiency, the plan must be orally translated for parents
- Provided in an alternative format to a parent who is an individual with a disability as defined by the Americans with Disabilities Act, upon request; and
- Be made publicly available on the LEA's website.

For additional information regarding ESSER III funding please see the ARP Act Funding web page at

<https://www.cde.ca.gov/fg/cr/arpact.asp>.

For technical assistance related to the completion of the ESSER III Expenditure Plan, please contact EDReliefFunds@cde.ca.gov.

Fiscal Requirements

- The LEA must use at least 20 percent (20%) of its ESSER III apportionment for expenditures related to addressing the academic impact of lost instructional time through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs.
 - For purposes of this requirement, "evidence-based interventions" include practices or programs that have **evidence** to show that they are effective at producing results and improving outcomes when implemented. This kind of evidence has generally been produced through formal studies and research. There are four tiers, or levels, of evidence:

- **Tier 1 – Strong Evidence:** the effectiveness of the practices or programs is supported by one or more well-designed and well-implemented randomized control experimental studies.
- **Tier 2 – Moderate Evidence:** the effectiveness of the practices or programs is supported by one or more well-designed and well-implemented quasi-experimental studies.
- **Tier 3 – Promising Evidence:** the effectiveness of the practices or programs is supported by one or more well-designed and well-implemented correlational studies (with statistical controls for selection bias).
- **Tier 4 – Demonstrates a Rationale:** practices that have a well-defined logic model or theory of action, are supported by research, and have some effort underway by a State Educational Agency, LEA, or outside research organization to determine their effectiveness.
- **For additional information please see the Evidence-Based Interventions Under the ESSA web page at <https://www.cde.ca.gov/re/es/evidence.asp>.**
- The LEA must use the remaining ESSER III funds consistent with section 2001(e)(2) of the ARP Act, including for:
 - Any activity authorized by the Elementary and Secondary Education Act (ESEA) of 1965;
 - Any activity authorized by the Individuals with Disabilities Education Act (IDEA);
 - Any activity authorized by the Adult Education and Family Literacy Act;
 - Any activity authorized by the Carl D. Perkins Career and Technical Education Act of 2006;
 - Coordination of preparedness and response efforts of LEAs with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to COVID-19;
 - Activities to address the unique needs of low-income students, students with disabilities, English learners, racial and ethnic minorities, homeless students, and foster youth, including how outreach and service delivery will meet the needs of each population;
 - Developing and implementing procedures and systems to improve the preparedness and response efforts of LEAs;
 - Training and professional development for staff of the LEA on sanitation and minimizing the spread of infectious diseases;
 - Purchasing supplies to sanitize and clean the facilities of an LEA, including buildings operated by such agency;
 - Planning for, coordinating, and implementing activities during long-term closures, including providing meals to eligible students, providing technology for online learning to all students, providing guidance for carrying out requirements under IDEA, and ensuring other educational services can continue to be provided consistent with all Federal, State, and local requirements;
 - Purchasing education technology (including hardware, software, and connectivity) for students who are served by the LEA that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and children with disabilities, which may include assistive technology or adaptive equipment;
 - Providing mental health services and supports, including through the implementation of evidence-based full-service community schools;
 - Planning and implementing activities related to summer learning and supplemental after school programs, including providing classroom instruction or online learning during the summer months and addressing the needs of underserved students;

- Addressing learning loss among students, including underserved students, by:
 - Administering and using high-quality assessments that are valid and reliable, to accurately assess students' academic progress and assist educators in meeting students' academic needs, including through differentiated instruction,
 - Implementing evidence-based activities to meet the comprehensive needs of students,
 - Providing information and assistance to parents and families of how they can effectively support students, including in a distance learning environment, and
 - Tracking student attendance and improving student engagement in distance education;

Note: A definition of “underserved students” is provided in the Community Engagement section of the instructions.

- School facility repairs and improvements to enable operation of schools to reduce risks of virus transmission and exposure to environmental health hazards, and to support student health needs;
- Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities, including mechanical and nonmechanical heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door replacement;
- Developing strategies and implementing public health protocols including, to the greatest extent practicable, policies in line with guidance from the Centers for Disease Control and Prevention (CDC) for the reopening and operation of school facilities to effectively maintain the health and safety of students, educators, and other staff;
- Other activities that are necessary to maintain the operation of and continuity of services in LEAs and continuing to employ existing staff of the LEA.

Other LEA Plans Referenced in this Plan

In developing the plan, the LEA has flexibility to include community input and/or actions included in other planning documents, such as the Local Control and Accountability Plan (LCAP) and/or the Expanded Learning Opportunities (ELO) Grant Plan, provided that the input and/or actions address the requirements of the ESSER III Expenditure Plan.

An LEA that chooses to utilize community input and/or actions from other planning documents must provide the name of the plan(s) referenced by the LEA and a description of where the plan(s) may be accessed by the public (such as a link to a web page or the street address of where the plan(s) are available) in the table. The LEA may add or delete rows from the table as necessary.

An LEA that chooses not to utilize community input and/or actions from other planning documents may provide a response of “Not Applicable” in the table.

Summary of Expenditures

The Summary of Expenditures table provides an overview of the ESSER III funding received by the LEA and how the LEA plans to use its ESSER III funds to support the strategies and interventions being implemented by the LEA.

Instructions

For the ‘Total ESSER III funds received by the LEA,’ provide the total amount of ESSER III funds received by the LEA.

In the Total Planned ESSER III Expenditures column of the table, provide the amount of ESSER III funds being used to implement the actions identified in the applicable plan sections.

For the ‘Total ESSER III funds included in this plan,’ provide the total amount of ESSER III funds being used to implement actions in the plan.

Community Engagement

Purpose and Requirements

An LEA’s decisions about how to use its ESSER III funds will directly impact the students, families, and the local community, and thus the LEA’s plan must be tailored to the specific needs faced by students and schools. These community members will have significant insight into what prevention and mitigation strategies should be pursued to keep students and staff safe, as well as how the various COVID–19 prevention and mitigation strategies impact teaching, learning, and day-to-day school experiences.

An LEA must engage in meaningful consultation with the following community members, as applicable to the LEA:

- Students;
- Families, including families that speak languages other than English;
- School and district administrators, including special education administrators;
- Teachers, principals, school leaders, other educators, school staff, and local bargaining units, as applicable.

“Meaningful consultation” with the community includes considering the perspectives and insights of each of the required community members in identifying the unique needs of the LEA, especially related to the effects of the COVID-19 pandemic. Comprehensive strategic planning will utilize these perspectives and insights to determine the most effective strategies and interventions to address these needs through the programs and services the LEA implements with its ESSER III funds.

Additionally, an LEA must engage in meaningful consultation with the following groups to the extent that they are present or served in the LEA:

- Tribes;
- Civil rights organizations, including disability rights organizations (e.g. the American Association of People with Disabilities, the American Civil Liberties Union, National Association for the Advancement of Colored People, etc.); and
- Individuals or advocates representing the interests of children with disabilities, English learners, homeless students, foster youth, migratory students, children who are incarcerated, and other underserved students.
 - For purposes of this requirement “underserved students” include:
 - Students who are low-income;

- Students who are English learners;
- Students of color;
- Students who are foster youth;
- Homeless students;
- Students with disabilities; and
- Migratory students.

LEAs are also encouraged to engage with community partners, expanded learning providers, and other community organizations in developing the plan.

Information and resources that support effective community engagement may be found under *Resources* on the following web page of the CDE’s website: <https://www.cde.ca.gov/re/lc>.

Instructions

In responding to the following prompts, the LEA may reference or include input provided by community members during the development of existing plans, including the LCAP and/or the ELO Grant Plan, to the extent that the input is applicable to the requirements of the ESSER III Expenditure Plan. Descriptions provided should include sufficient detail yet be sufficiently succinct to promote a broad understanding among the LEA’s local community.

A description of the efforts made by the LEA to meaningfully consult with its required community members and the opportunities provided by the LEA for public input in the development of the plan.

A sufficient response to this prompt will describe how the LEA sought to meaningfully consult with its required community members in the development of the plan, how the LEA promoted the opportunities for community engagement, and the opportunities that the LEA provided for input from the public at large into the development of the plan.

As noted above, a description of “meaningful consultation” with the community will include an explanation of how the LEA has considered the perspectives and insights of each of the required community members in identifying the unique needs of the LEA, especially related to the effects of the COVID-19 pandemic.

A description of the how the development of the plan was influenced by community input.

A sufficient response to this prompt will provide clear, specific information about how input from community members and the public at large was considered in the development of the LEA’s plan for its use of ESSER III funds. This response must describe aspects of the ESSER III Expenditure Plan that were influenced by or developed in response to input from community members.

- For the purposes of this prompt, “aspects” may include:
 - Prevention and mitigation strategies to continuously and safely operate schools for in-person learning;

- Strategies to address the academic impact of lost instructional time through implementation of evidence-based interventions (e.g. summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs);
- Any other strategies or activities implemented with the LEA's ESSER III fund apportionment consistent with section 2001(e)(2) of the ARP Act; and
- Progress monitoring to ensure interventions address the academic, social, emotional, and mental health needs for all students, especially those students disproportionately impacted by COVID-19

For additional information and guidance, please see the U.S. Department of Education's Roadmap to Reopening Safely and Meeting All Students' Needs Document, available here: <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>.

Planned Actions and Expenditures

Purpose and Requirements

As noted in the Introduction, an LEA receiving ESSER III funds is required to develop a plan to use its ESSER III funds to, at a minimum, address students' academic, social, emotional, and mental health needs, as well as the opportunity gaps that existed before, and were exacerbated by, the COVID-19 pandemic.

Instructions

An LEA has the flexibility to include actions described in existing plans, including the LCAP and/or ELO Grant Plan, to the extent that the action(s) address the requirements of the ESSER III Expenditure Plan. When including action(s) from other plans, the LEA must describe how the action(s) included in the ESSER III Expenditure Plan supplement the work described in the plan being referenced. The LEA must specify the amount of ESSER III funds that it intends to use to implement the action(s); these ESSER III funds must be in addition to any funding for those action(s) already included in the plan(s) referenced by the LEA. Descriptions of actions provided should include sufficient detail yet be sufficiently succinct to promote a broad understanding among the LEA's local community.

Strategies for Continuous and Safe In-Person Learning

Provide the total amount of funds being used to implement actions related to Continuous and Safe In-Person Learning, then complete the table as follows:

- If the action(s) are included in another plan, identify the plan and provide the applicable goal and/or action number from the plan. If the action(s) are not included in another plan, write "N/A".
- Provide a short title for the action(s).
- Provide a description of the action(s) the LEA will implement using ESSER III funds for prevention and mitigation strategies that are, to the greatest extent practicable, in line with the most recent CDC guidance, in order to continuously and safely operate schools for in-person learning.

- Specify the amount of ESSER III funds the LEA plans to expend to implement the action(s); these ESSER III funds must be in addition to any funding for those action(s) already included in the plan(s) referenced by the LEA.

Addressing the Impact of Lost Instructional Time

As a reminder, the LEA must use not less than 20 percent of its ESSER III funds to address the academic impact of lost instructional time. Provide the total amount of funds being used to implement actions related to addressing the impact of lost instructional time, then complete the table as follows:

- If the action(s) are included in another plan, identify the plan and provide the applicable goal and/or action number from the plan. If the action(s) are not included in another plan, write “N/A”.
- Provide a short title for the action(s).
- Provide a description of the action(s) the LEA will implement using ESSER III funds to address the academic impact of lost instructional time through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs.
- Specify the amount of ESSER III funds the LEA plans to expend to implement the action(s); these ESSER III funds must be in addition to any funding for those action(s) already included in the plan(s) referenced by the LEA.

Use of Any Remaining Funds

After completing the Strategies for Continuous and Safe In-Person Learning and the Addressing the Impact of Lost Instructional Time portions of the plan, the LEA may use any remaining ESSER III funds to implement additional actions to address students’ academic, social, emotional, and mental health needs, as well as to address opportunity gaps, consistent with the allowable uses identified above in the Fiscal Requirements section of the Instructions. LEAs choosing to use ESSER III funds in this manner must provide the total amount of funds being used to implement actions with any remaining ESSER III funds, then complete the table as follows:

- If the action(s) are included in another plan, identify the plan and provide the applicable goal and/or action number from the plan. If the action(s) are not included in another plan, write “N/A”.
- Provide a short title for the action(s).
- Provide a description of any additional action(s) the LEA will implement to address students’ academic, social, emotional, and mental health needs, as well as to address opportunity gaps, consistent with the allowable uses identified above in the Fiscal Requirements section of the Instructions. If an LEA has allocated its entire apportionment of ESSER III funds to strategies for continuous and safe in-person learning and/or to addressing the impact of lost instructional time, the LEA may indicate that it is not implementing additional actions.
- Specify the amount of ESSER III funds the LEA plans to expend to implement the action(s); these ESSER III funds must be in addition to any funding for those action(s) already included in the plan(s) referenced by the LEA. If the LEA it is not implementing additional actions the LEA must indicate “\$0”.

Ensuring Interventions are Addressing Student Needs

The LEA is required to ensure its interventions will respond to the academic, social, emotional, and mental health needs of all students, and particularly those students most impacted by the COVID–19 pandemic, including students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children in foster care, and migratory students.

The LEA may group actions together based on how the LEA plans to monitor the actions’ progress. For example, if an LEA plans to monitor the progress of two actions in the same way and with the same frequency, the LEA may list both actions within the same row of the table. Each action included in the ESSER III Expenditure Plan must be addressed within the table, either individually or as part of a group of actions.

Complete the table as follows:

- Provide the action title(s) of the actions being measured.
- Provide a description of how the LEA will monitor progress of the action(s) to ensure that they are addressing the needs of students.
- Specify how frequently progress will be monitored (e.g. daily, weekly, monthly, every 6 weeks, etc.).

California Department of Education
June 2021

Eureka City Schools Board of Education

AGENDA ITEM

Agenda Title: Resolution 21-22-007 of Recruitment Efforts and Credential Assignment Option and Approval of the Local Assignment Option for hiring a Math Teacher, Rachel DeMario, under EC 44256(b)

Meeting Date: October 28, 2021

Item: Discussion/Action

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve the Resolution of Recruitment Efforts and Credential Assignment Option and to use the Local Assignment Option to hire a Math Teacher. Education Code and Title 5 Regulations provide local educational agencies (LEAs) with teacher assignment options that can be used when an LEA is unable to assign a certificated employee with the appropriate credential. This Local Assignment Option is used solely at the discretion of the LEA. The Board may approve the Local Assignment Option, provided the teacher holds a full teaching credential, has completed 12 semester units in the subject area, and consents to the assignment.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

The District has the need for a Math Teacher at Winship. Rachel DeMario applied for the Math Teacher opening. She holds a Multiple Subjects Credential and is in the process of obtaining a Supplemental Authorization in Math. Ms. DeMario has completed 15 semester units in math and intends to complete three additional units in math, so she may apply for a Supplemental Authorization prior to the 2022-2023 school year.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 3: RECRUITMENT, SELECTION, PROFESSIONAL DEVELOPMENT, AND RETENTION OF QUALITY STAFF

HISTORY *(list previous staff or board action(s) with dates if possible)*

Not applicable.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

Not applicable.

WHO *(list the name of the contact person(s), job title, and site location)*

Renae M. Will

Director Personnel Services and Public Affairs, District Office

ATTACHMENTS:

Description

- ▣ Resolution 21-22-007

Eureka City Schools
Board Resolution #21-22-007
October 28, 2021

**RESOLUTION OF RECRUITMENT EFFORTS AND
CREDENTIAL ASSIGNMENT OPTION**

WHEREAS, the Commission on Teacher Credentialing provides employing districts with assignment options of a temporary nature in which a teacher with an appropriate credential is not available to the school district. Listed below is the Education Code which allows this option and requires the consent of the teacher and Board approval.

Ed Code 44256 (b) allows the Governing Board of a school district to authorize the holder of a multiple subject teaching credential or a standard elementary credential to teach any subject in departmentalized classes to a given class or group of students below grade nine, provided that the teacher has completed 12 total semester units, or 6 upper division or graduate units of course work at an accredited institution in each subject to be taught.

NOW THEREFORE BE IT RESOLVED that the District has made all reasonable efforts to recruit qualified and credentialed teachers for its middle school Math Teacher openings;

BE IT FURTHER RESOLVED that any teacher assigned under this option during the 2021-2022 school year will be identified on the Personnel Report at the appropriate board meeting as the assignment occurs.

PASSED AND ADOPTED by the Governing Board of Eureka City Schools on this 28th day of October in the year 2021.

AYES: _____

NOES: _____

ABSENT: _____

I, **FRED VAN VLECK**, Secretary/Clerk of the Governing Board of Eureka City Schools, do hereby certify the foregoing to be a full, true and correct copy of a resolution adopted by the said Board at a regular meeting hereof held at its regular meeting place on **October 28, 2021**, which action is contained in the minutes of the meeting of said Board.

Fred Van Vleck
Secretary/Clerk of the Governing Board
Eureka City Schools
Dated: October 28, 2021

Eureka City Schools Board of Education

AGENDA ITEM

Agenda Title: Annual Report to the Board on the English Learner Progress (as per BP 6174 (g))
Meeting Date: October 28, 2021
Item: Discussion

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Board is asked to receive a report on the progress of English Learners as required by Board Policy 6174(g).

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

This is a requirement for English Learner Programs receiving Federal funds. A program evaluation shall be provided by the LEA and shall be used to determine: a. Necessary improvements to programs and activities for which Title III funds have been used for LEP and immigrant students b. The effectiveness of programs and activities in assisting ELs to attain proficiency and to meet academic achievement and content standards c. Whether to eliminate specific EL activities proven to be ineffective d. The degree to which, within a reasonable amount of time: i. ELs are attaining English language proficiency comparable to that of average native speakers of English in the district ii. EL students' academic results indicate that ELs are achieving and sustaining parity of academic achievement with students who entered the District's school system already proficient in English.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 1: ENGLISH LANGUAGE ARTS AND HISTORY-SOCIAL SCIENCE PROGRAMS

HISTORY *(list previous staff or board action(s) with dates if possible)*

This is an annual report.

HOW MUCH*(list the revenue amount \$ and/or the expense amount \$)*

There is no cost associated with this item.

WHO*(list the name of the contact person(s), job title, and site location)*

Michael Davies-Hughes, Assistant Superintendent Educational Services

ATTACHMENTS:

Description

▣ Presentation

English Learner Progress

Annual Report to the Board
October 28, 2021

ECS EL Quick Stats

	2020-2021	2019-2020	2018-2019
Alice Birney	39.1%	40.1%	38.5%
Grant	20.8%	21.9%	21.0%
Lafayette	29.4%	30.6%	32.0%
Washington	12.2%	12.7%	13.9%
Winship	15.0%	15.9%	18.3%
Zane	13.3%	13.3%	14.1%
EHS	10.9%	12.2%	12.0%
Zoe	1.4%	3.2%	8.1%

ECS EL Classification

	2020-2021	2019-2020	2018-2019
Total Enrollment	3540	3673	3643
English Learners	583 (16.5%)	645 (17.6%)	655 (18%)
Initial Fluent English Proficient	49 (1.4%)	46 (1.2%)	34 (0.9%)
Reclassified Fluent English Proficient	77 (13.2%)	30 (4.6%)	3 (0.5%)
Long-Term English Learners	Not available	153 (17.9%)	256 (29.7%)
At-Risk Long-Term English Learners	Not available	77 (9.0%)	128 (14.9%)

2021 EL CAASPP Results-ELA



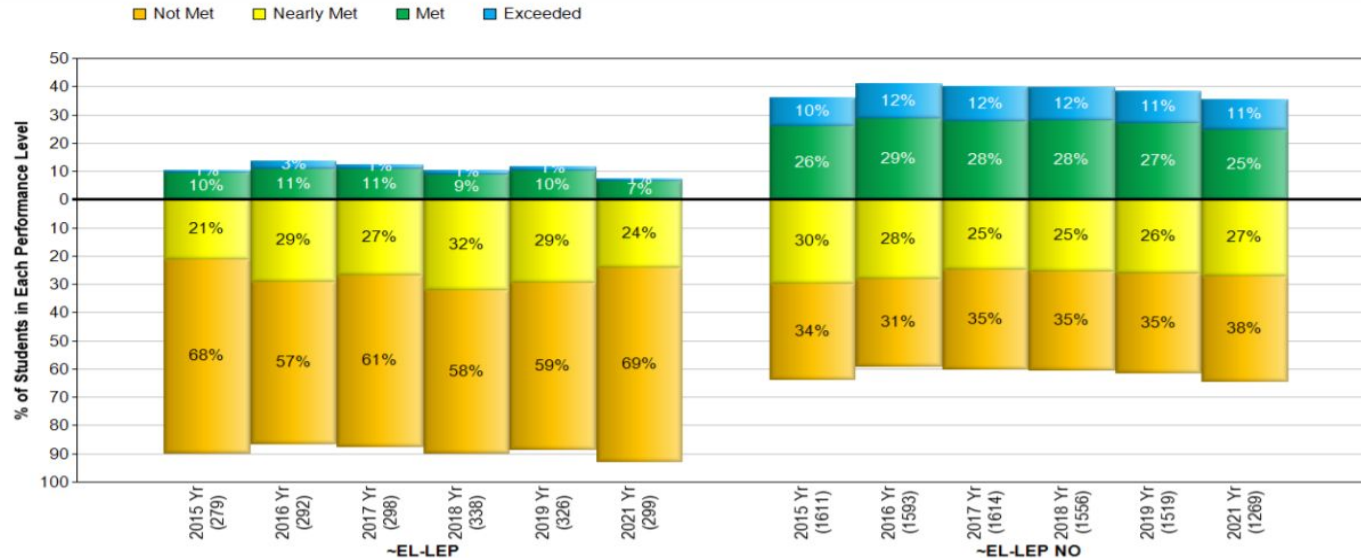
SBAC Achievement Levels

by English Learner (LEP) and Years

Testing Group
Grade: All Grades

Reporting Group
District: Eureka City Unified
School: (all)

* Each bar represents the distribution of students testing that term, showing the percentage at each achievement level.



ELA/Literacy

2021 EL CAASPP Results-Math



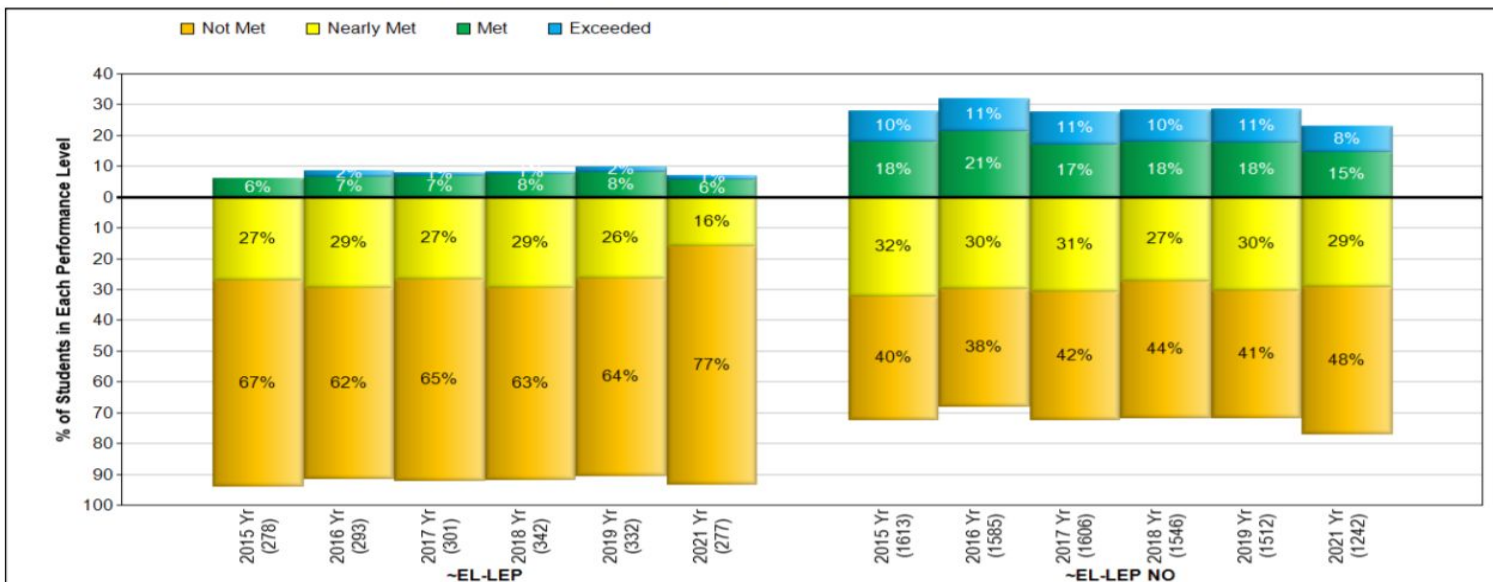
SBAC Achievement Levels

by English Learner (LEP) and Years

Testing Group
Grade: All Grades

Reporting Group
District: Eureka City Unified
School: (all)

* Each bar represents the distribution of students testing that term, showing the percentage at each achievement level.



2021 ELPAC Results

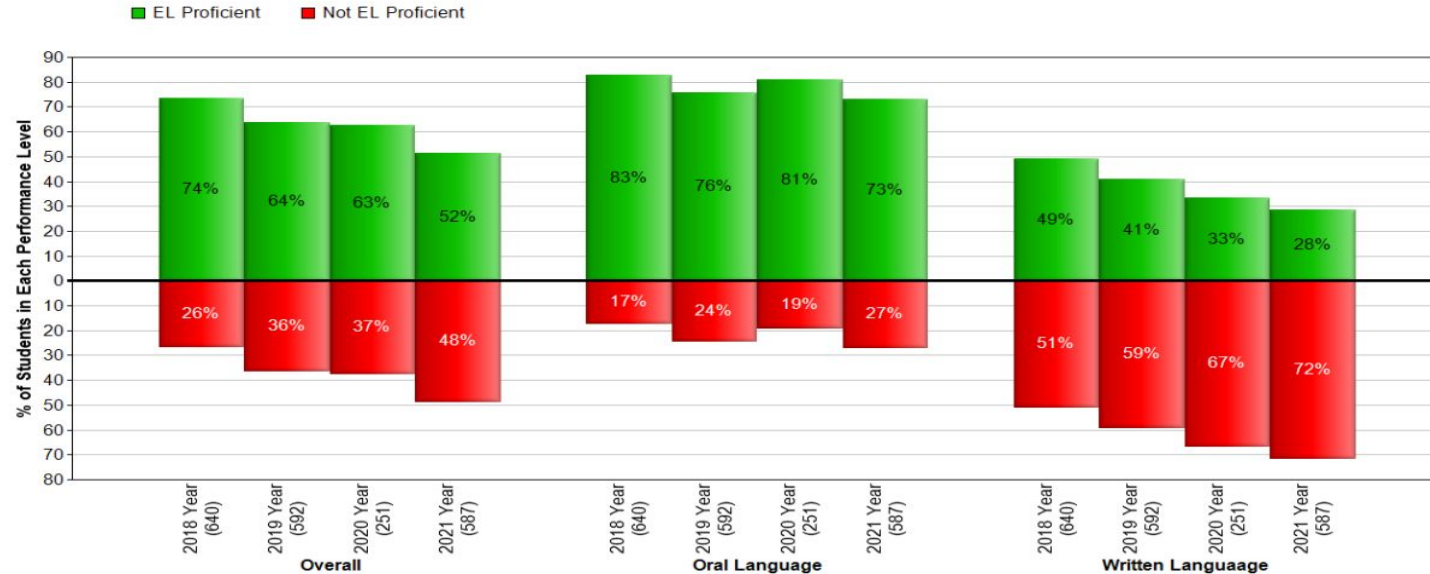


ELPAC At or Above Proficient by Subjects and Years

Testing Group
Grade: All Grades

Reporting Group
District: Eureka City Unified
School: (all)

* Each bar represents the distribution of students testing that term, showing the percentage at each achievement level.



2020 EL LCAP Goals

Increase the number of English Learners who meet or exceed the standards in ELA and Math (CAASPP):

ELA: 2020 = 8% 2019 = 11% 2018 = 10%

Math: 2020 = 7% 2019 = 10% 2018 = 9%

2020 LCAP Goals

Increase the Reclassification rate

2020-2021 = 13.2% (77 students)

2019-2020 = 4.6% (30 students)

2018-2019 = 0.5% (3 students)

2017-2018 = 2.5 % (17 students)

Improvements in EL program as a result of evaluation of effectiveness:

- Implementation of new TK-8 ELA curriculum that will support progress of English learners
- Ensure reclassification timeline is followed
- Comprehensive PD
- Purchase of EL Achieve materials to support instruction
- Operational DELAC and ELAC committees
- Increase and improve parent outreach and involvement efforts

Increase in EL Staffing for 2021-2022

- All elementary and middle schools increased EL Teacher FTE
 - Alice Birney now has 2.0 EL Teacher FTE
 - Grant, Lafayette, Washington, Winship, and Zane all have 1.0 EL Teacher FTE
- Addition of a 0.2 EL Intervention TOSA to support the District
- Winship, Zane, and EHS added a 4 hour EL Technician position

Questions?

Eureka City Schools Board of Education

AGENDA ITEM

Agenda Title: Equipment Replacement Needs

Meeting Date: October 28, 2021

Item: Discussion

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to receive an update regarding equipment replacement needs for the District.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Capital equipment and project needs have been identified across the District. A plan for maintenance items and replacing equipment is needed for budgeting purposes and to ensure uninterrupted operations.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 12: NEW AND MODERNIZED FACILITIES

HISTORY *(list previous staff or board action(s) with dates if possible)*

This is an annual report.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

Estimated costs for replacing/purchasing equipment are indicated in the Equipment Replacement Needs list. The list is based on current use and staffing levels. Changes in use or staffing levels may cause the need for revision to this list.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

- ▣ Presentation

Equipment Replacement Needs



Presented by Paul Ziegler
Assistant Superintendent
October 28, 2021

Transportation

School Buses

	Estimated Cost	Term
Rebuild CNG Compressors	\$5,000	1 year or less
District Share of Expected School Bus Replacement Grants	\$35,000	1 year or less

Motor Pool

	Estimated Cost	Term
Flatbed with Lift Gate	\$30,000 - \$65,000	1-2 years
Replace Grounds Truck 75	New \$45,000 Used \$25,000	1-2 years
Replace Garbage Truck	New \$200,000 Used \$125,000	1 year or less

School Bus Fleet

<u>BUS #</u>	<u>MAKE</u>	<u>YEAR</u>	<u>AVERAGE LIFE EXPECTANCY</u>	<u>ECS PROJECTED FLEET LIFE* IN YEARS</u>
BUS 1	BLUEBIRD 84 PASS (Expect to replace w/grant in 2022 - Electric Vehicle)	1995	20 YEARS	1
BUS 2	BLUEBIRD 84 PASS	1999	20 YEARS	1
BUS 3	INTERN. 24 PASS	2007	20 YEARS	7
BUS 4	BLUEBIRD 81 PASS	2002	20 YEARS	3
BUS 5	BLUEBIRD 81 PASS	2020	20 YEARS	19
BUS 6	BLUEBIRD 81 PASS EV	2021	20 YEARS	20
BUS 7	THOMAS 81 PASS	2012	20 YEARS	12
BUS 8	THOMAS 81 PASS	2012	20 YEARS	12
BUS 9	BLUEBIRD 66 PASS	2000	20 YEARS	1
BUS 10	BLUEBIRD 72 PASS	2000	20 YEARS	2
BUS 11	THOMAS 20 PASS	1999	20 YEARS	4
BUS 12	THOMAS 25 PASS	2001	20 YEARS	4
BUS 14	BLUEBIRD 66 PASS	1999	20 YEARS	12
BUS 18	GIRARDIN 24 PASS	2005	20 YEARS	2
BUS 25	INTER/WARD 72 PASS (Expect to replace w/grant in 2022 - Renewable Diesel)	1995	20 YEARS	1

Operations & Maintenance

Maintenance	Estimated Cost	Term
Stage & Choir Risers	\$10,000	1 year or less
Replace Riding Lawn Mower	\$15,000	1 year or less
Dump Trailer	\$15,000	1 to 2 years
Trailer Mounted Compressor Replacement	\$26,000	1 to 2 years

Operations	Estimated Cost	Term
Replace Warehouse Forklift	\$22,000 (used)	1 year or less
Replace Carpet Cleaners (2)	\$11,000 (new)	1 year or less
Purchase Concrete & Tile Cleaner	\$9,800 (new)	1 year or less

Maintenance

Maintenance / Roofs	Estimated Cost	Term
Alice Birney		
Upper Wing	\$125,000	1-3 years
Library Breezeway (small roof)	\$15,000	2-4 years
Lower Wing / Office	BOND	1 year or less
Middle Wing	\$105,000	3-5 years
Breezeways	\$45,000	3-6 years
Eureka High		
Science Wing	BOND	1 year or less
Main Building (Recoat/Seal)	\$150,000	1-3 years
Grant		
Upper Wing	\$75,000	1 year or less
Cafeteria	\$75,000	1-2 years
Zane		
Office / Library	\$125,000	2-5 years

Maintenance

Maintenance / Playgrounds (seal coating)	Estimated Cost	Term
Alice Birney	\$19,500	1 year or less
Washington (south)	\$15,000	1 year or less
Zane (lower)	\$19,800	1 year or less
Lincoln	\$18,000	1 year or less

Food Services

Food Services	Estimated Cost	Term
Three (3) New Transport Warmer Units (Winship, Zane, EHS)	\$30,000	1 year or less
Two (2) New Transport Warmer/Serving Units (Grant, Lafayette)	\$13,000	1 year or less
Two (2) New Roll in Refrigerators (Lafayette, Washington)	\$36,000	1-2 years
Double Kettle System Replacement at Central Kitchen	\$100,000	1-2 years

Technology

Server / Infrastructure Upgrades	Estimated Cost	Term
UPS Battery Replacement in IDF Cases (District wide)	\$20,000	1 year or less
Computer Replacements	\$250,000	1 year or less

Sites

Middle Schools	Estimated Cost	Term
New Lockers	\$85,000	1 to 2 years

Eureka City Schools Board of Education

AGENDA ITEM

Agenda Title: Policy Updates from CSBA - June 2021 (First Review)

Meeting Date: October 28, 2021

Item: Discussion/Action

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is being asked to discuss and adopt the policy updates from CSBA -June 2021.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

From time to time, relatively minor changes occur that affect the text of CSBA sample board policies, administrative regulations, and board bylaws but do not warrant reissuing the entire sample because the changes are limited. It is recommended that districts review the revisions and incorporate them in district materials as appropriate. Although the revisions are minor, the district should still use its normal adoption process to adopt the board policies, administrative regulations, and/or board bylaws affected by these revisions. The following Board Policies, Administrative Regulations and Board Bylaws have various changes due to changes in laws, new laws, court decisions, and clarification.

STRATEGIC PLAN/PRIORITY AREA:

Governance and Policy updating is not reflected in the Strategic Plan Priority Area

HISTORY *(list previous staff or board action(s) with dates if possible)*

This is the first reading of these policies.

HOW MUCH*(list the revenue amount \$ and/or the expense amount \$)*

There is no revenue or expense related to this agenda item.

WHO*(list the name of the contact person(s), job title, and site location)*

Fred Van Vleck, Ed.D., Superintendent

ATTACHMENTS:

Description

June 2021 ECS DRAFT - Policy Updates

Type:	Number:	Title:	Recommended Action	Clarification	Comments	Page
AR	1312.3	Uniform Complaint Procedures	Use CSBA Recommendation	Regulation updated to correct the timeline in the "Notifications" section for submitting appeals to the California Department of Education (CDE), as specified in state regulations. Section on "Investigation of Complaint" revised to clarify that state regulations regarding the consequences of a respondent's failure to cooperate in an investigation only apply when the respondent is the district. Additional revisions, including expansion of the section "Health and Safety Complaints in License-Exempt Preschool Programs," made to more directly reflect the standards in CDE's Federal Program Monitoring instrument.	Mandated BP & E for Reference Pg b Check Position Pg e #9 New Timeline re: from 15 to 30 days to appeal Pg g-h #1-7 No New Language just reorganization Pg k Option 1 Pg r ¶ 2 New Language re: Download and post Pg r ¶ 4-5 New Language re: Adding text to the complaint & investigation Pg s ¶ 1 New Language re: Primary language Pg s ¶ 3 New Language re: Public records	CSBA: 2-20 ECS: 21-37
BP	1313	Civility	Adopt CSBA Recommendation	New policy addresses the importance of civility to the effective operation of the district, including its role in creating a positive school climate and enabling a focus on student well-being, learning, and achievement. Policy includes First Amendment free speech considerations, behavior that constitutes civil behavior, practices that promote civil behavior, and authorization to educate or provide information to students, staff, parents/guardians, and community members to assist in the recognition, development, and demonstration of civil behavior. Policy also includes material regarding behavior that is disruptive, hinders the orderly conduct of district operations or programs, or creates an unsafe learning or working environment, as well as the prohibition of, and consequences for, behavior which is discriminatory, harassing, or intimidating, including sexual harassment, bullying, and/or hate violence.	New Optional Policy	CSBA: 38-42 ECS: n/a

June 2021 ECS DRAFT - Policy Updates

BP	3511.1	Integrated Waste Management	Use CSBA Recommendation	Policy updated to reflect current legal requirements for recycling waste which are based on specified thresholds of waste generation and are detailed in the accompanying administrative regulation, add district goal to develop strategies for recycling organic waste, and more directly link waste management to education goals.	Pg a ¶ 2 New Language re: Recycle & organic waste	CSBA: 43-45 ECS: 46
AR	3511.1	Integrated Waste Management	Use CSBA Recommendation	Regulation updated to add new section on "Recycling" which contains (1) material formerly in item #2 above, (2) new material reflecting a determination by the California Department of Resources Recycling and Recovery (CalRecycle) regarding the level of statewide disposal of organic waste which triggered a requirement for any facility generating two or more cubic yards of solid waste per week to meet specified requirements pertaining to the recycling of organic waste, and (3) new material reflecting legal requirements to provide recycling bins or containers in a facility that generates four or more cubic yards of solid waste or two or more cubic yards of organic waste per week.	Pg a-b New Section "Recycling"	CSBA: 47-49 ECS: 50
BP	3515.31	School Resource Officers	Adopt CSBA Recommendation	New policy is for use by districts that choose to employ school resource officers (SROs) or enter into an agreement with local law enforcement for the purpose of providing SROs on school campuses and/or school activities. Policy reflects NEW LAW (SB 98, 2020) which encourages districts to redirect resources currently allocated to contracts with local law enforcement into student support services. If the district decides to contract for SROs, the policy advises districts to enter into a memorandum of understanding (MOU) which clearly defines roles, responsibilities, and expectations for the district, school site, law enforcement agency, and individual officers. Policy includes recommended components of the MOU, reflects a requirement for SROs to use de-escalation techniques to mitigate the use of force in accordance with policy adopted by the law enforcement agency, clarifies that SROs should not handle routine disciplinary matters, requires SROs to complete specialized training, and calls for periodic evaluation of	New Optional Policy Pg a ¶ 2 Changed Language re: Shall to May Pg d ¶ 5 Deleted Language	CSBA: 51-56 ECS: n/a

June 2021 ECS DRAFT - Policy Updates

				disaggregated data on student interactions with SROs to ensure compliance with nondiscrimination provisions of district policy and/or the MOU.		
BP	4112.42 4212.42 4312.42	Drug and Alcohol Testing for School Bus Drivers	Use CSBA Recommendation	Policy updated to clarify the obligation of drivers to submit to drug and alcohol testing as required under federal law. Section on "Consequences Based on Test Results" updated to (1) add the agency responsible for reviewing and approving district requests to temporarily remove a driver from safety-sensitive functions before drug test results are verified by a certified medical review officer and (2) describe consequences that will be imposed on drivers based on findings of specific concentrations of alcohol. Policy also clarifies the requirement to ensure that a driver who is offered an opportunity to return to work following a violation first receive an evaluation by a qualified substance abuse professional and successfully comply with the evaluation recommendations.	Pg b ¶ 1 New Language re: Submit to testing Pg b ¶ 4 New Language re: Metabolite Pg b ¶ 5 New Language re: Temporary removal Pg c ¶ 3 New Language re: Returning to duty Pg c ¶ 4 New Language re: Further treatment	CSBA: 57-61 ECS: 62-67
AR	4112.42 4212.42 4312.42	Drug and Alcohol Testing for School Bus Drivers	Use CSBA Recommendation	Regulation updated to clarify that marijuana remains an illegal drug under the federal Controlled Substances Act and use of it by a driver remains a violation of federal drug testing regulations. Definition of "alcohol concentration" revised to delete information regarding consequences for drivers based on specific alcohol concentrations, now addressed in the BP. Regulation also expands the responsibilities of the designated employer representative pursuant to federal regulations, clarifies requirements pertaining to pre-employment testing including the requirement to conduct a pre-employment query using the Commercial Driver's License Drug and Alcohol Clearinghouse, and reflects additional requirements related to post-accident testing. New section reflects federal regulations which require districts to report any violation of federal drug and alcohol regulations to the Clearinghouse and conduct inquiries of the Clearinghouse's online database for all drivers employed by the district on an annual basis and before hiring any driver.	Pg b ¶ 2 New Language re: Use of clearinghouse Pg b ¶ 3 New Timeline re: past 3 years changed from 2 yrs. Pg c ¶ 3 New optional ¶ re: pre-employment testing Pg c #2 (second 2) New Language re: 8 hours Pg d ¶ 2 New Language re: Post accident alcohol test Pg f New Section "Return to Duty Testing" Pg f New Section "Follow-Up Testing" Pg f-g New Section "Mandatory Reporting and Annual Queries to the Drug and Alcohol Clearinghouse"	CSBA: 68-76 ECS: 77-85

June 2021 ECS DRAFT - Policy Updates

					Pg h #12 New Language re: Reporting to clearinghouse	
BP	4141 4241	Collective Bargaining Agreement	Use CSBA Recommendation	Revised policy reflects court decision holding that a provision in a collective bargaining agreement that directly conflicts with the Education Code cannot be enforced. Policy also adds language clarifying that, whenever a law conflicts with a provision in the collective bargaining agreement, the law will prevail.	Optional Pg a ¶ 2 New Language re: The law prevails to whom it applies Pg a ¶ 3 New Language re: 15 days	CSBA: 86-87 ECS: 88-89
BP	4158 4258 4358	Employee Security	Use CSBA Recommendation	Policy updated to reflect law authorizing a district to petition, on behalf of an employee, for a gun violence restraining order prohibiting a person from owning, purchasing, possessing, or receiving a firearm. Policy also reflects law requiring a district to provide reasonable accommodations, upon request, to an employee who is a victim of domestic violence, sexual assault, or stalking. Policy adds a requirement of law to inform administrators and counselors, along with teachers, regarding certain crimes and offenses committed by students.	Pg a ¶ 2 New Language re: May be removed by Superintendent Pg a ¶ 3 New Language re: Restraining order Pg b ¶ 1 New Language re: Requested safety at work	CSBA: 90-94 ECS: 95-100
AR	4158 4258 4358	Employee Security	Use CSBA Recommendation	Regulation updated to more directly reflect law requiring a report to law enforcement of any attack, assault, or physical threat made against an employee by a student. Material in section on "Notice Regarding Student Offenses" reorganized to clarify the required notifications that must be made to staff pertaining to (1) student offenses that are grounds for suspension or expulsion and (2) any report received from a court that a student has been found to have committed a felony or misdemeanor involving specified offenses. In that section, paragraph on notifications that may be provided by a district police or security department deleted and moved into Note since its applicability is limited. New	Pg d-f New Section "Accommodations for Victims of Domestic Violence, Sexual Assault, or Stalking"	CSBA: 101-107 ECS: 108-113

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				section on "Accommodations for Victims of Domestic Violence, Sexual Assault, or Stalking" reflects law requiring a district to provide reasonable accommodations, including, but not limited to, safety procedures or adjustments to a job structure, workplace facility, or work requirement, upon the request of an employee who is a victim of domestic violence, sexual assault, or stalking.		
BP	5141.4	Child Abuse Prevention and Reporting	Use CSBA Recommendation	Board policy updated to clarify that districts are not required, but are authorized, to include age-appropriate and culturally sensitive child abuse prevention curriculum in the instructional program, add material regarding displaying posters on campus notifying students of the appropriate telephone number to call to report child abuse or neglect, include the requirement for student identifications cards for students in grades 7-12 to include the National Domestic Hotline telephone number, and clarify that the training regarding duties of mandated reporters be according to law and administrative regulation.	<p>Pg a ¶ 4 New Optional ¶ re: Sexual Assault Awareness</p> <p>Pg b ¶ 1 New Language re: Posters where students congregate.</p> <p>Pg b ¶ 2 New Language re: Student ID cards Domestic Violence Hotline telephone number</p> <p>Pg b ¶ 3 New Language re: Community resources</p>	CSBA: 114-117 ECS: 118
AR	5141.4	Child Abuse Prevention and Reporting	Use CSBA Recommendation	Regulation updated to reflect NEW LAW (AB 1145, 2020) which amends the definition of sexual assault for purposes of mandated reporting to not include voluntary conduct in violation of Penal Code 286, 287, or 289 (sodomy, oral copulation, or sexual penetration) if there are no indicators of abuse unless such conduct is between a person who is 21 years of age or older and a minor who is under 16 years of age. Regulation also adds licensees of licensed child day care facilities to the list of mandated reporters, reflects that the California Department of Justice form is now titled BCIA 8572, clarifies that when a staff member or volunteer aide is selected by a child to be present at an interview where child abuse is being investigated that the principal or designee inform the person of specified requirements prior to the interview, and reflects NEW STATE REGULATION (Register 2020, No. 21) which authorizes parents/guardians of special education students to file a complaint with CDE for safety	<p>Pg a See note 2 to define new definition</p> <p>Pg c ¶ 1 New Language re: Licensees</p> <p>Pg d Check Agency</p> <p>Pg e ¶ 2 New Language re: Form BCIA</p> <p>Pg f #3 ¶ 2 New Language re: Notifying Superintendent</p> <p>Pg g ¶ 4 New Language re: Every 3 yrs may receive training</p> <p>Pg h ¶ 2 New Language re: Prior to the interview</p>	CSBA: 119-128 ECS: 129-133

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				concerns that interfere with the provision of a free appropriate public education pursuant to 5 CCR 3200-3205 rather than through uniform complaint procedures.	Pg i See note re: SPED complaints and UCP	
BP	5141.52	Suicide Prevention	Use CSBA Recommendation	Policy updated to expand material regarding stakeholder engagement and best practices for suicide prevention, intervention, and postvention, and for consistency with CDE's Model Youth Suicide Prevention Policy, including an enhanced list of participants for staff development, the importance of resiliency skills to student instruction, the review of materials and resources for alignment with safe and effective messaging, information to be provided to parents/guardians and caregivers, and the establishment of district and/or school site crisis intervention team(s). Policy also updated to clarify that the policy may be reviewed more frequently than the five-year review requirement of law, and that district data pertaining to reports of suicidal ideation, attempts, or death and data that reflect school climate be periodically reviewed to aid in program development.	Mandated Pg b ¶ 1 New Language re: Stakeholders Pg c #4 New Language re: Safe effective messaging Pg c #9 New Language re: Crisis intervention team Pg d-e ¶ 6-1 New Language re: Review Suicide Policy more frequently and data	CSBA: 134-139 ECS: 140
AR	5141.52	Suicide Prevention	Use CSBA Recommendation	Regulation updated to expand the section on "Staff Development" by adding to the list of participants for suicide prevention training, topics to be included in such training, and additional professional development for specified groups and to enhance the section on "Instruction" by adding to the list of topics to be taught and authorizing the development and implementation of school activities that raise awareness about mental health wellness and suicide prevention. Regulation also updated to include, for districts that have crisis intervention teams, the contact information for district and/or school site crisis intervention team members, add that school counselors may disclose a student's personal information to report child abuse and neglect as required by law, and include providing comfort to a student who has attempted or threatened to attempt suicide	Mandated Pg a ¶ 1 New Language re: New positions added Pg c #3 New Language re: Identifying students who are at risk Pg c #5 New Language re: Safe and effective messaging Pg c #6 New Language re: Importance of early intervention Pg c #10 New Language re: misconceptions about suicide Pg c ¶ 1 New Language re: Additional professional development Pg d #6 New Language re: Early intervention	CSBA: 141-148 ECS: 149-151

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					<p>Pg d ¶ 2 New Language re: Raise awareness</p> <p>Pg e ¶ 2 New Language re: Crisis intervention team contact information</p>	
BP	5142.2	Safe Routes to School Program	Use CSBA Recommendation	Policy updated to clarify potential liability issues, recognize that active transportation positively impacts student achievement, add material regarding equitable access and opportunity to participate in the district's safe routes to school program, and update information about state and federal grant programs.	<p>Optional</p> <p>Pg a ¶ 2 New Language re: Equitable access</p>	CSBA: 152-155 ECS: 156
AR	5142.2	Safe Routes to School Program	Use CSBA Recommendation	Regulation updated to reflect current strategies recommended by the U.S. Department of Transportation's Federal Highway Administration and National Center for Safe Routes to School to improve student safety along routes to school and to promote walking, bicycling, and forms of active transport to school. Regulation adds that active transportation positively impacts student achievement; clarifies that offering driver safety information to high school students, parents/guardians, and the community promotes safety around school campuses and routes; and adds strategies related to emerging technologies that aid in the prevention and mitigation of accidents, emergency response in managing injuries after an accident occurs, and equity, such that resources are distributed in a manner that provides safe access and participation in an equitable manner.	<p>Optional</p> <p>Pg c #6-8 New Language re: Technologies, Emergency response and equity of resources</p>	CSBA: 157-159 ECS: 160-161
BP	5145.12	Search and Seizure	Use CSBA Recommendation	Policy updated to reflect court decision upholding a school policy that called for limited searches without individualized suspicion if students left campus and returned in the middle of the day. Policy also updated to reflect law which places restrictions on searches of electronic devices such as cellular phones, court decision regarding searches of lockers without individualized suspicion, and court decision upholding policy of random weapons screening with a handheld metal detector.	<p>Optional</p> <p>AR for Reference</p> <p>Pg b ¶ 4 New Language re: Electronic devices</p> <p>Pg e ¶ 1 New Language re: Individualized suspicion</p>	CSBA: 162-167 ECS: 168-170

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BP	5145.9	Hate-Motivated Behavior	Use CSBA Recommendation	Policy updated to bolster the governing board's commitment to providing a respectful, inclusive, and safe learning environment, including adding a definition of hate-motivated behavior which incorporates a list of characteristics which may motivate prohibited behavior, reflecting the importance of celebrating diversity, enhancing the list of topics for student instruction and staff development, adding material regarding regularly occurring staff training, and including student and staff discipline for engaging in hate-motivated behavior. Policy also updated to include the requirement to post the policy in a prominent location on the district's web site and add that, in addition to other staff listed, complaints may be reported to the district's compliance officer.	Optional Pg a ¶ 2 New Definition: Hate Motivated behavior Pg b #3-4 New Language re: Age appropriate instruction Pg b ¶ 4 New Language re: Discipline Pg c #1-6 New Language re: Staff training Pg c ¶ 2 New Language re: Employees who engage in hate motivated behavior Pg c ¶ 4 New Language re: Posting on website	CSBA: 171-176 ECS: 177-178
BP	5148	Child Care and Development	Use CSBA Recommendation (with additional revisions)	Policy updated to reflect NEW LAW (SB 98, 2020) which transfers responsibility for state administration of child care and development programs from CDE to the California Department of Social Services (CDSS) effective July 1, 2021. Information about the Child Care Facilities Revolving Fund deleted as the fund is no longer operative. Policy also reflects NEW STATE REGULATIONS (Register 2020, No. 21) which retain the requirement to refer health and safety complaints regarding licensed childcare and development programs to CDSS but eliminate the requirement that complaints regarding a license-exempt facility be referred to a Child Development regional administrator.	Optional Pg a 1 st note refers to July 1, 2021 deadline Pg a ¶ 2 New Language re: CDSS contract	CSBA: 179-184 ECS: 185-186
AR	5148	Child Care and Development	Use CSBA Recommendation	Regulation updated to reflect NEW LAW (SB 98, 2020) which transfers responsibility for state administration of child care and development programs from CDE to CDSS effective July 1, 2021. Regulation also contains information about the delay, due to COVID-19, of CDSS' adoption of regulations implementing a new, single license for infant, toddler, preschool, and school-age child care programs. References to the Desired Results Developmental Profile made more general to	Pg d New Section "Health and Safety" Pg g ¶ 1 Deleted Language re: Centralized waiting list Pg k #1 ¶ 2 New Language re: Medical exemption filing	CSBA: 187-200 ECS: 201-206

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				account for possible future changes in program requirements. New section on "Health and Safety" adds requirement for licensed centers to test drinking water for lead contamination between January 1, 2020 and January 1, 2023 if the building was constructed before January 1, 2010, and to notify parents/guardians of the test results. Section on "Health Examination and Immunizations" expanded to reflect the requirement that a child care center may only accept a medical exemption request that is made on an electronic, standardized form developed by the California Department of Public Health.		
BP	6142.5	Environmental Education	Adopt CSBA Recommendation	Policy updated to reflect law which required that the state-adopted environmental principles and concepts be integrated into content standards, curriculum frameworks, and textbook criteria. Policy also reflects legislative intent that governing boards undertake specified actions to promote instruction in environmental literacy, including by embedding environmental literacy in the local priorities addressed in the district's local control and accountability plan, collaborating with other agencies to enhance the environmental curriculum, providing professional development in environmental literacy, and ensuring equity in the provision of environment-based learning opportunities.	Optional No Current	CSBA: 207-209 ECS: n/a
AR	6162.51	State Academic Achievement Tests	Use CSBA Recommendation	Regulation updates information regarding administration of the California Assessment of Student Performance and Progress, including provisions that: (1) the district may administer the California Science Test (CAST) in any of grades 10-12, (2) the California Alternate Assessments in science should be administered to students with significant cognitive disabilities who are unable to take the CAST with accommodations, and (3) the California Spanish Test is the primary language assessment that is available to be administered to English learners. Regulation also adds optional language regarding the use of Smarter Balanced interim and formative assessments to provide timely feedback regarding students' progress and assist teachers	BP for Reference Pg c #1 New Language re: Smarter Balanced test Pg c-d #2 New Language re: CAST Pg d ¶ 2 New Language re: California Spanish Assessment Pg e ¶ 1 New Optional ¶ re: Smarter Balanced	CSBA: 210-218 ECS: 219-223

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				in continually adjusting instruction to improve learning. Testing windows and testing variations updated to reflect current state regulations, as renumbered.	Pg f #1-2 New Language re: Timeline for testing	
BP	7211	Developer Fees	Adopt CSBA Recommendation	Policy updated to include material formerly in the AR pertaining to responsibilities of the board with respect to levying developer fees, such as conducting a fee justification study, holding a public hearing, and adopting a board resolution. Policy also clarifies the applicability of Government Code 65997, which became operative due to the failure of state bond measure Proposition 13 in March 2020 and gives districts the flexibility to deny or refuse a legislative act involving the planning, use, or development of real property, other than requiring a fee in excess of the fee imposed by law. Policy addresses factors that must be included in the fee justification study based on recent court decision.	Optional No Current	CSBA: 224-230 ECS: n/a
AR	7211	Developer Fees	Adopt CSBA Recommendation	Regulation revised to delete board responsibilities pertaining to the imposition of developer fees, now addressed in the BP, and to require the superintendent or designee to provide specified information regarding capital facilities accounts to the board as well as the public.	No Current	CSBA: 231-233 ECS: n/a

CALIFORNIA SCHOOL BOARDS ASSOCIATION

CSBA policy services provide sample policies, administrative regulations, bylaws and exhibits as a resource for school districts and county offices of education to develop their own policy manual. These samples reflect the law as of the date on each sample. Additionally, they do not necessarily express the personal, political, or legal opinions or viewpoints of CSBA, its Board of Directors, or its employees.

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CSBA Sample Administrative Regulation

Community Relations

AR 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

Note: 5 CCR 4621 **mandates** that the district's uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4670. Additionally, Education Code 52075 **mandates** districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan (LCAP), and Education Code 8235.5 **mandates** districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination, harassment, intimidation, or bullying. For example, all districts are **mandated** pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are **mandated** pursuant to 34 CFR 106.8 and 34 CFR 110.25 to adopt policies and procedures to address discrimination on the basis of sex and age. Some of the factors considered by the U.S. Department of Education's Office for Civil Rights (OCR) when determining whether a district's procedures are "prompt and equitable" are addressed throughout the following administrative regulation.

Apart from these mandates, state law authorizes the use of UCP to resolve complaints of noncompliance with laws related to the development of a school plan for student achievement and the establishment of school site councils; accommodations for pregnant and parenting students; prohibition against the charging of student fees; educational rights of foster youth, homeless students, former juvenile court school students, children of military families, migrant students, and students participating in a newcomer program for newly arrived immigrants; assignment of students to courses without educational content; and physical education instructional minutes. See the section "Complaints Subject to UCP" in the accompanying Board policy.

Except as the Governing Board may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying Board policy.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 4030 - Nondiscrimination in Employment)

Compliance Officers

Note: 5 CCR 4621 **mandates** the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, harassment, intimidation, or bullying and retaliation. During its Federal Program Monitoring (FPM) process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for receiving and investigating complaints. Districts should identify the specific title(s) of the compliance officer(s) in the space provided below. If a district identifies multiple compliance officers, it is recommended that one be designated the lead compliance officer.

UNIFORM COMPLAINT PROCEDURES (continued)

The following paragraph specifies that the compliance officer will be the same person designated to serve as the Title IX Coordinator for addressing complaints of sexual harassment pursuant to AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Districts may modify this regulation to designate different district employees to serve these functions.

The district designates the individual(s), position(s), or unit(s) identified below as responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying and in AR 5145.7 - Sexual Harassment for handling complaints regarding sexual harassment. The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.71 - Title IX Sexual Harassment Complaints Procedures)

Assistant Superintendent of Educational Services

2100 J Street

Eureka, CA 95501

(707) 441-3363

Note: The following paragraph is for use by districts that have designated more than one compliance officer.

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

UNIFORM COMPLAINT PROCEDURES (continued)

Note: 5 CCR 4621 **mandates** that the district's policy require employees responsible for compliance and/or for investigating and resolving complaints to be knowledgeable about the laws and programs at issue in the complaints they are assigned. OCR requires that the compliance officer(s) involved in implementing discrimination complaint procedures be knowledgeable about the procedures and be able to explain them to parents/guardians and students. Compliance officers must also have training or experience in handling discrimination complaints, including appropriate investigative techniques and understanding of the applicable legal standards.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program; applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, harassment, intimidation, or bullying; applicable standards for reaching decisions on complaints; and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

The compliance officer or, if necessary, an appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

Note: During the FPM process, CDE staff will check to ensure that the district's policy contains a statement ensuring annual dissemination of notice of the district's UCP to the persons specified below.

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

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

UNIFORM COMPLAINT PROCEDURES (continued)

(cf. 5145.6 - Parental Notifications)

Note: 5 CCR 4622 requires the district to include specified information in its annual UCP notice to students, parents/guardians, employees, and others. The following list reflects those required components and additional content of the notice listed in CDE's FPM instrument.

A sample of the annual notice is available through CDE's web site. It is the district's responsibility to update the notice as necessary to reflect new law.

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred
4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities
6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3260 - Fees and Charges)

UNIFORM COMPLAINT PROCEDURES (continued)

7. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

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

(cf. 6173.3 - Education for Juvenile Court School Students)

(cf. 6175 - Migrant Education Program)

8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision
10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable
11. A statement that copies of the district's UCP are available free of charge

Note: The following paragraph may be modified to reflect district practice. Pursuant to Education Code 221.61, districts are required to post information related to Title IX on their web sites, including specified information about complaint procedures under Title IX. See AR 5145.3 - Nondiscrimination/Harassment. A district that does not maintain a web site may comply by posting the information on the web site of its county office of education. A comprehensive list of rights based on the provisions of the federal regulations implementing Title IX can be found in Education Code 221.8. In addition, in its April 2015 Dear Colleague Letter: Title IX Coordinators, OCR recommends that districts use web posting and social media to disseminate their nondiscrimination notices, policies, and procedures and communicate current compliance officer(s)' contact information to students, parents/guardians, and employees.

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.

UNIFORM COMPLAINT PROCEDURES (continued)

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

Note: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's 2002 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. Under the Guidance, a recipient of federal funds has an obligation to provide language assistance to LEP individuals based on the balancing of four factors: (1) the number or proportion of LEP individuals likely to encounter the program, (2) the frequency with which LEP individuals come in contact with the program, (3) the nature and importance of the services provided by the program, and (4) the resources available to the recipient. State law is more specific than federal law: Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's UCP policy, regulation, forms, and notices shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

Filing of Complaints

Note: Complaints filed under UCP may be filed directly with a compliance officer or with any site administrator not designated as a compliance officer. For example, acts of unlawful discrimination, harassment, intimidation, or bullying may initially be reported to a principal. See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment. If a site administrator not designated as a compliance officer receives a UCP complaint, the site administrator must notify a compliance officer. A district may also establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. Any site-level process established by a district should be in writing and distributed in the same manner as the grievance procedures listed herein with an explanation of how it interacts with the UCP complaint process.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

UNIFORM COMPLAINT PROCEDURES (continued)

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. (5 CCR 4630)

Note: Education Code 49013 and 52075 **mandate** districts to adopt procedures that allow for anonymous complaints to be filed when a district allegedly violates the prohibition against the charging of student fees or violates any requirement related to the LCAP.

2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee.

Note: Pursuant to 5 CCR 4630, complaints related to the LCAP must be filed within a year of the date that the reviewing authority approves the district's LCAP. Pursuant to Education Code 52070, the County Superintendent of Schools is the reviewing authority for district LCAPs.

3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Board. (5 CCR 4630)
4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)
5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for

UNIFORM COMPLAINT PROCEDURES (continued)

filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

Note: OCR's Revised Sexual Harassment Guidance indicates that if a complainant in a sexual harassment case requests that the complainant's name or that of the victim not be revealed to the alleged perpetrator or asks that the complaint not be pursued, the district should first inform the complainant that honoring the request may limit its ability to respond and pursue disciplinary action against the alleged perpetrator. The OCR publication acknowledges that situations may exist in which a district cannot honor a student's request for confidentiality, but cautions that, in all instances, the district must still continue to ensure that it provides a safe and nondiscriminatory environment for all students. Districts should consult legal counsel before honoring a confidentiality request to withhold the victim's name from the alleged perpetrator, especially in the case of alleged sexual assault. These guiding principles would also apply to harassment on the basis of race, gender, disability, or other protected characteristic.

7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Note: The following section should be used only by those districts that have decided to establish procedures for attempting to resolve complaints through alternative dispute resolution procedures such as mediation; see the accompanying Board policy. **The following section may be modified to specify the alternative dispute resolution method and timelines used within the district.**

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation to resolve the complaint. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

UNIFORM COMPLAINT PROCEDURES (continued)

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Note: 5 CCR 4631, which requires the district to provide the complainant with the opportunity to present relevant information, does not provide any timeline. Thus, **the timeline specified below may be modified to reflect district practice.**

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

Note: In the investigation, the compliance officer should consider all relevant circumstances, such as how the alleged misconduct affected one or more students' education; the type, frequency, and duration of the misconduct; the identity, age, and sex of the individuals involved in and impacted by the conduct and the relationship between them; the number of persons engaged in the conduct and at whom the conduct was directed; the size of the school, location of the incidents, and context in which they occurred; and other incidents at the school involving different individuals.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses

UNIFORM COMPLAINT PROCEDURES (continued)

with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform the parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offender(s), and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

Note: 5 CCR 4631 allows the district to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. 5 CCR 4631 also provides that, if the district refuses to provide the investigator with access to records or other documents, the investigator may issue a finding in favor of the complainant. During the FPM process, CDE staff will check to ensure that both of these statements regarding the provision of access to information are included in the district's policy or procedures, as specified below.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Refusal by the district to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Timeline for Investigation Report

Note: Pursuant to 5 CCR 4631, the district's investigation report must be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for districts that do not allow complainants to appeal the compliance officer's decision to the Governing Board. Option 2 is for districts that allow appeals to the Board, and it requires the compliance officer's decision within 30 calendar days so that the Board's decision can still be given within the 60-day time limit.

Pursuant to 5 CCR 4631, only a complainant has the right to receive the investigation report and to file a complaint with the Board if dissatisfied with the compliance officer's decision. However, OCR has recommended that the same rights be extended to a respondent to a complaint alleging unlawful discrimination to ensure the process is equitable for all involved. Furthermore, OCR recommends notifying the respondent in such a complaint whenever the complainant approves an extension of the timeline. Options 1 and 2 reflect these recommendations and may be modified to reflect district practice.

Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the district, the 60-day period specified in 5 CCR 4631 begins when the district receives the complaint.

UNIFORM COMPLAINT PROCEDURES (continued)**OPTION 1:**

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, and bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the investigation report at the same time it is provided to the complainant.

OPTION 2:

Note: The remainder of this section is for use by districts that select Option 2.

~~Unless extended by written agreement with the complainant, the investigation report shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Investigation Report" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the Board.~~

~~The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. When required by law, the matter shall be considered in closed session. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.~~

~~(cf. 9321—Closed Session)~~

~~If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)~~

~~For any complaint alleging unlawful discrimination, harassment, intimidation, and bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant, shall be sent the district's investigation report, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.~~

UNIFORM COMPLAINT PROCEDURES (continued)**Investigation Report**

Note: 5 CCR 4631 specifies components that are required to be part of the district's investigation report. Inclusion of these items will help protect the district's position in case of an appeal to CDE, a complaint submitted to OCR, or if litigation is filed.

For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE

The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

Note: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records containing details of the actions taken in response to a UCP complaint. However, pursuant to 20 USC 1221, FERPA may not "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program." In February 2015, the Family Policy Compliance Office (FPCO), now the Student Privacy Protection Office, released a letter concluding that FERPA permits a district to disclose to a student who was subjected to unlawful discrimination certain information about the sanctions imposed upon the respondent when the sanctions directly relate to that student. Thus, if properly remedying the impact of discrimination would require disclosing to the alleged victim certain information on how the district disciplined the respondent (e.g., an order that the respondent stay away from the alleged victim), FPCO interprets FERPA as allowing the district to disclose that information.

Given the potential liability from improperly disclosing such information, districts are advised to consult with legal counsel when presented with a situation where a victim of unlawful discrimination requests information about sanctions imposed upon the respondent.

UNIFORM COMPLAINT PROCEDURES (continued)

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, and bullying, notice of the investigation report to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

Note: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure that UCP complaint procedures pertaining to CSPP health and safety issues include a statement that the district response and the investigation report must, whenever Education Code 48985 is applicable, be written in English and the primary language in which the complaint was filed; see the section "Health and Safety Complaints in License-Exempt Preschool Programs" below. The following paragraph extends this provision to all types of complaints to ensure compliance with Education Code 48985. In addition, based on Title VI of the Civil Rights Act of 1964, OCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If the complaint involves a limited-English-proficient student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

Note: During the FPM process, CDE staff will expect to see a statement detailing a complainant's right to pursue civil law remedies (i.e., action in a court of law) in addition to or in conjunction with the right to pursue administrative remedies from CDE.

For complaints alleging unlawful discrimination, harassment, intimidation, and bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

UNIFORM COMPLAINT PROCEDURES (continued)**Corrective Actions**

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

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

(cf. 5137 - Positive School Climate)

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling

(cf. 6164.2 - Guidance/Counseling Services)

2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law

UNIFORM COMPLAINT PROCEDURES (continued)

2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team

(cf. 6164.5 - Student Success Teams)

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

(cf. 6145 - Extracurricular and Cocurricular Activities)

7. Disciplinary action, such as suspension or expulsion, as permitted by law

(cf. 5144 - Discipline)

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

When an employee is found to have committed retaliation or unlawful discrimination, harassment, intimidation, or bullying, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

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

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

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that the district does not tolerate it, and how to report and respond to it.

Note: Generally, when a complaint is found to have merit, an appropriate remedy is provided to the complainant or other affected person. However, in certain instances, the law may require a remedy to be provided to all affected persons, not just the complainant or subject of the complaint. For example, pursuant to Education Code 49013 and 5 CCR 4600, if the district, or CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the district is required to provide a remedy to all affected students and parents/guardians, as specified below. The same requirement applies to allegations of noncompliance with the LCAP requirements pursuant to Education Code 52075, required instructional minutes for physical education pursuant to Education Code 51222 and 51223, and course periods without educational content pursuant to Education Code 51228.3. Districts that do not maintain elementary schools should delete the reference to physical education below.

UNIFORM COMPLAINT PROCEDURES (continued)

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the law regarding student fees, the district, by engaging in reasonable efforts, shall attempt in good faith to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the district's investigation report are not supported by substantial evidence.
4. The legal conclusion in the district's investigation report is inconsistent with the law.
5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy.

Note: 5 CCR 4633 requires the district to submit the following documents to CDE within 10 days after the district has been notified that an appeal has been filed. The district's failure to provide a timely and complete response may result in CDE ruling on the appeal without considering information from the district.

UNIFORM COMPLAINT PROCEDURES (continued)

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP
6. Other relevant information requested by CDE

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

Note: Pursuant to 5 CCR 4633, CDE is required to issue a written decision regarding the appeal within 60 days of CDE's receipt of the appeal, unless extended by written agreement with the appellant or documentation by CDE of exceptional circumstances. Within 30 days of the appeal decision, either party may request reconsideration by the Superintendent of Public Instruction or designee.

Pursuant to 5 CCR 4650, CDE may directly intervene in a complaint without waiting for action by the district when certain conditions exist, including the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final investigation report; (2) the complainant requires anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named; or (3) the complainant would suffer immediate and irreparable harm as a result of an application of a districtwide policy that is in conflict with state or federal law and that filing a complaint would be futile.

Health and Safety Complaints in License-Exempt Preschool Programs

Note: The following section is for use by districts that operate any license-exempt CSPP program. Education Code 8235.5 **mandates** districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in a license-exempt CSPP program. Pursuant to Education Code 8235.5, the district must use the UCP, with modifications as necessary, to resolve such complaints. Pursuant to 5 CCR 4610, such complaints must be addressed through the procedures described in 5 CCR 4690-4694.

See the accompanying exhibits for a sample classroom notice and complaint form.

UNIFORM COMPLAINT PROCEDURES (continued)

Any complaint regarding health or safety issues in a license-exempt CSPP program shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the district notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may download and post a notice available from the CDE web site. (Education Code 8235.5; 5 CCR 4691)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8235.5; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8235.5; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8235.5; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8235.5; 5 CCR 4692)

UNIFORM COMPLAINT PROCEDURES (continued)

Note: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure compliance with this requirement. Based on Title VI of the Civil Rights Act of 1964, OCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If a complaint regarding health or safety issues in a license-exempt CSPP program involves a limited-English-proficient student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled meeting and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8235.5; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

(cf. 1340 - Access to District Records)

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent of Schools. (5 CCR 4693)

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Policy Reference UPDATE Service

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Regulation 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 08/19/2019 | **Last Revised Date:** 04/29/2021

Except as the Governing Board may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

Compliance Officers

The district designates the individual(s), position(s), or unit(s) identified below as responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and in AR 5145.7 - Sexual Harassment for handling complaints regarding sexual harassment. The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

Assistant Superintendent of Educational Services
2100 J Street
Eureka, CA 95501
(707) 441-3363

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint must be filed no later than one year from the date the alleged violation occurred
4. A statement that, in the case of a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, a UCP complaint must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities
6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
7. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process
8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
9. A statement that the complainant has a right to appeal the district's investigation report to CDE for programs within the scope of the UCP by filing a written appeal, including a copy of the original complaint and the district's decision, within 15 days of receiving the district's decision
10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable
11. A statement that copies of the district's UCP are available free of charge

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee.
3. A UCP complaint shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Board. (5 CCR 4630)
4. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. The complaint shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
5. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
6. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall

proceed with an investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Timeline for Investigation Report

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the investigation report at the same time it is provided to the complainant.

Investigation Report

For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE

The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the investigation report to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved is enrolled in a school at which 15 percent or more of the students speak a single primary language other than English, then the investigation report shall also be translated into that language pursuant to Education Code 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling

2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified

federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including as least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the district's investigation report are not supported by substantial evidence.
4. The legal conclusion in the district's investigation report is inconsistent with the law.
5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy.

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP
6. Other relevant information requested by CDE

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

Health and Safety Complaints in License-Exempt Preschool Programs

Any complaint regarding health or safety issues in a license-exempt CSPP program shall be addressed through the procedures described in 5 CCR 4690-4694.

In each license-exempt CSPP classroom, a notice shall be posted notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. (Education Code 8235.5; 5 CCR 4690)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint and shall contain a space to indicate whether the complainant desires a response to

the complaint. If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. (Education Code 8235.5; 5 CCR 4690)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8235.5; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8235.5; 5 CCR 4692)

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled meeting and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8235.5; 5 CCR 4693, 4694)

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent of Schools. (5 CCR 4693)

Policy 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 08/19/2019 | Last Revised Date: 04/29/2021

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following programs and activities:

1. Accommodations for pregnant and parenting students (Education Code 46015)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)
3. After School Education and Safety programs (Education Code 8482-8484.65)
4. Agricultural career technical education (Education Code 52460-52462)
5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
6. Child care and development programs (Education Code 8200-8498)
7. Compensatory education (Education Code 54400)
8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content, when students in grades 9-12 are assigned to such courses more than one week in any semester or in a course the student has previously satisfactorily completed, unless specified conditions are met (Education Code 51228.1-51228.3)
10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)
11. Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school, migrant students, and immigrant students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act (Education Code 52059; 20 USC 6301 et seq.)
13. Local control and accountability plan (Education Code 52075)
14. Migrant education (Education Code 54440-54445)
15. Physical education instructional minutes (Education Code 51210, 51222, 51223)
16. Student fees (Education Code 49010-49013)

17. Reasonable accommodations to a lactating student (Education Code 222)
18. Regional occupational centers and programs (Education Code 52300-52334.7)
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)
20. School safety plans (Education Code 32280-32289)
21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
22. State preschool programs (Education Code 8235-8239.1)
23. State preschool health and safety issues in license-exempt programs (Education Code 8235.5)
24. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
25. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. (5 CCR 4611)
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611)
3. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including

the right to file the complaint with the California Department of Fair Employment and Housing.

4. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education, or a due process hearing order shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)
 5. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)
 6. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15582)
 7. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)
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Exhibit 1312.3-E(1): Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 08/27/2020 | **Last Reviewed Date:** 08/27/2020

See PDF on the next page.

For Reference Only

Note: Education Code 8235.5 requires that the following notice be posted in each classroom with a license-exempt California State Preschool Program (CSPP) (Education Code 8235-8239.1). The notice must include the health and safety requirements that apply to such CSPP programs pursuant to Health and Safety Code 1596.7925, which may be the subject of a complaint under the uniform complaint procedures.

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS: PRESCHOOL COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 8235.5, you are hereby notified that any California State Preschool Program that is exempt from licensure must have:

1. Outdoor shade that is safe and in good repair
2. Drinking water that is accessible and readily available throughout the day
3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children
4. Restroom facilities that are available only for preschoolers and kindergartners
5. Visual supervision of children at all times
6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time
7. Playground equipment that is safe, in good repair, and age appropriate

Note: Education Code 8235.5 requires that the notice include the location to obtain a complaint form and provides that posting a notice downloadable from the California Department of Education's web site will satisfy this requirement. The law does not require that complaint forms be placed in any specific location. The following paragraph lists locations where complaint forms may be available and should be modified to reflect district practice, including adding the school and district web site addresses.

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's uniform complaint procedures as required by law. A complaint form may be obtained at the school office or district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/cp/uc>.

However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.

Exhibit 1312.3-E(2): Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 08/27/2020 | **Last Reviewed Date:** 08/27/2020

See PDF on the next page.

Exhibit
Uniform Complaint Procedures

Descriptor Code: 1312.3(2)

Note: Pursuant to Education Code 8235.5, uniform complaint procedures should be used for complaints alleging that a license-exempt California State Preschool Program (CSPP) does not comply with any of the health and safety requirements specified in Health and Safety Code 1596.7925.

**PRESCHOOL COMPLAINT FORM:
UNIFORM COMPLAINT PROCEDURES**

Education Code 8235.5 requires that the district's uniform complaint procedures be used for the filing of complaints concerning noncompliance with health and safety standards for license-exempt California State Preschool Programs. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? ☐ Yes ☐ No

Contact information: (if response is requested)

Name: _____

Address: _____

Phone number: Day: _____ Evening: _____

E-mail address, if any: _____

Date problem was observed: _____

Location of the problem that is the subject of this complaint:

School name/address: _____

Room number/name of room/location of facility: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or district for the appropriate district complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

- ☐ The preschool does not have outdoor shade that is safe and in good repair.
- ☐ Drinking water is not accessible and/or readily available throughout the day.
- ☐ The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.
- ☐ Restroom facilities are not available only for preschoolers and kindergartners.

- ☐ The preschool program does not provide visual supervision of children at all times.
- ☐ Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.
- ☐ Playground equipment is not safe, in good repair, or age appropriate.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation.

Note: Education Code 8235.5 requires complaints identified above to be filed with the preschool administrator or designee. Districts should specify the names and/or locations in the spaces below.

Please file this complaint at the following location:

(preschool administrator or designee)

(address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(Signature)

(Date)

CSBA Policy Management Console

Date Adopted: 5/1/2020
Last Revised: 5/1/2020
Last Reviewed: 5/1/2020

Adopt CSBA Recommendation

CSBA Sample Board Policy

Community Relations

BP 1313(a)

CIVILITY

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

The Governing Board recognizes the impact that civility has on the effective operation of the district, including its role in creating a safe and positive school climate and enabling a focus on student well-being, learning, and achievement. The Board believes that each person should be treated with dignity and respect in their interactions within the school community.

(cf. 0415 - Equity)

(cf. 5137 - Positive School Climate)

Note: The First Amendment of the U.S. Constitution and Article 1, Section 2 of the California Constitution provide strong protection as to speech related to district business.

In addition, pursuant to Government Code 54954.3 and the court's decision in Baca v. Moreno Valley Unified School District, the Governing Board must not prohibit public criticism of district policies, procedures, programs, services, acts, omissions, or employees, even if the speech is clearly defamatory. See BB 9323 - Meeting Conduct. Pursuant to Government Code 54957.9 and the court's decisions in Norse v. City of Santa Cruz and City of San Jose v. Garbett, the Board is authorized to remove persons who willfully disrupt or disturb a meeting, provided that the action actually interferes with the proceedings of the meeting or poses a credible threat of violence that would place reasonable persons in fear for their safety or the safety of others.

Compared to community members, districts have greater authority to regulate the speech of district employees when they are acting in the scope of their employment with the district. Furthermore, court decisions have found that the First Amendment rights of public school students in the school setting are not necessarily the same as the rights of adults in other settings and must be applied in light of the special circumstances of the school environment. In Hazelwood School District v. Kuhlmeier, the U.S. Supreme Court ruled that when a school has not, by policy or practice, opened up a school-sponsored activity for unrestricted use by students, the school may limit student expression as long as its decision is reasonably related to "legitimate pedagogical concerns." See BP/AR 5145.2 - Freedom of Speech/Expression.

Districts should consult legal counsel before placing restrictions on employee, student, or community member speech/expression in an effort to maintain civility.

The Board understands that the First Amendment provides strong protection for speech. However, the Board expects that all speech and expression will comport with norms of civil behavior on district grounds, in district facilities, during district activities or events, and in the use of district electronic/digital systems and platforms.

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 9323 - Meeting Conduct)

CIVILITY (continued)

Note: The following **optional** paragraph reflects traits included in the definition of civil behavior provided by the National Council for the Social Studies Connected.

Civil behavior is polite, courteous, and reasonable behavior which is respectful to others and includes integrity, honesty, acceptance, timeliness, dependability, observance of laws and rules, and effective communication.

The Board and district staff shall model civil behavior as an example of behavior that is expected throughout the district. Practices that promote civil behavior include actively listening, giving full attention to the speaker, and refraining from interruptions; welcoming and encouraging participation, input, and feedback through stakeholder engagement; promptly responding to concerns; and embracing varying and diverse viewpoints. Such practices may be incorporated into governance standards adopted by the Board or Superintendent and/or professional standards or codes of conduct for employees as specified in district policies and regulations.

(cf. 2111 - Superintendent Governance Standards)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 9005 - Governance Standards)

Students, staff, parents/guardians, and community members should be educated in the recognition, development, and demonstration of civil behavior. The Superintendent or designee may incorporate related concepts in the curriculum, provide staff development activities, and/or communicate this policy to the school community.

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

Students, staff, parents/guardians, and community members shall not communicate or behave in a manner that causes disruption; hinders the orderly conduct of district operations, the educational program, or any other district program or activity; or creates an unsafe learning or working environment. The Superintendent or designee may respond to disruptive, violent, or threatening behavior in accordance with law and as specified in BP/AR 3515.2 - Disruptions.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1250 - Visitors/Outsiders)
(cf. 3515.2 - Disruptions)
(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 3515.7 - Firearms on School Grounds)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 3516.2 - Bomb Threats)

CIVILITY (continued)

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

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

(cf. 5131.4 - Student Disturbances)

(cf. 5131.5 - Vandalism and Graffiti)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5138 - Conflict Resolution/Peer Mediation)

Behavior by students or staff that is discriminatory, harassing, or intimidating, including sexual harassment, bullying, and/or hate violence, or behavior that is in any other way unlawful, is prohibited and is subject to discipline in accordance with law and as specified in district policy and regulations.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4030 - Nondiscrimination in Employment)

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

(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5144 - Discipline)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

(cf. 5145.9 - Hate-Motivated Behavior)

Legal Reference: (see next page)

CIVILITY (continued)*Legal Reference:*EDUCATION CODE*200-262.4 Educational equity**32210 Willful disturbance of public school or meeting**32211 Threatened disruption or interference with classes**32212 Classroom interruptions**32280-32289.5 School safety plans**35181 Governing board authority to set policy on responsibilities of students**35291-35291.5 Rules**44050 Employee code of conduct; interaction with students**44807 Teachers' duty concerning conduct of students**44810 Willful interference with classroom conduct**44811 Disruption of classwork or extracurricular activities**48900-48926 Suspension and expulsion, especially:**48907 Exercise of free expression; rules and regulations**48950 Speech and other communication**49330-49335 Injurious objects*CIVIL CODE*51.7 Freedom from violence or intimidation*GOVERNMENT CODE*54954.3 Opportunity for public to address legislative body; regulations**54957.9 Disorderly conduct of general public during meeting; clearing of room*PENAL CODE*243.5 Assault or battery on school property**415.5 Disturbance of peace of school**422.55 Definition of hate crime**422.6 Civil rights; crimes**626-626.11 School crimes**627-627.10 Access to school premises**653b Loitering about schools or public places**653.2 Electronic communication devices; threats to safety*CALIFORNIA CONSTITUTION*Article 1, Section 2 Freedom of speech and expression**Article 1, Section 28 Right to safe schools*U.S. CONSTITUTION*Amendment 1, Freedom of speech and expression*COURT DECISIONS*City of San Jose v. Garbett (2010) 190 Cal.App.4th 526**Norse v. City of Santa Cruz (9th Cir. 2010) 629 F.3d 966**Baca v. Moreno Valley Unified School District (1996) 936 F.Supp. 719**Hazelwood School District v. Kuhlmeier (1988) 484 U.S. 260**Management Resources: (see next page)*

CIVILITY (continued)

Management Resources:

CSBA PUBLICATIONS

Superintendent Governance Standards

Professional Governance Standards for School Boards, June 2019

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California's Social and Emotional Learning: Guiding Principles, 2018

Social and Emotional Learning in California: A Guide to Resources, October 2018

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California Professional Standards for Education Leaders (CPSEL), February 2014

NATIONAL POLICY BOARD FOR EDUCATIONAL ADMINISTRATION

Professional Standards for Educational Leaders, October 2015

WEB SITES

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

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

California Office of the Attorney General: <https://oag.ca.gov>

Center for Safe and Responsible Internet Use: <https://www.ewa.org/organization/center-safe-and-responsible-internet-use>

Commission on Teacher Credentialing: <https://www.ctc.ca.gov>

National Council for the Social Studies Connected: <https://connected.socialstudies.org>

National Policy Board for Educational Administration: <https://www.npbea.org>

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

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

U.S. Equal Employment Opportunity Commission: <https://www.eeoc.gov>

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3511.1(a)

INTEGRATED WASTE MANAGEMENT

Note: The following policy may be revised to reflect district practice. Pursuant to Public Resources Code 42630, districts and schools are encouraged to assist cities and counties in meeting the solid waste diversion goals set by Public Resources Code 41780. Pursuant to Public Resources Code 42649.2 and 42649.81, businesses, including schools, are required to arrange for recycling services if the amount of solid or organic waste they produce meets the thresholds specified in law and the accompanying administrative regulation. The California Department of Resources Recycling and Recovery (CalRecycle) offers resources identifying waste management strategies, available funding sources, and education and school waste reduction programs that provide curriculum to link instruction on integrated waste management and environmental concepts with student action projects at school sites.

The Governing Board believes that the conservation of water, energy, and other natural resources, the protection of the environment, and the implementation of an effective waste diversion program are connected to the district's educational mission and are essential to the health and well-being of the community. The Superintendent or designee shall develop and implement a cost-effective, integrated waste management program that incorporates the principles of green school operations.

(cf. 0100 - Philosophy)
(cf. 3510 - Green School Operations)
(cf. 3511 - Energy and Water Management)
(cf. 3514 - Environmental Safety)
(cf. 3514.2 - Integrated Pest Management)

The district's integrated waste management program shall include strategies designed to promote waste management practices of source reduction, recycling, and composting to help the district reduce and recycle solid and organic waste, properly dispose of potentially hazardous materials, improve efficiency in the use of natural resources, and minimize the impact of such use on the environment. The program shall address all areas of the district's operations, including, but not limited to, procurement, resource utilization, and facilities management practices.

(cf. 3300 - Expenditures and Purchases)
(cf. 3517 - Facilities Inspection)

The Superintendent or designee may collaborate with city, county, and state agencies and other public or private agencies in developing and implementing the district's integrated waste management program.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 7131 - Relations with Local Agencies)

INTEGRATED WASTE MANAGEMENT (continued)

Note: CalRecycle provides grants and related information to eligible schools for developing and implementing integrated waste management programs. For more information, see CalRecycle's web site.

The Superintendent or designee shall make every effort to identify funding opportunities for the district's integrated waste management program, including applying for available grants or other cost-reduction incentives.

The Superintendent or designee may provide appropriate educational and training opportunities to students and staff regarding the benefits and methods of conserving natural resources and the manner in which integrated waste management strategies impact such efforts.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6142.5 - Environmental Education)

(cf. 6142.93 - Science Instruction)

The Superintendent or designee shall regularly monitor all aspects of the district's integrated waste management program and shall provide an update to the Board on its effectiveness as necessary.

Legal Reference: (continued)

INTEGRATED WASTE MANAGEMENT (continued)

Legal Reference:

EDUCATION CODE

17070.96 *Leroy F. Greene School Facilities Act of 1996, consideration of high performance standards*

17072.35 *New construction grants; use for designs and materials for high performance schools*

32370-32376 *Recycling paper*

33541 *Environmental education*

PUBLIC RESOURCES CODE

25410-25422 *Energy conservation assistance*

40050-40063 *Integrated waste management*

41780-41786 *Waste diversion*

42620-42622 *Source reduction and recycling programs*

42630-42647 *School site source reduction and recycling*

42649-42649.7 *Recycling of commercial solid waste*

42649.8-42649.87 *Recycling of organic waste*

Management Resources:

CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY PUBLICATIONS

Frequently Asked Questions

Recycling and Organics Recycling Guide for Schools Poster

Where to Put It: Recycling, Composting, and Trash Bin Signage

WEB SITES

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

California Department of Resources Recycling and Recovery:

<https://www.calrecycle.ca.gov/Recycle/Schools>

California Division of State Architect: <http://www.dgs.ca.gov/dsa>

California Energy Commission: <http://www.energy.ca.gov>

California Environmental Protection Agency: <http://www.calepa.ca.gov>

U.S. Environmental Protection Agency: <http://www.epa.gov>

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Policy Reference UPDATE Service

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Policy 3511.1: Integrated Waste Management

Status: ADOPTED

Original Adopted Date: 03/12/2013

The Board of Education believes that the conservation of natural resources and the protection of the environment are connected to the district's educational mission and are essential to the health and well-being of the community. The Superintendent or designee shall develop and/or implement a cost-effective, integrated waste management program that incorporates the principles of green school operations.

(cf. 0100 - Philosophy)

(cf. 3510 - Green School Operations)

(cf. 3511 - Energy and Water Management)

(cf. 3514 - Environmental Safety)

(cf. 3514.2 - Integrated Pest Management)

The district's program shall include strategies designed to help the district reduce solid and hazardous waste generation, improve efficiency in its use of natural resources, and minimize the impact of such use on the environment. The program shall address all areas of the district's operations, including, but not limited to, procurement, resource utilization, and facilities management practices.

(cf. 3300 - Expenditures and Purchases)

(cf. 3517 - Facilities Inspection)

The Superintendent or designee may collaborate with city, county, and state agencies and other public or private agencies in developing and implementing the district's integrated waste management program.

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

(cf. 7131 - Relations with Local Agencies)

The Superintendent or designee shall make every effort to identify funding opportunities for the district's integrated waste management program including applying for available grants or other cost-reduction incentives.

To the extent that funding permits, the Superintendent or designee shall provide appropriate educational and training opportunities to students and staff regarding the benefits and methods of conserving natural resources and protecting the environment.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6142.5 - Environmental Education)

(cf. 6142.93 - Science Instruction)

The Superintendent or designee shall regularly monitor all aspects of the district's integrated waste management program and shall provide an update to the Board on its effectiveness as necessary.

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3511.1(a)

INTEGRATED WASTE MANAGEMENT

Note: The following administrative regulation may be revised to reflect district practice.

For all applicable areas of district operations, the Superintendent or designee shall design an integrated waste management program that minimizes the generation of waste, encourages the recovery and diversion of reusable materials from the waste stream, improves efficiency in the utilization of natural and material resources, and protects the environment. The program shall implement measures and/or practices to:

1. Reduce the consumption of disposable materials, increase the composting of organic materials, and fully utilize all materials prior to disposal

(cf. 3510 - Green School Operations)

2. Recycle materials such as paper, glass, plastic, and aluminum
3. Prefer recycled, biodegradable, and other environmentally preferable products when procuring materials for use in district schools and buildings or contracting for the construction or modernization of any district building

(cf. 3300 - Expenditures and Purchases)

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

(cf. 7110 - Facilities Master Plan)

4. Work with city, county, or other government agencies to locate markets for the district's reusable and recyclable materials

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

(cf. 7131 - Relations with Local Agencies)

5. Minimize the use of nonbiodegradable materials and work with vendors and contractors to use packaging and delivery materials that generate less waste

Recycling

Note: Pursuant to Public Resources Code 42649.2, any business or public entity, including a school or other district facility, which generates four or more cubic yards of commercial solid waste per week (approximately the size of a 72-inch length, 51-inch width, and 56-inch rear height dumpster) is required to arrange for recycling services in accordance with law, to the extent that such services are available from a local provider. Commercial solid waste, as defined in Public Resources Code 42649.1, means any type of solid waste generated by stores, offices, or other commercial or public entity source.

INTEGRATED WASTE MANAGEMENT (continued)

Any school site or district facility which generates four or more cubic yards of solid waste per week shall take at least one of the following actions: (Public Resources Code 42649.1, 42649.2)

1. Source separate recyclable materials from solid waste and subscribe to a basic level of recycling service that includes collection, self-hauling, or other arrangements for the pickup of the recyclable materials
2. Subscribe to a recycling service which may include mixed waste processing that yields diversion results comparable to source separation

Note: In September 2020, the California Department of Resources Recycling and Recovery (CalRecycle) determined, pursuant to Public Resources Code 42649.81, that the statewide disposal of organic waste has not been reduced to 50 percent of the 2014 level of disposal. Thus, any school facility that generates two or more cubic yards per week of solid waste is required to meet requirements pertaining to the recycling of organic waste as described below. CalRecycle's Frequently Asked Questions clarify that, for this purpose, the threshold applies to solid waste, recyclables, and organics.

CalRecycle also extended the exemption in Public Resources Code 42649.81 and 42649.83 for rural jurisdictions that adopt a resolution as specified. Districts in rural jurisdiction that have adopted such a resolution may delete the following paragraph.

Any school site or district facility which generates two or more cubic yards per week of solid waste, recyclables, and organics shall arrange for recycling services specifically for organic waste, including food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. Such facilities shall take at least one of the following actions: (Public Resources Code 42649.8, 42649.81-42649.82, 42649.84)

1. Source separate organic waste from other waste and subscribe to a basic level of organic waste recycling service that includes collection and recycling of organic waste
2. Recycle organic waste onsite or self-haul organic waste for recycling
3. Subscribe to an organic waste recycling service that may include mixed waste processing that specifically recycles organic waste
4. Make other arrangements to sell or donate recyclable organic waste materials

Note: Public Resources Code 42649.2 and 42649.81 require a school or other district facility that generates at least four cubic yards of solid waste or two cubic yards of organic waste per week to provide recycling bins or containers to collect material purchased on the premises. According to CalRecycle's school poster, Recycling and Organics Recycling Guide for Schools, bins or containers must be placed where material is purchased on the premises for immediate consumption, such as areas where food is consumed.

INTEGRATED WASTE MANAGEMENT (continued)

Any school site or district facility that meets the above thresholds for solid or organic waste shall place a recycling bin or container for solid or organic waste, as applicable, in areas where food or other materials are purchased at the facility for immediate consumption. The recycling bin or container shall be: (Public Resources Code 42649.2, 42649.81)

1. Adjacent to each bin or container for nonrecyclable trash, except in restrooms
2. Visible and easily accessible

Note: Public Resources Code 42649.2 and 42649.81 require that each recycling bin or container be clearly marked with educational signage indicating what is appropriate to place in the bin or container. CalRecycle provides customizable signage for this purpose on its web site, or districts may contact their local government or waste hauler for signage.

3. Clearly marked with educational signage indicating appropriate items to be placed in the recycling bin or container in accordance with state law and the local jurisdiction's waste ordinances and practices

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Policy Reference UPDATE Service

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Regulation 3511.1: Integrated Waste Management

Status: ADOPTED

Original Adopted Date: 03/12/2013

For all applicable areas of district operations, the Superintendent or designee shall design an integrated waste management program that minimizes the generation of waste, encourages the recovery and diversion of reusable materials from the waste stream, improves efficiency in the utilization of natural and material resources, and protects the environment. The program shall implement measures and/or practices to:

1. Reduce the consumption of disposable materials, increase the composting of organic materials, and fully utilize all materials prior to disposal

(cf. 3510 - Green School Operations)

2. Recycle materials such as paper, glass, plastic, and aluminum

Any school site or district facility which generates more than four cubic yards of commercial solid waste per week shall take at least one of the following actions: (Public Resources Code 42649.2; 14 CCR 17225.12)

a. Source separate recyclable materials from solid waste and subscribe to a basic level of recycling service that may include collection, self-hauling, or other arrangement for the pickup of the recyclable materials

b. Subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation

3. Prefer recycled and other environmentally preferable products when procuring materials for use in district schools and buildings or contracting for the construction or modernization of any district building

(cf. 3300 - Expenditures and Purchases)

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

(cf. 7110 - Facilities Master Plan)

4. Work with city, county, or other government agencies to locate markets for the district's reusable and recyclable materials

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

(cf. 7131 - Relations with Local Agencies)

5. Minimize the use of nonbiodegradable materials and work with vendors and contractors to use packaging and delivery materials that generate less waste

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3515.31(a)

SCHOOL RESOURCE OFFICERS

Note: The following **optional** policy is for use by districts that choose to employ school resource officers (SROs) or enter into an agreement with local law enforcement for the purpose of providing SROs on school campuses and/or at school activities. 34 USC 10389 defines an SRO as a law enforcement officer with sworn authority who is assigned by the agency to work in collaboration with schools to (1) address crime and disorder problems, gangs, and drug activities affecting or occurring in or around a school; (2) develop or expand crime prevention efforts for students; (3) educate likely school-age victims in crime prevention and safety; (4) develop or expand community justice initiatives for students; (5) train students in conflict resolution, restorative justice, and crime awareness; (6) assist in the identification of physical changes in the environment that may reduce crime in and around the school; and (7) assist in developing school policy that addresses crime and recommend procedural changes.

Requirements for districts that choose to establish their own police or security department are addressed in BP/AR 3515.3 - District Police/Security Department.

Education Code 38000, as amended by SB 98 (Ch. 24, Statutes of 2020), expresses legislative intent to encourage districts to redirect resources currently allocated to contracts with local law enforcement or the maintenance of district police departments into student support services (e.g., mental health services) and professional development on cultural competency and restorative justice, if found to be a more appropriate use of resources based on student and school needs.

The Governing Board is committed to protecting the safety of students and staff and the security of district property. The district shall develop a multi-tiered approach focused on the prevention of school violence and crime and the development of a positive school culture, which may include providing mental health services and other student support services, implementing restorative justice practices, implementing professional development addressing cultural competency, and employing and/or contracting with a law enforcement agency to provide school resource officers (SROs) on school campuses and/or school activities.

In order to reduce unnecessary law enforcement interactions with students, the Superintendent or designee ~~shall~~may provide training to school staff regarding the role of SROs and the appropriate circumstances for contacting such officers.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1250 - Visitors/Outsiders)

(cf. 3515 - Campus Security)

(cf. 3515.2 - Disruptions)

(cf. 3515.3 - District Police/Security Department)

(cf. 3515.5 - Sex Offender Notification)

(cf. 3515.7 - Firearms on School Grounds)

(cf. 3516.2 - Bomb Threats)

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

(cf. 5131.4 - Student Disturbances)

(cf. 5131.5 - Vandalism and Graffiti)

SCHOOL RESOURCE OFFICERS (continued)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5136 - Gangs)

(cf. 5141.5 - Mental Health)

(cf. 5142.1 - Identification and Reporting of Missing Children)

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

(cf. 5145.12 - Search and Seizure)

Note: The following paragraphs are for use by districts that contract with local law enforcement for the provision of SROs and may be revised to reflect district practice. If the district decides to contract for SROs, the district should enter into a memorandum of understanding (MOU) that clearly defines roles, responsibilities, and expectations for the district, school site, law enforcement agency, and individual officers. For further information, see the Memorandum of Understanding Fact Sheet issued by the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS). In addition, sample MOUs are available on the National Association of School Resource Officers (NASRO) web site.

Agencies that receive grant funding from COPS to deploy SROs to school districts are subject to specified requirements, including, but not limited to, requirements to establish an MOU, ensure that SROs complete a basic training course no later than nine months after being notified of the grant award, and assign SROs to work in and around schools for at least 75 percent of the calendar year or 100 percent of the time during the school year, depending on the agreement between the agency and school district. See the COPS web site for information about this grant program.

The Board shall approve a memorandum of understanding (MOU) with the local law enforcement agency which includes, at a minimum:

1. The purpose of the agreement
2. A clear definition of the roles and responsibilities of the district, school site, law enforcement agency, and SROs, including responsibility for supervision of the SRO
3. The extent to which information will be shared between the district and law enforcement agency consistent with state and federal laws
4. Requirements for qualifications and training of SROs
5. Assigned hours of SRO duty in and around schools
6. Performance monitoring

The Board may expand on the above requirements to include more specific terms, such as acknowledgement of nondiscrimination requirements, training focused on eliminating disproportionalities in SRO contacts with students, and staffing of an SRO position when the assigned SRO is on leave.

SCHOOL RESOURCE OFFICERS (continued)**Duties**

SROs are duly sworn peace officers who are authorized to carry out their duties pursuant to state law.

Note: The following paragraph reflects a recommendation of the U.S. Department of Education's Guiding Principles: A Resource Guide for Improving School Climate and Discipline that educators, rather than police or security officers, should handle student discipline issues. Law enforcement agencies that receive grant funding through COPS are required to include a statement in their MOU that SROs will not be responsible for requests to resolve routine student discipline problems; see COPS' Memorandum of Understanding Fact Sheet.

Job duties of the SRO shall not include the handling of student code of conduct violations or routine student disciplinary matters that should be addressed by school administrators, or conduct that would be better addressed by mental health professionals.

(cf. 5144 - Discipline)

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

Note: Pursuant to Government Code 7286, law enforcement agencies are required to establish policy that provides a minimum standard on the use of force, with specified components. In addition, pursuant to Penal Code 13651, as added by AB 846 (Ch. 322, Statutes of 2020), an agency that employs peace officers is required to review the job description that is used in recruitment and hiring and make changes that emphasize community-based policing, familiarization between law enforcement and community residents, and collaborative problem solving while de-emphasizing the paramilitary aspects of the job. Although these requirements are the responsibility of the law enforcement agency, not a district that contracts with a law enforcement agency for SROs, it is important that the district is aware of the expectations regarding use of force.

SROs shall be expected to collaborate with district staff in problem solving and, when circumstances warrant intervention with students, to use positive and restorative approaches in accordance with Penal Code 13651. SROs shall use tactics such as de-escalation techniques to mitigate the use of force in an educational setting and shall strictly adhere to the policy on minimum use of force pursuant to Government Code 7286.

When approved by the Superintendent or designee, an SRO may provide classroom presentations and/or parent/guardian education pertaining to safety issues and may link students, parents/guardians, and staff with resources and services.

Qualifications of Officers

Note: NASRO recommends that the selection, training, and supervision of SROs comport with NASRO's Standards and Best Practices for School Resource Officers and that SROs receive at least 40 hours of

SCHOOL RESOURCE OFFICERS (continued)

specialized training in school policing before beginning their assignment. NASRO offers training on adolescent development, trauma-informed investigations, crisis intervention and de-escalation, threat assessment, and active shooter situations.

In addition, Government Code 7286 requires that the law enforcement agency's use of force policy address training regarding the policy, including (1) training standards and requirements related to demonstrated knowledge and understanding of the agency's use of force policy; (2) training and guidelines regarding vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities; and (3) minimum training and course titles required to meet the objectives in the use of force policy.

Prior to beginning their assignment when possible, SROs shall complete specialized training in school policing, the unique experiences of the diverse populations within the school community, and the law enforcement agency's use of force policy.

Nondiscrimination

SROs shall not discriminate against or treat any person differently on the basis race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

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

(cf. 0415 - Equity)

The Superintendent or designee shall periodically report to the Board disaggregated data on student interactions with SROs to evaluate the appropriateness of such interactions and ensure compliance with the prohibition against nondiscrimination. Such reports may include the number of arrests and referrals for prosecution, the number of reports provided to the school or district regarding student misconduct, or other actions taken by SROs with respect to individual students or others on campus.

As necessary, the Superintendent or designee shall develop and implement practices to prevent disproportionality of student interactions with SROs based on student characteristics and to minimize the potential for referrals of students into the juvenile justice system.

Access to Records

SROs shall not ~~have access to student records, nor~~ release student information to another person, agency, or organization, without written permission from the parent/guardian or adult

SCHOOL RESOURCE OFFICERS (continued)

student, unless specifically allowed or required by state or federal law. (Education Code 49076; 34 CFR 99.1)

SROs shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members or provide assistance with immigration enforcement at district schools, except as may be required by state and/or federal law. (Education Code 234.7)

(cf. 5145.13 - Response to Immigration Enforcement)

Legal Reference: (see next page)

SCHOOL RESOURCE OFFICERS (continued)*Legal Reference:*EDUCATION CODE*234.7 Student protections relating to immigration and citizenship status*GOVERNMENT CODE*3300-3312 Public safety officers, rights and protections**7286-7286.5 Law enforcement use of force policies**8597-8598 Peace officers**12525.2 Reports of incidents involving peace officers*PENAL CODE*290.45 Sex offenders; authority of peace officers**626.9 Gun Free School Zone Act**646.91 Emergency protective order for stalking**830-832.9 Peace officers**13510-13519.10 Standards for recruitment and training**13651 Peace officers, job descriptions*UNITED STATES CODE, TITLE 34*10389 Public safety and community policing; definitions**Management Resources:*COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING PUBLICATIONS*POST Use of Force Standards and Guidelines, November 2020*NATIONAL ASSOCIATION OF SCHOOL RESOURCE OFFICERS PUBLICATIONS*Standards and Best Practices for School Resource Officers**To Protect and Educate: The School Resource Officer and the Prevention of Violence in Schools, 2012*U.S. DEPARTMENT OF EDUCATION PUBLICATIONS*Guiding Principles: A Resource Guide for Improving School Climate and Discipline, 2014*U.S. DEPARTMENT OF JUSTICE PUBLICATIONS*School Resource Officers and School-Based Policing, Fact Sheet, 2019**Memorandum of Understanding Fact Sheet, 2017**Violence Prevention in Schools: Enhancement Through Law Enforcement Partnerships, 2017**Assigning Police Officers to Schools, 2013*WEB SITES*California Attorney General's Office: <http://www.oag.ca.gov>**California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss>**California School Resource Officers' Association: <https://csroa.org>**Commission on Peace Officer Standards and Training: <http://www.post.ca.gov>**National Association of School Resource Officers: <http://www.nasro.org>**U.S. Department of Justice, Office of Community Oriented Policing Services:**<https://cops.usdoj.gov/supportingsafeschools>***Policy Reference UPDATE Service**

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CSBA Sample Board Policy

All Personnel

BP 4112.42(a)

4212.42

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

4312.42

Note: State and federal law (Vehicle Code 34520; 49 CFR 382.101-382.605) require that any district employing school bus drivers establish a drug and alcohol testing program, with specified components, applicable to bus drivers and any other drivers of a commercial motor vehicle weighing over 26,000 pounds or designed to transport 16 or more passengers including the driver. All testing must be conducted in accordance with 49 CFR 40.1-40.413. For further information, see the web sites of the U.S. Department of Transportation (DOT) and the California Highway Patrol (CHP).

In addition, Vehicle Code 34520.3 requires individuals employed as drivers of other school transportation vehicles (i.e., vehicles that are not school buses, student activity buses, or youth buses and are used by the district for the primary purpose of transporting children), such as a van, to participate in the testing program to the same extent as required by law for school bus drivers. The district should consult legal counsel as necessary to determine applicability of this law to district employees.

The district's drug and alcohol testing program is subject to compliance inspections conducted by the CHP. It is recommended that the district review the CHP's Controlled Substances and Alcohol Testing Compliance Checklist to assess whether its program fulfills legal requirements.

The Governing Board desires to ensure that district-provided transportation is safe for students, staff, and the public. To that end, the Superintendent or designee shall establish a drug and alcohol testing program designed to prevent the operation of buses or the performance of other safety-sensitive functions by a driver who is under the influence of drugs or alcohol, including a driver of a school bus, student activity bus, or other school transportation vehicle or any other employee who holds a commercial driver's license which is necessary to perform duties related to district employment.

(cf. 3540 - Transportation)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

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

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

A driver shall not report for duty or remain on duty when the driver has used any drug listed in 21 CFR 1308.11. A driver is also prohibited from reporting for duty or remaining on duty when the driver has used any drug listed in 21 CFR 1308.12-1308.15, unless the driver is using the drug under the direction of a physician who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a bus. (49 CFR 382.213)

In addition, a driver shall not consume alcohol while on duty and/or performing safety-sensitive functions, or for four hours prior to on-duty time. (49 CFR 382.205, 382.207)

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

Note: 49 USC 31306 and 49 CFR 382.301-382.311 require that certain types of tests be part of the district's drug and alcohol testing program. See the accompanying administrative regulation for requirements applicable to each test.

Pursuant to 49 CFR 382.301, the district may, but is not required to, conduct pre-employment alcohol testing. The following paragraph should be revised by districts that choose to conduct such testing.

Drivers shall submit to drug and alcohol testing as required under federal law and specified in the accompanying administrative regulation. The district's testing program for drivers shall include pre-employment drug testing and reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing of drivers. (49 USC 31306; 49 CFR 382.301-382.311)

Note: Pursuant to 49 CFR 40.11, districts are responsible for implementing the drug and alcohol testing program. They may do this using their own employees, contracting for services, or joining together in a consortium with other employers. The following **optional** paragraph provides that the district will contract for such services and may be revised by districts that use alternative methods.

The Board shall contract for testing services upon verifying that the personnel are appropriately qualified and/or certified and that testing procedures conform to federal regulations.

Except as otherwise provided by law, the Superintendent or designee shall not release individual test results or medical information about a driver to a third party without the driver's specific written consent. (49 CFR 40.321)

Consequences Based on Test Results

No driver shall be temporarily removed from the performance of safety-sensitive functions based only on a laboratory report of a confirmed positive test for a drug or drug metabolite before the certified medical review officer has completed verification of the test results, unless the district has obtained a waiver from the Federal Motor Carrier Safety Administration. (49 CFR 40.3, 40.21, 382.107, 382.119)

Any driver for whom the district receives a verified positive drug test result or who is found to have a blood alcohol concentration of 0.04 or higher shall be immediately removed from performing safety-sensitive functions in accordance with 49 CFR 40.23 and 382.211. An alcohol concentration between 0.02 and 0.04 requires temporary removal of the bus driver for a 24-hour period following the test. Any driver who refuses to take a required drug or alcohol test shall not be permitted to perform or continue to perform safety-sensitive functions. (49 CFR 40.23, 382.211)

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

Not later than five days after receiving notification of the test result or refusal to comply, the Superintendent or designee shall report any refusal, failure to comply, or positive test result to the California Department of Motor Vehicles (DMV) using a form approved by the DMV. (Vehicle Code 13376)

A driver who has violated federal drug and alcohol regulations may be subject to disciplinary action up to and including dismissal in accordance with law, administrative regulations, and the district's collective bargaining agreement.

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

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

Note: Pursuant to Vehicle Code 13376, upon receiving a report of a driver's refusal, failure to comply, or positive test result, the California Department of Motor Vehicles will revoke the driver certificate or refuse to approve an initial application for a certificate. An exception exists for a driver who complies with a rehabilitation or return-to-duty program that meets the requirements of federal regulations. For purposes of retaining a certificate, the driver may participate in such a program only once within a three-year period.

The following paragraph is **optional**. Pursuant to 49 CFR 40.289, the district is not required to provide education and treatment services to any driver. However, if the district offers the driver an opportunity to return to work following a violation, then it must ensure that the driver receives an evaluation by a qualified substance abuse professional and successfully complies with the evaluation recommendations. Responsibility for payment for evaluation and services is to be determined by the district and driver and may be governed by a collective bargaining agreement and health care benefits.

Any driver provided with an opportunity to return to a safety-sensitive duty following a violation shall be evaluated by a qualified substance abuse professional and complete the evaluation recommendations before returning to such duty. (49 CFR 40.289)

If the substance abuse professional recommends that further and ongoing services are needed to assist the driver to maintain sobriety or abstinence from drug use, the Superintendent or designee shall require the driver to participate in the recommended services as part of a return-to-duty agreement and shall monitor the driver's compliance. Any drop from a rehabilitation or return-to-duty program or a subsequent positive test result shall be reported to the DMV. (Vehicle Code 13376; 49 CFR 40.285, 40.287, 40.303, 382.605)

(cf. 4159/4259/4359 - Employee Assistance Programs)

(cf. 4161/4261/4361 - Leaves)

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

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

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

(cf. 4261.1 - Personal Illness/Injury Leave)

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

Voluntary Self-Identification

Note: The following section is for use by districts that choose to establish a voluntary self-identification policy or program, pursuant to 49 CFR 382.121, which relieves drivers who admit alcohol or drug misuse from the federal requirements for referral, evaluation, and treatment contained in 49 CFR 40.281-40.313. If the district chooses to establish such a program, it is **mandated** to adopt a written policy containing the provisions specified in items #1-3 below. Pursuant to 49 CFR 382.121, the district's program may also include employee monitoring and non-DOT follow-up testing. If the district chooses to incorporate these elements, it should add them to this list.

Whenever a driver admits to alcohol or drug misuse under the district's voluntary self-identification program, the Superintendent or designee shall ensure all of the following: (49 CFR 382.121)

1. No adverse action shall be taken against the driver by the district.
2. The driver shall be allowed sufficient opportunity to seek evaluation, education, or treatment to establish control over the drug or alcohol problem.
3. The driver shall be permitted to participate in safety-sensitive functions only after:
 - a. Successfully completing an education or treatment program, as determined by a drug and alcohol abuse evaluation expert, such as an employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor
 - b. Undergoing a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 and/or a verified negative result for drug use

A driver who admits to alcohol or drug misuse shall not be subject to federal requirements related to referral, evaluation, and treatment, provided that the driver does not self-identify in order to avoid drug or alcohol testing, makes the admission prior to performing a safety-sensitive function, and does not perform a safety-sensitive function until the driver has been evaluated and has successfully completed education or treatment requirements in accordance with program guidelines. (49 CFR 382.121)

Legal Reference: (see next page)

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

GOVERNMENT CODE

8355 Drug-free workplace; employee notification

VEHICLE CODE

13376 Driver certificates; revocation or suspension

34500-34520.5 Safety regulations

CODE OF REGULATIONS, TITLE 13

1200-1294 Motor carrier safety, especially:

1213.1 Placing drivers out-of-service

UNITED STATES CODE, TITLE 41

8101-8106 Drug-Free Workplace Act

UNITED STATES CODE, TITLE 49

31306 Alcohol and drug testing

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.11-1308.15 Controlled substances

CODE OF FEDERAL REGULATIONS, TITLE 49

40.1-40.413 Procedures for transportation workplace drug and alcohol testing programs

382.101-382.727 Drug and alcohol use and testing; especially:

382.205 On-duty use

382.207 Pre-duty use

382.209 Use following an accident

Management Resources:

CALIFORNIA HIGHWAY PATROL PUBLICATIONS

Controlled Substances and Alcohol Testing Compliance Checklist, 2017

What is CSAT? Controlled Substances and Alcohol Testing, 2016

WEB SITES

California Department of Motor Vehicles: <https://www.dmv.ca.gov>

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

Commercial Driver's License Drug and Alcohol Clearinghouse: <https://clearinghouse.fmcsa.dot.gov>

Federal Motor Carrier Safety Administration: <http://www.fmcsa.dot.gov>

U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance:

<http://www.dot.gov/ost/dapc>

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Policy Reference UPDATE Service

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Policy 4112.42: Drug And Alcohol Testing For School Bus Drivers

Status: ADOPTED

Original Adopted Date: 08/21/2014

The Board of Education desires to ensure that district-provided transportation is safe for students, staff, and the public. To that end, the Superintendent or designee shall establish a drug and alcohol testing program designed to prevent the operation of buses or the performance of other safety-sensitive functions by a driver who is under the influence of drugs or alcohol, including a driver of a school bus, student activity bus, or other school transportation vehicle or any other employee who holds a commercial driver's license which is necessary to perform duties related to district employment.

(cf. 3540 - Transportation)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

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

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

A driver shall not report for duty or remain on duty when he/she has used any drug listed in 21 CFR 1308.11. A driver is also prohibited from reporting for duty or remaining on duty when he/she has used any drug listed in 21 CFR 1308.12-1308.15, unless he/she is using the drug under the direction of a physician who has advised him/her that the substance will not adversely affect the driver's ability to safely operate a bus. In addition, a driver shall not consume alcohol while on duty or for four hours prior to on-duty time. (49 CFR 382.201-382.209, 382.213)

The district's testing program for drivers shall include pre-employment drug testing and reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing of drivers. (49 USC 31306; 49 CFR 382.301-382.311)

The Superintendent or designee shall contract for testing services upon verifying that the personnel are appropriately qualified and/or certified and that testing procedures conform to federal regulations.

Except as otherwise provided by law, the Superintendent or designee shall not release individual test results or medical information about a driver to a third party without the driver's specific written consent. (49 CFR 40.321)

Consequences Based on Test Results

Any driver who refuses to take a required drug or alcohol test, tests positive for drugs, or is found to have a blood alcohol concentration level that exceeds the levels specified in law shall be removed from performing safety-sensitive functions in accordance with 49 CFR 40.23 and 382.211.

No driver shall be temporarily removed from the performance of safety-sensitive functions based only on a laboratory report of a confirmed positive test before the certified medical review officer has completed verification of the test results, unless the district has obtained a waiver. (49 CFR 40.21, 382.107, 382.119)

Not later than five days after receiving notification of the test result or refusal to comply, the Superintendent or designee shall report any refusal, failure to comply, or positive test result to the California Department of Motor Vehicles (DMV) using a form approved by the DMV. (Vehicle Code 13376)

A driver who has violated federal drug and alcohol regulations may be subject to disciplinary action up to and including dismissal in accordance with law, administrative regulations, and the district's collective bargaining agreement.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

Voluntary Self-Identification

Whenever a driver admits to alcohol or drug misuse under the district's voluntary self-identification program, the

Superintendent or designee shall ensure all of the following: (49 CFR 382.121)

1. No adverse action shall be taken against the driver by the district.
2. The driver shall be allowed sufficient opportunity to seek evaluation, education, or treatment to establish control over his/her drug or alcohol problem.
3. The driver shall be permitted to participate in safety-sensitive functions only after:
 - a. Successfully completing an education or treatment program, as determined by a drug and alcohol abuse evaluation expert, such as an employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor
 - b. Undergoing a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 and/or a verified negative result for drug use

A driver who admits to alcohol or drug misuse shall not be subject to federal requirements related to referral, evaluation, and treatment, provided that he/she does not self-identify in order to avoid drug or alcohol testing, makes the admission prior to performing a safety-sensitive function, and does not perform a safety-sensitive function until he/she has been evaluated and has successfully completed education or treatment requirements in accordance with program guidelines. (49 CFR 382.121)

Policy 4212.42: Drug And Alcohol Testing For School Bus Drivers

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The Board of Education desires to ensure that district-provided transportation is safe for students, staff, and the public. To that end, the Superintendent or designee shall establish a drug and alcohol testing program designed to prevent the operation of buses or the performance of other safety-sensitive functions by a driver who is under the influence of drugs or alcohol, including a driver of a school bus, student activity bus, or other school transportation vehicle or any other employee who holds a commercial driver's license which is necessary to perform duties related to district employment.

(cf. 3540 - Transportation)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

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The Superintendent or designee shall contract for testing services upon verifying that the personnel are appropriately qualified and/or certified and that testing procedures conform to federal regulations.

Except as otherwise provided by law, the Superintendent or designee shall not release individual test results or medical information about a driver to a third party without the driver's specific written consent. (49 CFR 40.321)

Consequences Based on Test Results

Any driver who refuses to take a required drug or alcohol test, tests positive for drugs, or is found to have a blood alcohol concentration level that exceeds the levels specified in law shall be removed from performing safety-sensitive functions in accordance with 49 CFR 40.23 and 382.211.

No driver shall be temporarily removed from the performance of safety-sensitive functions based only on a laboratory report of a confirmed positive test before the certified medical review officer has completed verification of the test results, unless the district has obtained a waiver. (49 CFR 40.21, 382.107, 382.119)

Not later than five days after receiving notification of the test result or refusal to comply, the Superintendent or designee shall report any refusal, failure to comply, or positive test result to the California Department of Motor Vehicles (DMV) using a form approved by the DMV. (Vehicle Code 13376)

A driver who has violated federal drug and alcohol regulations may be subject to disciplinary action up to and including dismissal in accordance with law, administrative regulations, and the district's collective bargaining agreement.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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A driver who admits to alcohol or drug misuse shall not be subject to federal requirements related to referral, evaluation, and treatment, provided that he/she does not self-identify in order to avoid drug or alcohol testing, makes the admission prior to performing a safety-sensitive function, and does not perform a safety-sensitive function until he/she has been evaluated and has successfully completed education or treatment requirements in accordance with program guidelines. (49 CFR 382.121)

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(cf. 3540 - Transportation)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

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

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A driver shall not report for duty or remain on duty when he/she has used any drug listed in 21 CFR 1308.11. A driver is also prohibited from reporting for duty or remaining on duty when he/she has used any drug listed in 21 CFR 1308.12-1308.15, unless he/she is using the drug under the direction of a physician who has advised him/her that the substance will not adversely affect the driver's ability to safely operate a bus. In addition, a driver shall not consume alcohol while on duty or for four hours prior to on-duty time. (49 CFR 382.201-382.209, 382.213)

The district's testing program for drivers shall include pre-employment drug testing and reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing of drivers. (49 USC 31306; 49 CFR 382.301-382.311)

The Superintendent or designee shall contract for testing services upon verifying that the personnel are appropriately qualified and/or certified and that testing procedures conform to federal regulations.

Except as otherwise provided by law, the Superintendent or designee shall not release individual test results or medical information about a driver to a third party without the driver's specific written consent. (49 CFR 40.321)

Consequences Based on Test Results

Any driver who refuses to take a required drug or alcohol test, tests positive for drugs, or is found to have a blood alcohol concentration level that exceeds the levels specified in law shall be removed from performing safety-sensitive functions in accordance with 49 CFR 40.23 and 382.211.

No driver shall be temporarily removed from the performance of safety-sensitive functions based only on a laboratory report of a confirmed positive test before the certified medical review officer has completed verification of the test results, unless the district has obtained a waiver. (49 CFR 40.21, 382.107, 382.119)

Not later than five days after receiving notification of the test result or refusal to comply, the Superintendent or designee shall report any refusal, failure to comply, or positive test result to the California Department of Motor Vehicles (DMV) using a form approved by the DMV. (Vehicle Code 13376)

A driver who has violated federal drug and alcohol regulations may be subject to disciplinary action up to and including dismissal in accordance with law, administrative regulations, and the district's collective bargaining agreement.

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1. No adverse action shall be taken against the driver by the district.
2. The driver shall be allowed sufficient opportunity to seek evaluation, education, or treatment to establish control over his/her drug or alcohol problem.
3. The driver shall be permitted to participate in safety-sensitive functions only after:
 - a. Successfully completing an education or treatment program, as determined by a drug and alcohol abuse evaluation expert, such as an employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor
 - b. Undergoing a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 and/or a verified negative result for drug use

A driver who admits to alcohol or drug misuse shall not be subject to federal requirements related to referral, evaluation, and treatment, provided that he/she does not self-identify in order to avoid drug or alcohol testing, makes the admission prior to performing a safety-sensitive function, and does not perform a safety-sensitive function until he/she has been evaluated and has successfully completed education or treatment requirements in accordance with program guidelines. (49 CFR 382.121)

CSBA Sample Administrative Regulation

All Personnel

AR 4112.42(a)

4212.42

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

4312.42

Note: The following administrative regulation reflects state and federal requirements (Vehicle Code 34520; 49 CFR 40.1-40.413, 382.101-382.605) for drug and alcohol testing of school bus drivers, including pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing. Pursuant to 49 CFR 40.27, the district must not require a driver to sign a consent, release, waiver of liability, or indemnification agreement with respect to any part of the drug or alcohol testing process.

Definitions

Note: Regardless of state medical or recreational marijuana laws, marijuana remains an illegal drug under the Controlled Substances Act and use of it by a driver remains a violation of federal drug testing regulations.

For purposes of drug testing required by the U.S. Department of Transportation (DOT), *drugs* include marijuana, cocaine, amphetamines, phencyclidine (PCP), and opioids. (49 CFR 40.3, 40.85, 382.107)

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. (49 CFR 40.3, 382.107)

Safety-sensitive function means all time from the time the driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety-sensitive functions include, but are not limited to, all time driving or otherwise in the bus or other school transportation vehicle; waiting at a district facility to be dispatched; inspecting, servicing, or conditioning the vehicle or vehicle equipment; loading or unloading the vehicle; supervising or assisting in the loading or unloading of the vehicle; and repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. (49 CFR 382.107)

(cf. 3540 - Transportation)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

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

Designated Employer Representative

Note: 49 CFR 40.35 and 40.215 require the district to identify a "designated employer representative" to perform the duties specified in 49 CFR 40.3. The following paragraph may be revised to reflect the title of the employee so designated.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

The Superintendent or designee shall identify a designated employer representative who is authorized to take immediate action to remove drivers from safety-sensitive functions and to make required decisions in the testing and evaluation processes. The designated employer representative shall also be responsible for receiving test results and other communications. The name and telephone number of the designated employer representative shall be provided to the testing contractor to contact about any problems or issues that may arise during the testing process. (49 CFR 40.35, 40.215)

Pre-employment Testing

Note: Pursuant to 49 CFR 382.701, districts are required to conduct a pre-employment query using the Commercial Driver's License Drug and Alcohol Clearinghouse's online database, available on its web site, to obtain information about an applicant. Pursuant to 49 CFR 40.25 and 382.413, districts must also, until January 6, 2023, continue to request a driver's drug and alcohol testing record from any employer who has employed the driver during the previous three years.

When hiring a new driver, the Superintendent or designee shall, with the driver's written consent, conduct a pre-employment query using the Commercial Driver's License Drug and Alcohol Clearinghouse to obtain information about whether the driver has committed a violation of federal drug or alcohol regulations. (49 CFR 382.701)

The Superintendent or designee shall also, with the driver's consent, request the driver's past drug and alcohol testing record, as specified in 49 CFR 40.25 and 382.413, from any employer who has employed the driver at any time during the previous three years. To the extent practicable, the Superintendent or designee shall obtain and review such information before the driver first performs safety-sensitive functions. In addition, the Superintendent or designee shall ask the driver if there was a positive test, or a refusal to test, on any pre-employment drug or alcohol test that was administered during the past two years in the course of applying for another safety-sensitive transportation position that was not obtained. (49 CFR 40.25, 382.413)

The driver shall not be permitted to perform safety-sensitive functions if the driver refuses to provide consent to obtain the information from previous employers or from the Clearinghouse; the information from previous employers is not received within 30 days of the date on which the driver first performed safety-sensitive functions for the district; or the driver, the Clearinghouse, or a previous employer reports a violation of a drug or alcohol regulation without subsequent completion of the return-to-duty process. (49 CFR 40.25, 382.413, 382.701, 382.703)

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

A driver whom the district intends to hire or use shall undergo testing for drugs and receive a verified negative test result prior to the first time the driver performs safety-sensitive functions for the district. This testing requirement may be waived if all of the following conditions exist: (49 CFR 382.301)

1. The driver has participated in a qualified drug testing program within the previous 30 days.
2. While participating in the program, the driver either was tested within the past six months from the date of application or participated in a random drug testing program for the previous 12 months from the date of application.
3. No prior employer of the driver of whom the district has knowledge has records of the driver's violation of federal drug testing regulations within the previous six months.

The Superintendent or designee shall contact the testing program(s) in which the driver has participated and obtain information about the program and the driver's participation as specified in 49 CFR 382.301.

Note: The following **optional** paragraph is for use by districts that choose to conduct pre-employment alcohol testing; see the accompanying Board policy. Pursuant to 49 CFR 382.301, pre-employment alcohol testing is not required but, if the district chooses to conduct such testing, it must comply with the following requirements.

In addition, the Superintendent or designee shall require the driver to undergo pre-employment alcohol testing in accordance with the procedures in 49 CFR 40.1-40.605 and to receive a test result indicating an alcohol concentration of less than 0.04. (49 CFR 382.301)

Post-Accident Testing

As soon as practicable following an accident involving a school bus or student activity bus, the Superintendent or designee shall ensure that the driver involved is tested for alcohol and/or drugs under either of the following conditions: (49 CFR 382.303)

1. The accident involved loss of human life.
2. The driver receives a citation for a moving traffic violation within eight hours of the accident and the accident involved bodily injury to a person who required immediate medical treatment away from the scene of the accident and/or disabling damage to one or more vehicles requiring towing.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

The Superintendent or designee shall attempt to administer a required alcohol test up to eight hours following the accident and/or a drug test up to 32 hours following the accident. The results of an alcohol or drug test conducted by federal, state, or local officials having independent authority for the test shall be considered to meet this requirement. If the alcohol test is not administered within two hours following the accident, or the test for drugs is not administered within 32 hours following the accident, the Superintendent or designee shall make a record stating the reasons the test was not promptly administered. (49 CFR 382.303)

No driver required to take a post-accident alcohol test pursuant to 49 CFR 382.303 shall use alcohol for eight hours following the accident or until the driver undergoes a post-accident alcohol test, whichever occurs first. (49 CFR 382.209)

Random Testing

Note: The district may revise the following paragraph to specify the method by which it will select drivers for random drug and alcohol testing. Pursuant to 49 CFR 382.305, the district must randomly select drivers for testing using a scientifically valid method such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Pursuant to 49 CFR 40.347, the district may contract with a third-party administrator or join a consortium of employers to operate the random selection process.

The Superintendent or designee shall ensure that random, unannounced drug and alcohol tests of bus drivers are conducted on testing dates reasonably spread throughout the year.

Such tests shall be unannounced and conducted during, immediately before, or immediately after the performance of safety-sensitive functions. (49 CFR 382.305)

Note: Pursuant to 49 CFR 382.305, the district must annually test at least 10 percent of district drivers for alcohol and at least 25 percent for drugs. However, the minimum required percentage is subject to change as determined necessary by the Federal Motor Carrier Safety Administration (FMCSA). Any such change will be published in the Federal Register and on the FMCSA's web site and will be effective starting January 1 following such publication.

The Superintendent or designee shall ensure that the percentage of district drivers randomly tested for drugs and alcohol meets or exceeds the minimum annual percentage rates specified in 49 CFR 382.305 or subsequently published in the Federal Register.

Each driver selected for random testing shall have an equal chance of being tested each time selections are made. (49 CFR 382.305)

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

Each driver who is selected for testing shall proceed to the test site immediately or, if performing a safety-sensitive function other than driving a bus, then as soon as possible after ceasing that function. (49 CFR 382.305)

Reasonable Suspicion Testing

Note: The following section may be revised to reflect the position (e.g., driver's supervisor or other district employee) authorized and trained to make observations for reasonable suspicion drug or alcohol testing.

A driver shall be required to submit to a drug or alcohol test whenever the Superintendent or designee has reasonable suspicion that the driver has violated the prohibitions against the use of drugs or alcohol. Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations, conducted during, immediately before, or immediately after the performance of safety-sensitive functions, concerning the driver's appearance, behavior, speech, and/or body odors. Reasonable suspicion of drug use may also include indications of the chronic and withdrawal effects of drugs. (49 CFR 382.307)

The person who makes the required observations for reasonable suspicion testing for drugs or alcohol shall be trained in accordance with 49 CFR 382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not be the same person who conducts the alcohol test. (49 CFR 382.307)

Within 24 hours of the observed behavior or before the results of the drug or alcohol test are released, whichever is earlier, a written record of the observations leading to a reasonable suspicion test shall be made and signed by the person who made the observations. (49 CFR 382.307)

An alcohol test required as a result of reasonable suspicion shall be administered within eight hours following the determination of reasonable suspicion. If the test is not administered within two hours, the Superintendent or designee shall prepare and maintain on file a record stating the reasons the test was not promptly administered. (49 CFR 382.307)

In the absence of a reasonable suspicion alcohol test, the district shall take no action against a driver based solely on the driver's behavior and appearance, except that the driver shall not be allowed to report for or remain on safety-sensitive functions until an alcohol test is administered and the results show a concentration less than 0.02 or 24 hours have elapsed following the determination of reasonable suspicion. (49 CFR 382.307)

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

Return-to-Duty Testing

Note: Pursuant to 49 CFR 40.305, the district may return a driver to safety-sensitive functions after the driver completes required education and treatment services as described in the accompanying Board policy and a return-to-duty drug or alcohol test. Such personnel decisions may be subject to collective bargaining or other legal requirements.

The Superintendent or designee may permit a driver who has violated federal drug or alcohol regulations to return to safety-sensitive functions after the driver has successfully complied with the education and treatment services prescribed by a substance abuse professional and has taken a return-to-duty drug or alcohol test. The driver shall not resume performance of safety-sensitive functions unless the drug test shows a negative result and/or the alcohol test shows a concentration of less than 0.02. (49 CFR 40.305, 382.309)

Follow-Up Testing

Note: Pursuant to 49 CFR 40.307, after a driver successfully complies with education and treatment services, the substance abuse professional will prescribe a follow-up testing plan and will present that plan to the designated employer representative. The plan must direct that the driver be subject to at least six unannounced follow-up tests in the first 12 months following the driver's return to safety-sensitive functions.

Upon receiving a written follow-up testing plan from a substance abuse professional, the Superintendent or designee shall determine the actual dates for follow-up testing consistent with those recommendations and shall ensure that such tests are unannounced and follow no discernable pattern as to their timing. No additional tests beyond those included in the plan shall be imposed by the district. (49 CFR 40.307-40.309, 382.111)

Mandatory Reporting and Annual Queries to the Drug and Alcohol Clearinghouse

The Superintendent or designee shall report to the Clearinghouse any violation of federal drug and alcohol regulations, any refusal to test, and other required information by the close of the third business day following the date on which the information was obtained. (49 CFR 382.705)

The Superintendent or designee shall conduct a query using the Clearinghouse at least once a year for all drivers to determine whether information exists in the Clearinghouse about the drivers. (49 CFR 382.701)

In lieu of a full query, the Superintendent or designee may obtain the individual driver's consent to conduct a limited query that is effective for more than one year and informs the district about whether there is information about the driver in the Clearinghouse without

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

releasing that information to the district. If the limited query shows that information exists in the Clearinghouse about the individual driver, the Superintendent or designee shall conduct a full query within 24 hours of conducting the limited query. If a full query is not conducted within 24 hours, the driver may not perform any safety-sensitive function until the results from a full query confirm that the driver may perform such functions. (49 CFR 382.701)

A driver may not perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has committed a violation of federal drug or alcohol regulations. (49 CFR 382.701)

Notifications

Note: Pursuant to 49 CFR 382.601, the district is **mandated** to adopt policy and procedures pertaining to misuse of drugs and alcohol and to provide these materials to each driver. When conducting compliance inspections, the California Highway Patrol reviews whether district policy or regulations contain all of items #1-12 below.

The Superintendent or designee shall provide each driver with materials explaining the federal regulations and the district's policy and procedure related to drug and alcohol testing and shall notify representatives of employee organizations of the availability of this information. This information shall include a detailed discussion of at least the following: (49 CFR 382.113, 382.303, 382.601)

1. The identity of the person designated by the district to answer driver questions about the materials
2. The categories of drivers who are subject to drug and alcohol testing
3. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver is required to be in compliance
4. Specific information concerning prohibited driver conduct
5. The circumstances under which a driver will be tested for drugs and/or alcohol, including post-accident testing
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver
7. The requirement that a driver submit to drug and alcohol tests

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
9. The consequences for drivers found to have violated the prohibitions against drug or alcohol use, including the circumstances under which drivers will be removed immediately from safety-sensitive functions and the requirements for education, treatment, and return-to-duty testing
10. The consequences for drivers found to have a blood alcohol concentration between 0.02 and 0.04
11. Information concerning the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management
12. The requirement that personal information collected and maintained pursuant to 49 CFR 382 shall be reported to the Clearinghouse

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

Each driver shall sign a statement certifying receipt of a copy of the above materials. The Superintendent or designee shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. (49 CFR 382.601)

In addition, prior to administering each alcohol or drug test, the driver shall be notified that the test is required pursuant to Title 49, Part 382, of the Code of Federal Regulations. (49 CFR 382.113)

The driver shall be notified of the results of drug and alcohol tests in accordance with 49 CFR 382.411.

Records

Note: 49 CFR 40. 333 and 382.401 specify the records that must be retained by the district and how long each record must be retained (i.e., one year, two years, three years, five years, or indefinitely). Upon receiving a request from the FMCSA to inspect any such record, the district must make the record(s) available for inspection at the district office within two business days.

AR4112.42(i)
4212.42
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DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

The Superintendent or designee shall maintain records of the district's drug and alcohol testing program in accordance with 49 CFR 40.333 and 382.401. Such records shall be maintained in a secure location with controlled access and shall be disclosed only in accordance with 49 CFR 382.405.

(cf. 3580 - District Records)

(8/13 8/14) 6/21

Policy Reference UPDATE Service
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Regulation 4112.42: Drug And Alcohol Testing For School Bus Drivers

Status: ADOPTED

Original Adopted Date: 08/21/2014

Definitions

For purposes of drug testing required by the U.S. Department of Transportation (DOT), drugs included in the tests are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates. (49 CFR 40.3, 40.85, 382.107)

Alcohol concentration or level means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath. For purposes of the DOT alcohol testing program, an alcohol level between 0.02 and 0.04 requires removal of the bus driver for a 24-hour period following the test. An alcohol level of 0.04 or higher requires immediate removal of the driver from performing safety-sensitive functions until the driver has successfully completed the return-to-duty process. (49 CFR 382.107, 382.201, 382.505)

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions include, but are not limited to, all time driving or otherwise in the bus; waiting at a district facility to be dispatched; inspecting, servicing, or conditioning the bus or bus equipment; loading or unloading the bus; supervising or assisting in the loading or unloading of the bus; and repairing, obtaining assistance, or remaining in attendance upon a disabled bus. (49 CFR 382.107)

(cf. 3540 - Transportation)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies).

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

Designated Employer Representative

The Superintendent or designee shall identify a designated employer representative and shall provide his/her name and telephone number to the testing contractor to contact about any problems or issues that may arise during the testing process. (49 CFR 40.35, 40.215)

The designated employer representative shall be responsible for receiving test results and other communications, taking immediate action(s) to remove drivers from safety-sensitive functions, and making other required decisions in the testing and evaluation processes. (49 CFR 40.3)

Pre-employment Testing

When hiring a new driver, the Superintendent or designee shall, with the driver's written consent, request the driver's past drug and alcohol testing record, as specified in 49 CFR 40.25, from any employer who has employed the driver at any time during the previous two years. In addition, the Superintendent or designee shall ask the driver if he/she tested positive, or refused to test, on any pre-employment drug or alcohol test that was administered during the past two years in the course of applying for another safety-sensitive transportation position that he/she did not obtain. The driver shall not be permitted to perform safety-sensitive functions if he/she refuses to provide consent to obtain the information from previous employers, the information from previous employers is not received within 30 days of the date on which the driver first performed safety-sensitive functions for the district, or the driver or a previous employer reports a violation of a drug or alcohol regulation without subsequent completion of the return-to-duty process. (49 CFR 40.25, 382.413)

Upon making a contingent offer of employment to a driver and prior to the first time the driver performs safety-sensitive functions for the district, the Superintendent or designee shall require the driver to undergo testing for drugs and to receive a verified negative test result. This testing requirement may be waived if all of the following conditions exist: (49 CFR 382.301)

1. The driver has participated in a qualified drug testing program within the previous 30 days.
2. While participating in the program, the driver either was tested within the past six months or participated in a random drug testing program for the previous 12 months.

3. The Superintendent or designee has contacted the testing program(s) in which the driver has participated and has obtained information about the program and the driver's participation as specified in 49 CFR 382.301.

4. No prior employer of the driver of whom the district has knowledge has records of the driver's violation of federal drug testing regulations within the previous six

Post-Accident Testing

As soon as practicable following an accident involving a school bus or student activity bus, the Superintendent or designee shall ensure that the driver involved is tested for alcohol and/or drugs under either of the following conditions: (49 CFR 382.303)

1. The accident involved loss of human life.

2. The driver receives a citation for alcohol use within eight hours of the accident, or for drug use within 32 hours of the accident, and the accident involved bodily injury to a person who required immediate medical treatment away from the scene of the accident and/or disabling damage to one or more vehicles requiring towing.

The Superintendent or designee shall attempt to administer a required alcohol test up to eight hours following the accident and/or a drug test up to 32 hours following the accident. The results of an alcohol or drug test conducted by federal, state, or local officials having independent authority for the test shall be considered to meet this requirement. If the alcohol test is not administered within two hours following the accident, or the test for drugs is not administered within 32 hours following the accident, the Superintendent or designee shall make a record stating the reasons the test was not promptly administered. (49 CFR 382.303)

Random Testing

The Superintendent or designee shall ensure that random, unannounced drug and alcohol tests of bus drivers are conducted on testing dates reasonably spread throughout the year. Such tests shall be conducted during, immediately before, or immediately after the performance of safety-sensitive functions. (49 CFR 382.305)

The Superintendent or designee shall ensure that the percentage of district drivers randomly tested for drugs and alcohol meets or exceeds the minimum annual percentage rates specified in 49 CFR 382.305 or subsequently published in the Federal Register.

Each driver selected for random testing shall have an equal chance of being tested each time selections are made. (49 CFR 382.305)

Each driver who is selected for testing shall proceed to the test site immediately or, if performing a safety-sensitive function other than driving a bus, then as soon as possible after ceasing that function. (49 CFR 382.305)

Reasonable Suspicion Testing

A driver shall be required to submit to a drug or alcohol test whenever the Superintendent or designee has reasonable suspicion that the driver has violated the prohibitions against the use of drugs or alcohol. Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations, conducted during, immediately before, or immediately after the performance of safety-sensitive functions, concerning the driver's appearance, behavior, speech, and/or body odors. Reasonable suspicion of drug use may also include indications of the chronic and withdrawal effects of drugs. (49 CFR 382.307)

The person who makes the required observations for reasonable suspicion testing for drugs or alcohol shall be trained in accordance with 49 CFR 382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not be the same person who conducts the alcohol test. (49 CFR 382.307)

Within 24 hours of the observed behavior or before the results of the drug or alcohol test are released, whichever is earlier, the Superintendent or designee shall prepare and sign a written record of the observations leading to a reasonable suspicion test. (49 CFR 382.307)

An alcohol test required as a result of reasonable suspicion shall be administered within eight hours following the determination of reasonable suspicion. If the test is not administered within two hours, the Superintendent or designee shall prepare and maintain on file a record stating the reasons the test was not promptly administered. (49 CFR 382.307)

In the absence of a reasonable suspicion alcohol test, the district shall take no action against a driver based solely on

the driver's behavior and appearance, except that the driver shall not be allowed to report for or remain on safety-sensitive functions until an alcohol test is administered and the results show a concentration less than 0.02 or 24 hours have elapsed following the determination of reasonable suspicion. (49 CFR 382.307)

Notifications

The Superintendent or designee shall provide each driver with materials explaining the federal regulations and the district's policy and procedure related to drug and alcohol testing and shall notify representatives of employee organizations of the availability of this information. This information shall include a detailed discussion of at least the following: (49 CFR 382.303, 382.113, 382.601)

1. The identity of the person designated by the district to answer driver questions about the materials
2. The categories of drivers who are subject to drug and alcohol testing
3. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver is required to be in compliance
4. Specific information concerning prohibited driver conduct
5. The circumstances under which a driver will be tested for drugs and/or alcohol, including post-accident testing
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver
7. The requirement that a driver submit to drug and alcohol tests
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
9. The consequences for drivers found to have violated the prohibitions against drug or alcohol use, including the circumstances under which drivers will be removed immediately from safety-sensitive functions and the requirements for education, treatment, and return-to-duty testing
10. The consequences for drivers found to have a blood alcohol concentration between 0.02 and 0.04
11. Information concerning the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management

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

Each driver shall sign a statement certifying that he/she has received a copy of the above materials. The Superintendent or designee shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. (49 CFR 382.601)

In addition, prior to administering each alcohol or drug test, the driver shall be notified that the test is required pursuant to Title 49, Part 382, of the Code of Federal Regulations. (49 CFR 382.113)

The driver shall be notified of the results of drug and alcohol tests in accordance with 49 CFR 382.411.

Records

The Superintendent or designee shall maintain records of the district's drug and alcohol testing program in accordance with 49 CFR 40.333 and 382.401. Such records shall be maintained in a secure location with controlled access and shall be disclosed only in accordance with 49 CFR 382.405.

(cf. 3580 - District Records)

Regulation 4212.42: Drug And Alcohol Testing For School Bus Drivers

Status: ADOPTED

Original Adopted Date: 08/21/2014

Definitions

For purposes of drug testing required by the U.S. Department of Transportation (DOT), drugs included in the tests are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates. (49 CFR 40.3, 40.85, 382.107)

Alcohol concentration or level means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath. For purposes of the DOT alcohol testing program, an alcohol level between 0.02 and 0.04 requires removal of the bus driver for a 24-hour period following the test. An alcohol level of 0.04 or higher requires immediate removal of the driver from performing safety-sensitive functions until the driver has successfully completed the return-to-duty process. (49 CFR 382.107, 382.201, 382.505)

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions include, but are not limited to, all time driving or otherwise in the bus; waiting at a district facility to be dispatched; inspecting, servicing, or conditioning the bus or bus equipment; loading or unloading the bus; supervising or assisting in the loading or unloading of the bus; and repairing, obtaining assistance, or remaining in attendance upon a disabled bus. (49 CFR 382.107)

(cf. 3540 - Transportation)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

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

Designated Employer Representative

The Superintendent or designee shall identify a designated employer representative and shall provide his/her name and telephone number to the testing contractor to contact about any problems or issues that may arise during the testing process. (49 CFR 40.35, 40.215)

The designated employer representative shall be responsible for receiving test results and other communications, taking immediate action(s) to remove drivers from safety-sensitive functions, and making other required decisions in the testing and evaluation processes. (49 CFR 40.3)

Pre-employment Testing

When hiring a new driver, the Superintendent or designee shall, with the driver's written consent, request the driver's past drug and alcohol testing record, as specified in 49 CFR 40.25, from any employer who has employed the driver at any time during the previous two years. In addition, the Superintendent or designee shall ask the driver if he/she tested positive, or refused to test, on any pre-employment drug or alcohol test that was administered during the past two years in the course of applying for another safety-sensitive transportation position that he/she did not obtain. The driver shall not be permitted to perform safety-sensitive functions if he/she refuses to provide consent to obtain the information from previous employers, the information from previous employers is not received within 30 days of the date on which the driver first performed safety-sensitive functions for the district, or the driver or a previous employer reports a violation of a drug or alcohol regulation without subsequent completion of the return-to-duty process. (49 CFR 40.25, 382.413)

Upon making a contingent offer of employment to a driver and prior to the first time the driver performs safety-sensitive functions for the district, the Superintendent or designee shall require the driver to undergo testing for drugs and to receive a verified negative test result. This testing requirement may be waived if all of the following conditions exist: (49 CFR 382.301)

1. The driver has participated in a qualified drug testing program within the previous 30 days.
2. While participating in the program, the driver either was tested within the past six months or participated in a random drug testing program for the previous 12 months.

3. The Superintendent or designee has contacted the testing program(s) in which the driver has participated and has obtained information about the program and the driver's participation as specified in 49 CFR 382.301.

4. No prior employer of the driver of whom the district has knowledge has records of the driver's violation of federal drug testing regulations within the previous six

Post-Accident Testing

As soon as practicable following an accident involving a school bus or student activity bus, the Superintendent or designee shall ensure that the driver involved is tested for alcohol and/or drugs under either of the following conditions: (49 CFR 382.303)

1. The accident involved loss of human life.

2. The driver receives a citation for alcohol use within eight hours of the accident, or for drug use within 32 hours of the accident, and the accident involved bodily injury to a person who required immediate medical treatment away from the scene of the accident and/or disabling damage to one or more vehicles requiring towing.

The Superintendent or designee shall attempt to administer a required alcohol test up to eight hours following the accident and/or a drug test up to 32 hours following the accident. The results of an alcohol or drug test conducted by federal, state, or local officials having independent authority for the test shall be considered to meet this requirement. If the alcohol test is not administered within two hours following the accident, or the test for drugs is not administered within 32 hours following the accident, the Superintendent or designee shall make a record stating the reasons the test was not promptly administered. (49 CFR 382.303)

Random Testing

The Superintendent or designee shall ensure that random, unannounced drug and alcohol tests of bus drivers are conducted on testing dates reasonably spread throughout the year. Such tests shall be conducted during, immediately before, or immediately after the performance of safety-sensitive functions. (49 CFR 382.305)

The Superintendent or designee shall ensure that the percentage of district drivers randomly tested for drugs and alcohol meets or exceeds the minimum annual percentage rates specified in 49 CFR 382.305 or subsequently published in the Federal Register.

Each driver selected for random testing shall have an equal chance of being tested each time selections are made. (49 CFR 382.305)

Each driver who is selected for testing shall proceed to the test site immediately or, if performing a safety-sensitive function other than driving a bus, then as soon as possible after ceasing that function. (49 CFR 382.305)

Reasonable Suspicion Testing

A driver shall be required to submit to a drug or alcohol test whenever the Superintendent or designee has reasonable suspicion that the driver has violated the prohibitions against the use of drugs or alcohol. Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations, conducted during, immediately before, or immediately after the performance of safety-sensitive functions, concerning the driver's appearance, behavior, speech, and/or body odors. Reasonable suspicion of drug use may also include indications of the chronic and withdrawal effects of drugs. (49 CFR 382.307)

The person who makes the required observations for reasonable suspicion testing for drugs or alcohol shall be trained in accordance with 49 CFR 382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not be the same person who conducts the alcohol test. (49 CFR 382.307)

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Notifications

The Superintendent or designee shall provide each driver with materials explaining the federal regulations and the district's policy and procedure related to drug and alcohol testing and shall notify representatives of employee organizations of the availability of this information. This information shall include a detailed discussion of at least the following: (49 CFR 382.303, 382.113, 382.601)

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

Each driver shall sign a statement certifying that he/she has received a copy of the above materials. The Superintendent or designee shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. (49 CFR 382.601)

In addition, prior to administering each alcohol or drug test, the driver shall be notified that the test is required pursuant to Title 49, Part 382, of the Code of Federal Regulations. (49 CFR 382.113)

The driver shall be notified of the results of drug and alcohol tests in accordance with 49 CFR 382.411.

Records

The Superintendent or designee shall maintain records of the district's drug and alcohol testing program in accordance with 49 CFR 40.333 and 382.401. Such records shall be maintained in a secure location with controlled access and shall be disclosed only in accordance with 49 CFR 382.405.

(cf. 3580 - District Records)

Regulation 4312.42: Drug And Alcohol Testing For School Bus Drivers

Status: ADOPTED

Original Adopted Date: 08/21/2014

Definitions

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(cf. 3540 - Transportation)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

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3. The Superintendent or designee has contacted the testing program(s) in which the driver has participated and has obtained information about the program and the driver's participation as specified in 49 CFR 382.301.

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Post-Accident Testing

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1. The accident involved loss of human life.

2. The driver receives a citation for alcohol use within eight hours of the accident, or for drug use within 32 hours of the accident, and the accident involved bodily injury to a person who required immediate medical treatment away from the scene of the accident and/or disabling damage to one or more vehicles requiring towing.

The Superintendent or designee shall attempt to administer a required alcohol test up to eight hours following the accident and/or a drug test up to 32 hours following the accident. The results of an alcohol or drug test conducted by federal, state, or local officials having independent authority for the test shall be considered to meet this requirement. If the alcohol test is not administered within two hours following the accident, or the test for drugs is not administered within 32 hours following the accident, the Superintendent or designee shall make a record stating the reasons the test was not promptly administered. (49 CFR 382.303)

Random Testing

The Superintendent or designee shall ensure that random, unannounced drug and alcohol tests of bus drivers are conducted on testing dates reasonably spread throughout the year. Such tests shall be conducted during, immediately before, or immediately after the performance of safety-sensitive functions. (49 CFR 382.305)

The Superintendent or designee shall ensure that the percentage of district drivers randomly tested for drugs and alcohol meets or exceeds the minimum annual percentage rates specified in 49 CFR 382.305 or subsequently published in the Federal Register.

Each driver selected for random testing shall have an equal chance of being tested each time selections are made. (49 CFR 382.305)

Each driver who is selected for testing shall proceed to the test site immediately or, if performing a safety-sensitive function other than driving a bus, then as soon as possible after ceasing that function. (49 CFR 382.305)

Reasonable Suspicion Testing

A driver shall be required to submit to a drug or alcohol test whenever the Superintendent or designee has reasonable suspicion that the driver has violated the prohibitions against the use of drugs or alcohol. Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations, conducted during, immediately before, or immediately after the performance of safety-sensitive functions, concerning the driver's appearance, behavior, speech, and/or body odors. Reasonable suspicion of drug use may also include indications of the chronic and withdrawal effects of drugs. (49 CFR 382.307)

The person who makes the required observations for reasonable suspicion testing for drugs or alcohol shall be trained in accordance with 49 CFR 382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not be the same person who conducts the alcohol test. (49 CFR 382.307)

Within 24 hours of the observed behavior or before the results of the drug or alcohol test are released, whichever is earlier, the Superintendent or designee shall prepare and sign a written record of the observations leading to a reasonable suspicion test. (49 CFR 382.307)

An alcohol test required as a result of reasonable suspicion shall be administered within eight hours following the determination of reasonable suspicion. If the test is not administered within two hours, the Superintendent or designee shall prepare and maintain on file a record stating the reasons the test was not promptly administered. (49 CFR 382.307)

In the absence of a reasonable suspicion alcohol test, the district shall take no action against a driver based solely on

the driver's behavior and appearance, except that the driver shall not be allowed to report for or remain on safety-sensitive functions until an alcohol test is administered and the results show a concentration less than 0.02 or 24 hours have elapsed following the determination of reasonable suspicion. (49 CFR 382.307)

Notifications

The Superintendent or designee shall provide each driver with materials explaining the federal regulations and the district's policy and procedure related to drug and alcohol testing and shall notify representatives of employee organizations of the availability of this information. This information shall include a detailed discussion of at least the following: (49 CFR 382.303, 382.113, 382.601)

1. The identity of the person designated by the district to answer driver questions about the materials
2. The categories of drivers who are subject to drug and alcohol testing
3. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver is required to be in compliance
4. Specific information concerning prohibited driver conduct
5. The circumstances under which a driver will be tested for drugs and/or alcohol, including post-accident testing
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver
7. The requirement that a driver submit to drug and alcohol tests
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
9. The consequences for drivers found to have violated the prohibitions against drug or alcohol use, including the circumstances under which drivers will be removed immediately from safety-sensitive functions and the requirements for education, treatment, and return-to-duty testing
10. The consequences for drivers found to have a blood alcohol concentration between 0.02 and 0.04
11. Information concerning the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management

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

Each driver shall sign a statement certifying that he/she has received a copy of the above materials. The Superintendent or designee shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. (49 CFR 382.601)

In addition, prior to administering each alcohol or drug test, the driver shall be notified that the test is required pursuant to Title 49, Part 382, of the Code of Federal Regulations. (49 CFR 382.113)

The driver shall be notified of the results of drug and alcohol tests in accordance with 49 CFR 382.411.

Records

The Superintendent or designee shall maintain records of the district's drug and alcohol testing program in accordance with 49 CFR 40.333 and 382.401. Such records shall be maintained in a secure location with controlled access and shall be disclosed only in accordance with 49 CFR 382.405.

(cf. 3580 - District Records)

CSBA Sample Board Policy

Certificated and Classified Personnel

BP 4141(a)
4241

COLLECTIVE BARGAINING AGREEMENT

Note: The following **optional** policy addresses the implementation of the collective bargaining agreement adopted by the Governing Board following a process of negotiations with the exclusive representatives of employees. See BP 4143/4243 - Negotiations/Consultation for information about the bargaining process.

The Governing Board recognizes that collective bargaining agreements are legally binding, bilateral agreements with the exclusive representatives of employees pertaining to terms and conditions of employment. The Board is committed to carrying out the provisions of each agreement and expects the agreements to be consistently and uniformly administered.

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

(cf. 4143/4243 - *Negotiations/Consultation*)

Note: Districts should consider deleting policies and administrative regulations on topics covered in collective bargaining agreements or retaining them only after determining that the provisions in the policy or regulation are consistent with the adopted agreements. Some policies or regulations may also need to be retained and/or modified when they pertain to unrepresented employees. Should a contract and a policy conflict, the district may be required to grant the benefits in both documents, even if the district believed that the contract was intended to supersede the policy. See BB 9310 - Board Policies.

If the district has adopted a merit system pursuant to Education Code 45220-45320, then its classified employees are subject to the rules prescribed by the district's personnel commission, except when the subject matter is within the scope of representation and is included in a negotiated agreement. Such districts may revise the following paragraph to clarify that the negotiated agreement supersedes any conflicting rules of the personnel commission.

In United Teachers of Los Angeles v. Los Angeles Unified School District, the California Supreme Court held that a provision in a collective bargaining agreement that directly conflicts with the Education Code cannot be enforced.

Following adoption of the collective bargaining agreement, the Superintendent or designee shall review related Board policies and recommend to the Board any action needed to maintain consistency with the agreement. Whenever a Board policy conflicts with a provision in the collective bargaining agreement, the agreement shall be binding for those employees covered by the terms of the agreement. Whenever a law conflicts with a provision in the collective bargaining agreement, the law will prevail as to those employees for whom the law applies.

(cf. 9310 - *Board Policies*)

Upon request by the Public Employment Relations Board, the Superintendent or designee shall provide, within 15 days of the request, a copy of the written agreement and any amendments. (8 CCR 32120)

COLLECTIVE BARGAINING AGREEMENT (continued)

Legal Reference:

EDUCATION CODE

35035 *Additional powers and duties of superintendent, transfer authority*

35036 *Voluntary transfers*

35160 *Authority of governing boards*

35160.1 *Broad authority of school districts*

45220-45320 *Merit system, classified employees*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

CODE OF REGULATIONS, TITLE 8

31001-32997 *Regulations of employee relations boards*

COURT DECISIONS

Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448

United Teachers of Los Angeles v. Los Angeles Unified School District (2012) 54 Cal. 4th 504

Round Valley Teachers Association (1996) 13 Cal. 4th 269

Management Resources:

WEB SITES

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

California Public Employee Relations: <http://cper.berkeley.edu>

Center for Collaborative Solutions: <http://www.ccscenter.org>

Public Employment Relations Board: <http://www.perb.ca.gov>

State Mediation and Conciliation Service (SMCS): <http://www.dir.ca.gov/csmcs/smcs.html>

(10/95 3/07) 6/21

Policy Reference UPDATE Service

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Policy 4141: Collective Bargaining Agreement

Status: ADOPTED

Original Adopted Date: 09/13/2000

The Board of Education recognizes that collective bargaining agreements are legally binding, bilateral agreements. The Board is committed to carrying out the provisions of each agreement and expects the agreements to be consistently and uniformly administered.

In order to help prepare for future negotiations, the Superintendent or designee shall identify any portions of the agreement that hinder the district's efforts to meet district goals.

(cf. 4140/4240 - Bargaining Units)

(cf. 4143/4243 - Negotiations/Consultation)

Policy 4241: Collective Bargaining Agreement

Status: ADOPTED

Original Adopted Date: 09/13/2000

The Board of Education recognizes that collective bargaining agreements are legally binding, bilateral agreements. The Board is committed to carrying out the provisions of each agreement and expects the agreements to be consistently and uniformly administered.

In order to help prepare for future negotiations, the Superintendent or designee shall identify any portions of the agreement that hinder the district's efforts to meet district goals.

(cf. 4140/4240 - Bargaining Units)

(cf. 4143/4243 - Negotiations/Consultation)

CSBA Sample Board Policy

All Personnel

BP 4158(a)

4258

EMPLOYEE SECURITY

4358

Note: Pursuant to Government Code 3543.2, safety conditions in employment are a mandatory subject of collective bargaining. The following Board policy and accompanying administrative regulation may be revised to reflect district practice and the terms of the district's collective bargaining agreements.

The Governing Board desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing necessary assistance and support when emergency situations occur.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 5131.4 - Student Disturbances)

Any person who threatens the safety of others at any district facility may be removed by the Superintendent or designee in accordance with AR 3515.2 - Disruptions.

(cf. 3515.2 - Disruptions)

Note: Code of Civil Procedure 527.8 allows the district to seek a temporary restraining order and injunction on behalf of an employee against any other individual who has subjected the employee to unlawful violence or a credible threat of violence in the workplace. In *City of San Jose v. William Garbett*, a California Court of Appeal held that a court's issuance of a temporary restraining order and injunction against a person who had verbally threatened a city official was not a violation of that person's right to free speech and right of access to a public place.

Pursuant to Penal Code 18150 and 18170, a gun violence restraining order prohibiting a person from owning, having custody or control of, purchasing, possessing, or receiving a firearm or ammunition may be petitioned by that person's employer, a coworker who has had substantial and regular interactions with the person for at least one year and has the employer's approval, or an employee or teacher of a secondary school that the person has attended in the past six months if the employee or teacher has obtained the approval of a school administrator or designee.

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. As appropriate, the Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. Such measures may include seeking a temporary restraining order on behalf of the employee pursuant to Code of Civil Procedure 527.8 and/or a gun violence restraining order pursuant to Penal Code 18150 and 18170.

EMPLOYEE SECURITY (continued)

Upon request by an employee who is a victim of domestic violence, sexual assault, or stalking, the Superintendent or designee shall provide reasonable accommodations in accordance with Labor Code 230-230.1 and the accompanying administrative regulation to protect the employee's safety while at work.

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

Note: Pursuant to Education Code 48904 and 48905, an employee who is injured or whose property is damaged by willful misconduct of a district student under the conditions described below may request that the district pursue legal action against the student or the student's parent/guardian. See BP 3515.4 - Recovery for Property Loss or Damage and AR 5125.2 - Withholding Grades, Diploma or Transcripts. The district should consult legal counsel when considering whether to pursue legal action.

The Superintendent or designee may pursue legal action on behalf of an employee against a student or the student's parent/guardian to recover damages for injury to the employee's person or property caused by the student's willful misconduct that occurred on district property, at a school or district activity, or in retaliation for lawful acts of the employee in the performance of the employee's duties. (Education Code 48904, 48905)

(cf. 3320 - Claims and Actions Against the District)
(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)
(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

The Superintendent or designee shall provide staff development in crisis prevention and intervention techniques, which may include training in classroom management, effective communication techniques, procedures for responding to an active shooter situation, and crisis resolution.

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

In accordance with law, the Superintendent or designee shall inform teachers, administrators, and/or counselors of crimes and offenses committed by students who may pose a danger in the classroom. (Education Code 48201, 49079; Welfare and Institutions Code 827)

The Superintendent or designee may make available at appropriate locations, including, but not limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

EMPLOYEE SECURITY (continued)

(cf. 5141 - Health Care and Emergencies)

Use of Pepper Spray

Note: The following section is **optional** and may be revised to reflect district practice. Penal Code 22810 authorizes adults, with certain exceptions, to carry an approved tear gas weapon such as pepper spray for purposes of self-defense. Penal Code 626.9 and 626.10, which prohibit the possession of weapons on school grounds, do not prohibit the possession of pepper spray on school grounds. Thus, the Governing Board may determine whether to allow or disallow, with certain exceptions, the possession of pepper spray on school property or at school activities. See the accompanying administrative regulation for related procedures.

Employees shall not carry or possess pepper spray on school property or at school activities except when authorized by the Superintendent or designee for self-defense purposes. When allowed, an employee may only possess pepper spray in accordance with administrative regulations and Penal Code 22810. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

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

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

Reporting of Injurious Objects

Note: The following **optional** section specifies actions to be taken in the event an employee becomes aware of any person who is in possession of an injurious object, and is consistent with the actions described in AR 5131.7 - Weapons and Dangerous Instruments related to student possession.

Pursuant to Education Code 49334, a school employee who initially notifies law enforcement regarding a student or adult who is in possession of an injurious object while on school grounds or under the authority of school personnel cannot be subject to any civil or administrative proceeding, including disciplinary action, for violation of any district policy or procedure related to the notification of a law enforcement agency. Education Code 49334 requires such an employee to conform with district procedures after exercising the option to notify a law enforcement agency.

Employees shall take immediate action upon being made aware that any person is in possession of a weapon or unauthorized injurious object on school grounds or at a school-related or school-sponsored activity. Employees shall exercise their best judgment as to the potential danger involved and shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately call 911 and the principal

EMPLOYEE SECURITY (continued)

(cf. 3515.7 - *Firearms on School Grounds*)
(cf. 5131.7 - *Weapons and Dangerous Instruments*)
(cf. 5144 - *Discipline*)
(cf. 5144.1 - *Suspension and Expulsion/Due Process*)
(cf. 5144.2 - *Suspension and Expulsion/Due Process (Students with Disabilities)*)

When informing the principal about the possession or seizure of a weapon or dangerous device, an employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

Legal Reference:

EDUCATION CODE

32210-32212 *Willful disturbance, public schools or meetings*
32225-32226 *Communication devices*
35208 *Liability insurance*
35213 *Reimbursement for loss, destruction or damage of school property*
44014 *Report of assault by pupil against school employee*
44807 *Duty concerning conduct of students*
48201 *Transfer of student records*
48900-48926 *Suspension or expulsion*
49079 *Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion*
49330-49335 *Injurious objects*

CIVIL CODE

51.7 *Freedom from violence or intimidation*

CODE OF CIVIL PROCEDURE

527.8 *Workplace violence safety*

GOVERNMENT CODE

995-996.4 *Defense of public employees*

3543.2 *Scope of representation*

12926 *Definitions*

LABOR CODE

230-230.2 *Leave for victims of domestic violence, sexual assault, or specified felonies*

PENAL CODE

71 *Threatening public officers and employees and school officials*

240-246.3 *Assault and battery, especially:*

241.3 *Assault against school bus drivers*

241.6 *Assault on school employee including board member*

243.3 *Battery against school bus drivers*

243.6 *Battery against school employee including board member*

245.5 *Assault with deadly weapon against school employee including board member*

290 *Registration of sex offenders*

Legal Reference continued: (see next page)

EMPLOYEE SECURITY (continued)

Legal Reference: (continued)

PENAL CODE (continued)

601 Trespass by person making credible threat

626-626.11 School crimes

646.9 Stalking

18150 Gun violence restraining orders

18170 Gun violence restraining order issued after notice and hearing

22810 Purchase, possession, and use of tear gas

WELFARE AND INSTITUTIONS CODE

827 Juvenile court proceedings; reports; confidentiality

828.1 District police or security department, disclosure of juvenile records

COURT DECISIONS

City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526

Management Resources:

WEB SITES

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

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

(3/11 5/18) 6/21

Policy Reference UPDATE Service

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Policy 4158: Employee Security

Status: ADOPTED

Original Adopted Date: 10/22/2018

The Board of Education desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing necessary assistance and support when emergency situations occur.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 5131.4 - Student Disturbances)

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. As appropriate, the Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace.

The Superintendent or designee may pursue legal action on behalf of an employee against a student or his/her parent/guardian to recover damages to the employee or his/her property caused by the student's willful misconduct that occurred on district property, at a school or district activity, or in retaliation for lawful acts of the employee in the performance of his/her duties. (Education Code 48904, 48905)

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

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

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

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

The Superintendent or designee shall ensure that employees receive training in crisis prevention and intervention techniques in order to protect themselves and students. Staff development may include training in classroom management, effective communication techniques, procedures for responding to an active shooter situation, and crisis resolution.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee also shall inform teachers, in accordance with law, of crimes and offenses committed by students who may pose a danger in the classroom. (Education Code 48201, 49079; Welfare and Institutions Code 827)

The Superintendent or designee may make available at appropriate locations, including, but not limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

(cf. 5141 - Health Care and Emergencies)

Use of Pepper Spray

Employees shall not carry or possess pepper spray on school property or at school activities, except when authorized by the Superintendent or designee for self-defense purposes. When allowed, an employee may only possess pepper spray in accordance with administrative regulations and Penal Code 22810. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

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

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

Reporting of Injurious Objects

The Board requires employees to take immediate action upon being made aware that any person is in possession of a weapon or unauthorized injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the potential danger involved and shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately call 911 and the principal

(cf. 3515.7 - Firearms on School Grounds)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

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

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

When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

Policy 4258: Employee Security

Status: ADOPTED

Original Adopted Date: 10/22/2018

The Board of Education desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing necessary assistance and support when emergency situations occur.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 5131.4 - Student Disturbances)

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. As appropriate, the Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace.

The Superintendent or designee may pursue legal action on behalf of an employee against a student or his/her parent/guardian to recover damages to the employee or his/her property caused by the student's willful misconduct that occurred on district property, at a school or district activity, or in retaliation for lawful acts of the employee in the performance of his/her duties. (Education Code 48904, 48905)

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

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

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

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

The Superintendent or designee shall ensure that employees receive training in crisis prevention and intervention techniques in order to protect themselves and students. Staff development may include training in classroom management, effective communication techniques, procedures for responding to an active shooter situation, and crisis resolution.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee also shall inform teachers, in accordance with law, of crimes and offenses committed by students who may pose a danger in the classroom. (Education Code 48201, 49079; Welfare and Institutions Code 827)

The Superintendent or designee may make available at appropriate locations, including, but not limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

(cf. 5141 - Health Care and Emergencies)

Use of Pepper Spray

Employees shall not carry or possess pepper spray on school property or at school activities, except when authorized by the Superintendent or designee for self-defense purposes. When allowed, an employee may only possess pepper spray in accordance with administrative regulations and Penal Code 22810. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

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

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

Reporting of Injurious Objects

The Board requires employees to take immediate action upon being made aware that any person is in possession of a weapon or unauthorized injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the potential danger involved and shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately call 911 and the principal

(cf. 3515.7 - Firearms on School Grounds)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

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

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

When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

Policy 4358: Employee Security

Status: ADOPTED

Original Adopted Date: 10/22/2018

The Board of Education desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing necessary assistance and support when emergency situations occur.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 5131.4 - Student Disturbances)

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. As appropriate, the Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace.

The Superintendent or designee may pursue legal action on behalf of an employee against a student or his/her parent/guardian to recover damages to the employee or his/her property caused by the student's willful misconduct that occurred on district property, at a school or district activity, or in retaliation for lawful acts of the employee in the performance of his/her duties. (Education Code 48904, 48905)

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

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

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

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

The Superintendent or designee shall ensure that employees receive training in crisis prevention and intervention techniques in order to protect themselves and students. Staff development may include training in classroom management, effective communication techniques, procedures for responding to an active shooter situation, and crisis resolution.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee also shall inform teachers, in accordance with law, of crimes and offenses committed by students who may pose a danger in the classroom. (Education Code 48201, 49079; Welfare and Institutions Code 827)

The Superintendent or designee may make available at appropriate locations, including, but not limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

(cf. 5141 - Health Care and Emergencies)

Use of Pepper Spray

Employees shall not carry or possess pepper spray on school property or at school activities, except when authorized by the Superintendent or designee for self-defense purposes. When allowed, an employee may only possess pepper spray in accordance with administrative regulations and Penal Code 22810. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

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

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

Reporting of Injurious Objects

The Board requires employees to take immediate action upon being made aware that any person is in possession of a weapon or unauthorized injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the potential danger involved and shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately call 911 and the principal

(cf. 3515.7 - Firearms on School Grounds)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

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

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

When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

CSBA Sample Administrative Regulation

All Personnel

AR 4158(a)

4258

EMPLOYEE SECURITY

4358

An employee may use reasonable and necessary force for self-defense or defense of another person, to quell a disturbance threatening physical injury to others or damage to property, or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

(cf. 3515.2 - Disruptions)

(cf. 3515.3 - District Police/Security Department)

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

(cf. 3530 - Risk Management/Insurance)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

An employee shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against the employee by a student or by any other individual in relation to the performance of the employee's duties, and any action the employee took in response. Reports of an attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.

Note: Pursuant to Education Code 44014, it is the duty of an employee and the employee's immediate supervisor to report to law enforcement any attack, assault, or physical threat made against the employee by a student. Compliance with district procedures related to reporting incidents, as specified in the paragraph above, does not exempt an employee or supervisor from the duty to make a report to law enforcement. Failure to report such an attack, assault, or physical threat is an infraction punishable by a fine. It is also an infraction for a Governing Board member or employee to prevent the filing of the report or to impose any sanction against an employee for doing so.

Although the law only requires employees to report attacks, assaults, or threats made by students, the district may revise the following paragraph to require employees to report any attack, assault, or threat made against them by any other individual on school grounds.

In addition, the employee and the principal or other immediate supervisor shall promptly report to local law enforcement authorities an attack, assault, or physical threat made against the employee by a student. (Education Code 44014)

Notice Regarding Student Offenses

When a student commits certain offenses that may endanger staff or others, the following procedures shall be implemented to notify staff members as appropriate:

EMPLOYEE SECURITY (continued)

1. Acts That Are Grounds for Suspension or Expulsion

Note: Education Code 49079 requires the district to inform teachers of students who have committed specified acts that constitute grounds for suspension or expulsion. School district officers or employees who knowingly fail to provide this information are guilty of a misdemeanor punishable by a fine and/or imprisonment.

- a. The Superintendent or designee shall inform the teacher(s) of each student who, during the previous three school years, has engaged in or is reasonably suspected to have engaged in any act, except the possession or use of tobacco products, that would constitute a ground for suspension or expulsion as specified in AR 5144.1 - Suspension and Expulsion/Due Process. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5125 - Student Records)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Note: Education Code 48201 requires districts to request records of a transferring student regarding acts that resulted in the student's suspension or expulsion from the previous school, as specified below; see AR 5125 - Student Records. Once the record is received, the Superintendent or designee must inform the student's teacher(s) of the acts as specified below.

- b. Upon receiving a transfer student's record regarding acts committed by the student that resulted in suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended from school or expelled from the former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)
- c. Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 48201, 49079)

2. Offenses Reported to the District by a Court

Note: Welfare and Institutions Code 827 requires a court, within seven days, to provide written notification to the Superintendent when a minor student has been found by the court to have committed a felony or misdemeanor involving specified offenses. Upon receiving such notification, the Superintendent must notify certain counselors, teachers, and administrators, as described in item #2.

EMPLOYEE SECURITY (continued)

In addition, Welfare and Institutions Code 828.1 specifies that a school district police or security department may provide written notification to the Superintendent when a minor student has been found by a court to have illegally used, sold, or possessed a controlled substance or committed specified crimes involving serious acts of violence. In such cases, the information may be transmitted to a teacher, counselor, or administrator with direct supervisory or disciplinary responsibility over the student, and such information must be received in confidence for the limited purpose for which it was provided. Districts that maintain their own police or security department may expand the following item to authorize the department to notify the Superintendent of such offenses.

- a. When informed by a court that a minor student has been found by the court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall expeditiously notify the school principal. (Welfare and Institutions Code 827)
- b. The principal shall expeditiously disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress and to any teacher or administrator directly supervising or reporting on the student's behavior or progress whom the principal thinks may need the information in order to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)
- c. Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)
- d. When a student is removed from school as a result of an offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to the district. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new district of attendance. (Welfare and Institutions Code 827)

EMPLOYEE SECURITY (continued)

- e. Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

Note: The following **optional** paragraph may be revised to reflect district practice. Intentional violation of the confidentiality provisions of Welfare and Institutions Code 827 is a misdemeanor punishable by a fine.

In order to maintain confidentiality when providing information about student offenses to a counselor or teacher, the principal or designee shall send the staff member a written notification that a student has committed an offense that requires review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall initial the notification and shall also initial the student's file when reviewing it in the school office.

Accommodations for Victims of Domestic Violence, Sexual Assault, or Stalking

Note: Pursuant to Labor Code 230, the district is required to provide reasonable accommodations at work, upon request, to an employee who is a victim of domestic violence, sexual assault, or stalking. The district is not required to provide reasonable accommodations to an employee who has not disclosed the employee's status as a victim of domestic violence, sexual assault, or stalking nor to undertake an action that constitutes an undue hardship, as defined by Government Code 12926.

In addition, Labor Code 230 and 230.1 allow employees who are victims of domestic violence, sexual assault, or stalking to use available leave for the purposes of (1) obtaining relief (e.g., a temporary restraining order, restraining order, or injunctive relief) to protect the health, safety, or welfare of the employee or the employee's child; (2) seeking medical attention for injuries caused by the crime or abuse; (3) obtaining services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency; (4) obtaining psychological counseling or mental health services related to an experience of crime or abuse; and/or (5) participating in safety planning and taking other actions to increase safety from future crime or abuse, including temporary or permanent relocation. As amended by AB 2992 (Ch. 224, Statutes of 2020), Labor Code 230 and 230.1 expand these provisions to include employees who are victims of a crime that caused physical injury, or mental injury with a threat of physical injury, and employees whose immediate family member is deceased as the direct result of a crime. See AR 4161.2/4261.2/4361.2 - Personal Leaves.

When requested by an employee who is a victim of domestic violence, sexual assault, or stalking, the district shall provide the employee reasonable accommodations which may include the implementation of safety measures, including: (Labor Code 230)

1. A transfer, reassignment, or modified schedule
2. A changed work telephone or work station

EMPLOYEE SECURITY (continued)

3. An installed lock
4. Assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace
5. Referral to a victim assistance organization
6. Another safety procedure or adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other crime

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

The Superintendent or designee shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations that do not pose an undue hardship on the district. In determining whether an accommodation is reasonable, the Superintendent or designee shall consider any exigent circumstance or danger facing the employee. (Labor Code 230)

Upon the request of the Superintendent or designee, an employee requesting a reasonable accommodation shall provide a written statement, signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for an authorized purpose. The Superintendent or designee may also request that the employee provide certification of the employee's status as a victim of domestic violence, sexual assault, or stalking. Such certification may include: (Labor Code 230)

1. A police report indicating that the employee was a victim
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a licensed medical professional or health care provider, domestic violence or sexual assault counselor, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf

EMPLOYEE SECURITY (continued)

Any verbal or written statement, police or court record, or other documentation identifying an employee as a victim shall be confidential and shall not be disclosed by the district except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be notified before any authorized disclosure. (Labor Code 230)

Every six months after the date of the certification, the Superintendent or designee may request recertification of the employee's status as a victim of domestic violence, sexual assault, or stalking or ongoing circumstances related to the crime or abuse. The employee shall notify the Superintendent or designee if, due to changing circumstances, the employee needs a new accommodation or no longer needs an accommodation. (Labor Code 230)

The district shall not retaliate against an employee because of the employee's status as a victim of crime or abuse or for requesting a reasonable accommodation, regardless of whether the request was granted. (Labor Code 230)

Use of Pepper Spray

Note: The following **optional** section may be revised to reflect district practice. See the accompanying Board policy for further information and the Board's determination to allow or disallow, with certain exceptions, the possession of pepper spray on school property or at school activities.

The Superintendent or designee shall notify employees of the district's policy prohibiting the possession of pepper spray on school property or at school-related activities without prior approval of the Superintendent or designee. Employees wishing to carry pepper spray shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. The Superintendent or designee shall notify the employee in writing as to whether the request was approved or denied.

When approving an employee's request, the Superintendent or designee shall inform the employee of the following conditions:

1. The pepper spray shall be used only in self-defense pursuant to Penal Code 22810.
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment.

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

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

EMPLOYEE SECURITY (continued)

3. The pepper spray must be stored in a secure place and not be accessible to students or other individuals. Negligent storage of the pepper spray may subject the employee to disciplinary action.

(3/11 5/18) 6/21

Policy Reference UPDATE Service

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Regulation 4158: Employee Security

Status: ADOPTED

Original Adopted Date: 10/22/2018

An employee may use reasonable and necessary force for self-defense or defense of another person, to quell a disturbance threatening physical injury to others or damage to property, or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

An employee shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against him/her by a student or by any other individual in relation to the employee's performance of his/her duties, and any action the employee took in response. When appropriate, the employee and the principal or other immediate supervisor shall report the incident to law enforcement.

(cf. 3515.2 - Disruptions)

Reports of attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.

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

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

(cf. 3530 - Risk Management/Insurance)

Notice Regarding Student Offenses Committed While Under School Jurisdiction

The Superintendent or designee shall inform the teacher(s) of each student who, during the previous three school years, has engaged in or is reasonably suspected to have engaged in any act, except the possession or use of tobacco products, that would constitute a ground for suspension or expulsion as specified in AR 5144.1 - Suspension and Expulsion/Due Process. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

(cf. 5125 - Student Records)

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

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended from school or expelled from his/her former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)

Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 49079)

Notice Regarding Student Offenses Committed While Outside School Jurisdiction

When a minor student has been found by a court of competent jurisdiction to have illegally used, sold, or possessed a controlled substance or committed specified crimes involving serious acts of violence, the district police or security department may provide written notification to the Superintendent. (Welfare and Institutions Code 828.1)

(cf. 3515.3 - District Police/Security Department)

When informed by the court that a minor student has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall so inform the school principal. (Welfare and Institutions Code 827)

The principal shall disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress. The principal shall also inform any teacher or administrator directly supervising or reporting on the student's behavior or progress whom he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code

827)

Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

When a student is removed from school as a result of his/her offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to the district. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new district of attendance. (Welfare and Institutions Code 827)

Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

Procedures to Maintain Confidentiality of Student Offenses

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification that one of his/her students has committed an offense that requires his/her review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the principal or designee. He/she shall also initial the student's file when reviewing it in the school office.

Use of Pepper Spray

The Superintendent or designee shall notify employees of the district's policy prohibiting the possession of pepper spray on school property or at school-related activities without prior approval of the Superintendent or designee. Employees wishing to carry pepper spray shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. The Superintendent or designee shall notify the employee in writing as to whether the request was approved or denied.

When approving an employee's request, the Superintendent or designee shall inform the employee of the following conditions:

1. The pepper spray shall be used only in self-defense.
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment.

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

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

3. The pepper spray must be stored in a secure place and not be accessible to students or other individuals. Negligent storage of the pepper spray may subject the employee to disciplinary action.
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Regulation 4258: Employee Security

Status: ADOPTED

Original Adopted Date: 10/22/2018

An employee may use reasonable and necessary force for self-defense or defense of another person, to quell a disturbance threatening physical injury to others or damage to property, or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

An employee shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against him/her by a student or by any other individual in relation to the employee's performance of his/her duties, and any action the employee took in response. When appropriate, the employee and the principal or other immediate supervisor shall report the incident to law enforcement.

(cf. 3515.2 - Disruptions)

Reports of attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.

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

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

(cf. 3530 - Risk Management/Insurance)

Notice Regarding Student Offenses Committed While Under School Jurisdiction

The Superintendent or designee shall inform the teacher(s) of each student who, during the previous three school years, has engaged in or is reasonably suspected to have engaged in any act, except the possession or use of tobacco products, that would constitute a ground for suspension or expulsion as specified in AR 5144.1 - Suspension and Expulsion/Due Process. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

(cf. 5125 - Student Records)

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

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended from school or expelled from his/her former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)

Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 49079)

Notice Regarding Student Offenses Committed While Outside School Jurisdiction

When a minor student has been found by a court of competent jurisdiction to have illegally used, sold, or possessed a controlled substance or committed specified crimes involving serious acts of violence, the district police or security department may provide written notification to the Superintendent. (Welfare and Institutions Code 828.1)

(cf. 3515.3 - District Police/Security Department)

When informed by the court that a minor student has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall so inform the school principal. (Welfare and Institutions Code 827)

The principal shall disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress. The principal shall also inform any teacher or administrator directly supervising or reporting on the student's behavior or progress whom he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code

827)

Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

When a student is removed from school as a result of his/her offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to the district. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new district of attendance. (Welfare and Institutions Code 827)

Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

Procedures to Maintain Confidentiality of Student Offenses

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification that one of his/her students has committed an offense that requires his/her review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the principal or designee. He/she shall also initial the student's file when reviewing it in the school office.

Use of Pepper Spray

The Superintendent or designee shall notify employees of the district's policy prohibiting the possession of pepper spray on school property or at school-related activities without prior approval of the Superintendent or designee. Employees wishing to carry pepper spray shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. The Superintendent or designee shall notify the employee in writing as to whether the request was approved or denied.

When approving an employee's request, the Superintendent or designee shall inform the employee of the following conditions:

1. The pepper spray shall be used only in self-defense.
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment.

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

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

3. The pepper spray must be stored in a secure place and not be accessible to students or other individuals. Negligent storage of the pepper spray may subject the employee to disciplinary action.
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Regulation 4358: Employee Security

Status: ADOPTED

Original Adopted Date: 10/22/2018

An employee may use reasonable and necessary force for self-defense or defense of another person, to quell a disturbance threatening physical injury to others or damage to property, or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

An employee shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against him/her by a student or by any other individual in relation to the employee's performance of his/her duties, and any action the employee took in response. When appropriate, the employee and the principal or other immediate supervisor shall report the incident to law enforcement.

(cf. 3515.2 - Disruptions)

Reports of attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.

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

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

(cf. 3530 - Risk Management/Insurance)

Notice Regarding Student Offenses Committed While Under School Jurisdiction

The Superintendent or designee shall inform the teacher(s) of each student who, during the previous three school years, has engaged in or is reasonably suspected to have engaged in any act, except the possession or use of tobacco products, that would constitute a ground for suspension or expulsion as specified in AR 5144.1 - Suspension and Expulsion/Due Process. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

(cf. 5125 - Student Records)

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

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended from school or expelled from his/her former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)

Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 49079)

Notice Regarding Student Offenses Committed While Outside School Jurisdiction

When a minor student has been found by a court of competent jurisdiction to have illegally used, sold, or possessed a controlled substance or committed specified crimes involving serious acts of violence, the district police or security department may provide written notification to the Superintendent. (Welfare and Institutions Code 828.1)

(cf. 3515.3 - District Police/Security Department)

When informed by the court that a minor student has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall so inform the school principal. (Welfare and Institutions Code 827)

The principal shall disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress. The principal shall also inform any teacher or administrator directly supervising or reporting on the student's behavior or progress whom he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code

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Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

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When approving an employee's request, the Superintendent or designee shall inform the employee of the following conditions:

1. The pepper spray shall be used only in self-defense.
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment.

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

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

3. The pepper spray must be stored in a secure place and not be accessible to students or other individuals. Negligent storage of the pepper spray may subject the employee to disciplinary action.
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CSBA Sample Board Policy

Students

BP 5141.4(a)

CHILD ABUSE PREVENTION AND REPORTING

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

(cf. 5141.5 - Mental Health)

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

Child Abuse Prevention

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

The district's instructional program may provide age-appropriate and culturally sensitive child abuse prevention curriculum which explains students' right to live free of abuse, includes instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, informs students of available support resources, and teaches students how to obtain help and disclose incidents of abuse.

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

Note: The following paragraph is **optional**. Education Code 51900.6 authorizes districts to provide age-appropriate instruction in sexual abuse and sexual assault awareness and prevention in grades K-12, provided that students are allowed to be excused from such instruction upon the written request of their parents/guardians. It also requires the State Board of Education and Superintendent of Public Instruction to consider addressing these issues in the next revision of the state health education content standards and curriculum framework.

The district's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code 51900.6)

CHILD ABUSE PREVENTION AND REPORTING (continued)

Note: Pursuant to Education Code 33133.5, posters notifying students of the appropriate telephone number to call to report child abuse or neglect are available on the California Department of Education's web site in five languages. Education Code 33133.5 encourages districts to post the appropriate version or versions of the poster in an area of the school where students frequently congregate.

The Superintendent or designee may display posters, in areas on campus where students frequently congregate, notifying students of the appropriate telephone number to call to report child abuse or neglect. (Education Code 33133.5)

Note: The following paragraph is for use by districts that serve students in grades 7-12. Education Code 215.5 requires districts that issue or reissue student identification cards to have the telephone number of the National Domestic Violence Hotline (1-800-799-7233) printed on either side of student identification cards.

In addition, student identification cards for students in grades 7-12 shall include the National Domestic Violence Hotline telephone number. (Education Code 215.5)

(cf. 5142 - Safety)

The Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the district's child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

Child Abuse Reporting

Note: The Child Abuse and Neglect Reporting Act (Penal Code 11164-11174.3) identifies persons who are mandated to report known or suspected child abuse or neglect and establishes procedures for filing a report; see the accompanying administrative regulation.

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)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

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)

Note: Education Code 44252 requires that teachers applying to the Commission on Teacher Credentialing for a new credential or a renewal of their credential read and sign a statement that they understand the duties imposed on them as mandated reporters pursuant to Penal Code 11164-11174.3.

CHILD ABUSE PREVENTION AND REPORTING (continued)

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.

Note: Education Code 44691 and Penal Code 11165.7 require districts to annually train their employees regarding the duties of mandated reporters; see the accompanying administrative regulation. However, pursuant to Penal Code 11165.7, a lack of training does not excuse any mandated reporter from the duty to report suspected child abuse and neglect.

The Superintendent or designee shall provide training regarding the duties of mandated reporters as required by law and as specified in the accompanying administrative regulation. (Education Code 44691; Penal Code 11165.7)

*Legal Reference:*EDUCATION CODE*215.5 Student identification cards with National Domestic Violence Hotline telephone number**32280-32289.5 Comprehensive school safety plans**33133.5 Posters of telephone number for students to report child abuse or neglect**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 instruction*CODE OF CIVIL PROCEDURE*340.1 Damages suffered as a result of childhood sexual abuse*PENAL CODE*152.3 Duty to report murder, rape, or lewd or lascivious act**273a Willfully causing unjustifiable pain or mental suffering of child; endangering life or health**286 Crime of sodomy**287 Crime of oral copulation**288 Definition of lewd or lascivious act requiring reporting**289 Crime of sexual penetration**11164-11174.3 Child Abuse and Neglect Reporting Act*WELFARE AND INSTITUTIONS CODE*15630-15637 Dependent adult abuse reporting*CODE OF REGULATIONS, TITLE 5*3200-3205 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: (see next page)

CHILD ABUSE PREVENTION AND REPORTING (continued)

Management Resources:

CSBA PUBLICATIONS

Why Schools Hold the Promise for Adolescent Mental Health, Governance Brief, May 2019

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:

https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf

California Department of Education, Child Abuse Prevention Training and Resources:

<http://www.cde.ca.gov/ls/ss/ap>

California Department of Social Services, Information Resources Guide:

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

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

<https://www.childwelfare.gov>

(11/04 12/14) 6/21

Policy Reference UPDATE Service

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Policy 5141.4: Child Abuse Prevention And Reporting

Status: ADOPTED

Original Adopted Date: 12/10/2015

The Board of Education 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 Prevention

The district's instructional program may include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, include instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, inform students of available support resources, and teach students how to obtain help and disclose incidents of abuse.

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

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.

CSBA Sample Administrative Regulation

Students

AR 5141.4(a)

CHILD ABUSE PREVENTION AND REPORTING

Note: Pursuant to Education Code 44691, the California Department of Education (CDE) is required to disseminate information to all school districts regarding the detection and reporting of child abuse and to provide guidance on the responsibilities of mandated reporters. See CDE's web site for information and resources.

Definitions

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury or death inflicted by other than accidental means on a child by another person

Note: Pursuant to Penal Code 11165.1, as amended by AB 1145 (Ch. 180, Statutes of 2020), sexual assault does not include voluntary conduct in violation of Penal Code 286, 287, or 289 (sodomy, oral copulation, or sexual penetration) if there are no indicators of abuse, unless such conduct is between a person who is 21 years of age or older and a minor who is under 16 years of age.

2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect of a child as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

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

(*cf.* 5145.7 - *Sexual Harassment*)

(*cf.* 5145.71 - *Title IX Sexual Harassment Complaint Procedures*)

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of employment (Penal Code 11165.5, 11165.6)

(*cf.* 3515.3 - *District Police/Security Department*)

CHILD ABUSE PREVENTION AND REPORTING (continued)

Note: Education Code 44807 provides that physical control of a student under the conditions specified in item #3 below is not subject to criminal prosecution or penalties.

3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be legally privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, for purposes of self-defense, or to obtain weapons or other dangerous objects within the control of a student (Education Code 49001)

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

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

5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by a student (Education Code 49001)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145.2 - Athletic Competition)

Note: Pursuant to Penal Code 11165.15, the fact that a child is homeless or is classified as an unaccompanied minor, as defined in the federal McKinney-Vento Homeless Assistance Act (42 USC 11434a), is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

6. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)

Note: The following definition of "mandated reporters" does not list non-school persons (e.g., physicians, clergy members) who are also mandated to report suspected child abuse or neglect and may be revised to reflect additional positions applicable to the district as specified in Penal Code 11165.7.

Penal Code 11165.7 clarifies that volunteers whose duties require direct contact with and supervision of children are not mandated reporters. However, the law encourages volunteers to obtain training in the identification and reporting of child abuse and neglect and to report known or suspected incidents of child abuse or neglect.

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; athletic coaches, administrators,

CHILD ABUSE PREVENTION AND REPORTING (continued)

and directors; licensees, administrators, and employees of a licensed child day care facility; Head Start program teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on the person's training and experience, to suspect child abuse or neglect. However, *reasonable suspicion* does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (Penal Code 11166)

Reportable Offenses

Note: Penal Code 11166 specifies that a mandated reporter has a duty to report when acting in a professional capacity or within the scope of employment. When a mandated reporter is acting in a private capacity, like other private citizens, making a report is discretionary.

A mandated reporter shall make a report using the procedures provided below whenever, acting in a professional capacity or within the scope of employment, the mandated reporter has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11165.9, 11166.05, 11167)

Note: Pursuant to Penal Code 152.3, it is a misdemeanor, with specified exceptions, for a witness to not report a murder, rape, or lewd or lascivious act as defined in Penal Code 288 where the victim is under age 14. Persons who fail to report such offenses may be subject to a fine and/or imprisonment.

Any district employee who reasonably believes to have observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer. (Penal Code 152.3, 288)

Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

CHILD ABUSE PREVENTION AND REPORTING (continued)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

Note: Penal Code 11166.01 provides that it is a crime, punishable by a fine and/or imprisonment, for a supervisor or administrator to knowingly inhibit or impede a mandated reporter from making a report.

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom the person knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

(cf. 1240 - Volunteer Assistance)

Reporting Procedures

1. Initial Telephone Report

Note: Penal Code 11165.9 specifies the agencies that are authorized to receive reports of suspected child abuse and neglect, as detailed in the following paragraph. The agency must accept a report even if it lacks subject matter or geographical jurisdiction to investigate the case; the agency is then responsible for referring the case to an agency with proper jurisdiction.

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166)

Note: It is recommended that the district's administrative regulation include the name, address, and phone number of the appropriate agencies in its area to whom reports should be made.

Such reports shall be made to the following agency(ies):

Child Protective Services
929 Kosher Street
Eureka, CA 95501
(707) 445-6180

CHILD ABUSE PREVENTION AND REPORTING (continued)

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

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. **Written Report**

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall prepare and either send, fax, or electronically transmit to the appropriate agency a written follow-up report, which includes a completed California Department of Justice (DOJ) form (BCIA 8572). (Penal Code 11166, 11168)

Note: Pursuant to Penal Code 11168, the California Department of Justice (DOJ) form shall be distributed by the police department, sheriff's department, county probation department, or county welfare department as appropriate and is available on the DOJ's web site. It may also be made available at the district office or school site. The following **optional** paragraph should be revised to reflect district practice.

The DOJ form may be obtained from the district office or other appropriate agencies, such as the police department, sheriff's department, or county probation or welfare department.

Note: Penal Code 11167 requires the mandated reporter's name when reporting known or suspected child abuse. However, the reporter's name and the report are confidential and are only disclosed in limited circumstances provided by law.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location, and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the person(s) who might have abused or neglected the child
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

CHILD ABUSE PREVENTION AND REPORTING (continued)

The mandated reporter shall make a report even if some of this information is not known or is uncertain to the mandated reporter. (Penal Code 11167)

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

Note: Item #3 below is **optional** and may be revised to reflect district practice. Pursuant to Penal Code 11166, school districts may establish internal reporting procedures encouraging employees to notify supervisors and administrators of reports that are made. These internal procedures must not inhibit or impede immediate and direct reporting by employees to appropriate agencies, direct an employee to allow the employee's supervisor to file or process a mandated report under any circumstances, or require any employee to disclose the employee's identity to the employer.

3. Internal Reporting

The mandated reporter shall not be required to disclose the mandated reporter's identity to a supervisor, the principal, or the Superintendent or designee. (Penal Code 11166)

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the Superintendent or designee.

The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

Training

Within the first six weeks of each school year, or within the first six weeks of employment if hired during the school year, the Superintendent or designee shall provide training on mandated reporting requirements to district employees and persons working on their behalf who are mandated reporters. (Education Code 44691; Penal Code 11165.7)

CHILD ABUSE PREVENTION AND REPORTING (continued)*(cf. 4131 - Staff Development)**(cf. 4231 - Staff Development)**(cf. 4331 - Staff Development)*

Note: Education Code 44691 requires school districts to use the online training module provided by the California Department of Social Services (CDSS), available on the CDSS web site. However, if the online training module is not used, the Superintendent or designee is required to report to CDE regarding the training being used in its place.

The Superintendent or designee shall use the online training module provided by the California Department of Social Services (CDSS). (Education Code 44691)

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. (Education Code 44691; Penal Code 11165.7)

Note: Education Code 44691 requires districts to develop a process by which all persons required to receive training must provide proof of receiving the training (e.g., the use of a sign-in sheet, submission of a certificate of completion). The following paragraph may be revised to reflect district practice.

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code 44691)

Note: The following **optional** paragraph may be revised to reflect district practice. Education Code 44691 encourages districts to provide training to all school employees, at least once every three years, on the prevention of child abuse on school grounds, by school personnel, or in school-sponsored programs. Pursuant to Education Code 44691, CDE's web site includes best practices for prevention of abuse and links to training resources.

In addition, at least once every three years, school personnel may receive training in the prevention of child abuse, including sexual abuse, on school grounds, by school personnel, or in school-sponsored programs. (Education Code 44691)

Victim Interviews by Social Services

Note: Penal Code 11174.3 authorizes a representative from CDSS or another government agency investigating suspected child abuse or neglect to interview a student during school hours, on school grounds, concerning a report of child abuse or neglect that occurred at home or in an out-of-home care facility. However, there is no clear guidance regarding the procedures to be followed if a social worker is accompanied by law enforcement. In Greene v. Camreta, the 9th Circuit Court of Appeals had ruled that, absent exigent circumstances, a social worker and sheriff could not question a student in school without obtaining a warrant, court order, or parent/guardian consent. Subsequently, that ruling was vacated by the U.S. Supreme Court on appeal (Camreta v. Greene) since the case was then moot. Districts should proceed with caution and consult legal counsel as necessary.

CHILD ABUSE PREVENTION AND REPORTING (continued)

Whenever CDSS or another government agency is investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform the person of the following requirements prior to the interview: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable the child to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. (Education Code 48906)

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

Parent/Guardian Complaints

Note: Education Code 48987 requires the district, upon request, to disseminate guidelines adopted by CDE advising parents/guardians of procedures for filing child abuse complaints. Such sample guidelines are available on CDE's web site.

Claims against the district for childhood sexual assault are governed by the timelines and procedures specified in Code of Civil Procedure 340.1; see AR 3320 - Claims and Actions Against the District.

CHILD ABUSE PREVENTION AND REPORTING (continued)

Upon request, the Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those guidelines and/or procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee shall also file a report when obligated to do so pursuant to Penal Code 11166 using the procedures described above for mandated reporters.

(cf. 1312.1 - Complaints Concerning District Employees)

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

Note: 5 CCR 3201, as added by Register 2020, No. 21, authorizes parents/guardians of special education students to file a complaint with CDE as provided in the following paragraph. CDE does not investigate allegations of child abuse or neglect, but may investigate conditions that may involve physical safety concerns as such concerns interfere with the provision of a free appropriate public education.

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 3200-3205.

Notifications

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The district also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

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

Before beginning employment, any person who will be a mandated reporter by virtue of the person's position shall sign a statement indicating knowledge of the reporting obligations under Penal Code 11166 and compliance with such provisions. The signed statement shall be retained by the Superintendent or designee. (Penal Code 11166.5)

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

CHILD ABUSE PREVENTION AND REPORTING (continued)

Note: The remainder of this section is **optional** and should be deleted by districts that do not provide these additional notifications.

The Superintendent or designee also shall notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of the mandated reporter's professional capacity or outside the scope of employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that the person knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)
2. If a mandated reporter fails to timely report an incident of known or reasonably suspected child abuse or neglect, the mandated reporter may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)
3. No employee shall be subject to any sanction by the district for making a report unless it can be shown that the employee knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11166, 11172)

(12/14 5/16) 6/21

Policy Reference UPDATE Service

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Regulation 5141.4: Child Abuse Prevention And Reporting

Status: ADOPTED

Original Adopted Date: 09/08/2016

Definitions

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect of a child as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

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

(cf. 5145.7 - Sexual Harassment)

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code 11165.6)

(cf. 3515.3 - District Police/Security Department)

3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)

4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of a student (Education Code 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

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

5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by a student (Education Code 49001)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145.2 - Athletic Competition)

6. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; athletic coaches, administrators, and directors; administrators and employees of a licensed child day care facility; Head Start teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or

neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (Penal Code 11166)

Reportable Offenses

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11166.05, 11167)

Any district employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer. (Penal Code 152.3, 288)

Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

(cf. 1240 - Volunteer Assistance)

Reporting Procedures

1. Initial Telephone Report

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166)

Child Protective Services

929 Koster Street,

Eureka, CA 95501

707-445-6180

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

The Department of Justice form may be obtained from the district office or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location, and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167)

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

3. Internal Reporting

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Superintendent or designee. (Penal Code 11166)

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency.

The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

Training

Within the first six weeks of each school year, the Superintendent or designee shall provide training on mandated reporting requirements to district employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. (Education Code 44691; Penal Code 11165.7)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall use the online training module provided by the California Department of Social Services. (Education Code 44691)

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. (Education Code 44691; Penal Code 11165.7)

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code 44691)

Victim Interviews by Social Services

Whenever the Department of Social Services or another government agency is investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care

facility, the student may be interviewed by an agency representative during school hours, on school premises. The Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her of the following requirements: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. (Education Code 48906)

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

Parent/Guardian Complaints

Upon request, the Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate

agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

(cf. 1312.1 - Complaints Concerning District Employees)

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The district also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

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

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166 and will comply with those provisions. The signed statement shall be retained by the Superintendent or designee. (Penal Code 11166.5)

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures

pursuant to Welfare and Institutions Code 15630-15637.

The Superintendent or designee also shall notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)
 2. If a mandated reporter fails to timely report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)
 3. No employee shall be subject to any sanction by the district for making a report unless it can be shown that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11166)
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CSBA Sample Board Policy

Students

BP 5141.52(a)

SUICIDE PREVENTION

Note: Education Code 215 **mandates** that the Governing Board of any district serving students in grades K-12 adopt a policy on student suicide prevention, intervention, and postvention (i.e., intervention conducted after a suicide) with specified components. The required components are addressed in the following policy and the accompanying administrative regulation.

The following policy is consistent with the California Department of Education's (CDE) Model Youth Suicide Prevention Policy, which also includes an extensive list of resources to assist in the prevention, intervention, and postvention of student suicide. Districts are encouraged to work closely with their county behavioral health department to identify and access resources at the local level.

The Mental Health Services Oversight and Accountability Commission developed a suicide prevention plan for the state which is published in Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025, available on its web site. The plan presents strategic aims, with related goals, objectives, and an implementation schedule. Districts may find the strategic plan useful in learning more about the stigma associated with behavioral health needs, myths and misconceptions about suicidal behavior and its hinderance to prevention efforts, suicidal behavior, risk and protective factors, and best practices in suicide prevention.

The following policy and accompanying administrative regulation should be revised to reflect district practice and the grade levels offered by the district.

The Governing Board recognizes that suicide is a leading cause of death among youth, prevention is a collective effort that requires stakeholder engagement, and school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance. In an effort to reduce suicidal behavior, its impact on students and families, and other trauma associated with suicide, the Superintendent or designee shall develop measures, strategies, practices, and supports for suicide prevention, intervention, and postvention.

In developing policy and procedures for suicide prevention, intervention, and postvention, the Superintendent or designee shall consult with school and community stakeholders, school-employed mental health professionals, suicide prevention experts, and, in developing policy for grades K-6, the county mental health plan. (Education Code 215)

(cf. 1220 - Citizen Advisory Committees)

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

Note: The following **optional** paragraph may be revised to reflect district practice. Education Code 215 does not define "school and community stakeholders" or "school-employed mental health professionals" who must be consulted in the development of policy. The following examples are consistent with CSBA and CDE recommendations.

SUICIDE PREVENTION (continued)

School and community stakeholders and school mental health professionals with whom the Superintendent or designee shall consult may include district and school administrators, school counselors, school psychologists, school social workers, school nurses, other staff, parents/guardians and caregivers, students, local health agencies, mental health professionals, community organizations, law enforcement, legal counsel, and/or the district's risk manager or insurance carrier. The Superintendent or designee may also collaborate with county and/or city governments in an effort to align district policy with any existing community suicide prevention plans.

Measures and strategies for suicide prevention, intervention, and postvention shall include, but are not limited to:

Note: Education Code 215 **mandates** that the district's policy address any training on suicide awareness and prevention to be provided to teachers of students in all grade levels served by the district. See the accompanying administrative regulation for additional language fulfilling this mandate. In addition, Education Code 49604 encourages each district to provide suicide prevention training at least once to each middle, junior high, and high school counselor. Item #1 should be revised to specify the categories of employees who will receive the training.

1. Staff development on suicide awareness and prevention for teachers, interns, school counselors, and others who interact with students, including, as appropriate, substitute teachers, coaches, expanded day learning staff, crossing guards, tutors, and volunteers

(cf. 1240 - Volunteer Assistance)
 (cf. 4112.21 - Interns)
 (cf. 4121 - Temporary/Substitute Personnel)
 (cf. 4127/4227/4327 - Temporary Athletic Team Coaches)
 (cf. 4131 - Staff Development)
 (cf. 4231 - Staff Development)
 (cf. 4331 - Staff Development)
 (cf. 5142 - Safety)
 (cf. 5148 - Child Care and Development)
 (cf. 5148.2 - Before/After School Programs)
 (cf. 6145.2 - Athletic Competition)

Note: Items #2-9 below reflect **optional** strategies for suicide prevention, intervention, and postvention and may be revised to reflect district practice.

2. Instruction to students in problem-solving, coping, and resiliency skills to promote students' mental, emotional, and social health and well-being, as well as instruction in recognizing and appropriately responding to warning signs of suicidal intent in others

(cf. 6142.8 - Comprehensive Health Education)

SUICIDE PREVENTION (continued)

3. Methods for promoting a positive school climate that enhances students' feelings of connectedness with the school and that is characterized by caring staff and harmonious interrelationships among students

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

(cf. 5145.9 - Hate-Motivated Behavior)

4. The review of materials and resources used in awareness efforts and communications to ensure they align with best practices for safe and effective messaging about suicide
5. The provision of information to parents/guardians and caregivers regarding risk and protective factors, warning signs of suicide, the severity of the suicide problem among youth, ~~the district's suicide prevention curriculum~~, the district's suicide prevention policy and procedures, basic steps for helping suicidal youth, the importance of communicating with appropriate staff if suicide risk is present or suspected, access to suicide prevention training, and/or school and community resources that can help youth in crisis
6. Encouragement for students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions
7. Crisis intervention procedures for addressing suicide threats or attempts
8. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide

Note: The National Association of School Psychologists recommends that the district and/or school sites create a suicide prevention crisis team to assist in effectively identifying and intervening with students who are at risk of suicidal behavior, including adoption and implementation of policies and procedures. It is recommended that such teams include, at a minimum, administration, mental health staff, and school security personnel. The same crisis intervention team may be established to address broader mental health concerns as described in BP 5141.5 - Mental Health.

9. Establishment of district and/or school-site crisis intervention team(s) to ensure the proper implementation and review of this policy and other district practices related to the emotional and behavioral wellness of students, including, but not limited to, the

SUICIDE PREVENTION (continued)

oversight of mental health and suicide prevention training, collaboration with community mental health organizations, identification of resources and organizations that provide evidence-based treatment, collaboration to build community response, and compliance with Education Code 215

(cf. 5141.5 - Mental Health)

Note: Education Code 215 **mandates** that the district's policy specifically address the needs of high-risk groups, including, but not limited to, those listed in the following paragraph. See the accompanying administrative regulation for additional language fulfilling this mandate.

As appropriate, these measures and strategies shall specifically address the needs of students who are at high risk of suicide, including, but not limited to, students who are bereaved by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning. (Education Code 215)

Note: The following two paragraphs are for use by districts that serve students in grades K-6.

The Board shall ensure that measures and strategies for students in grades K-6 are age appropriate and delivered and discussed in a manner that is sensitive to the needs of young students. (Education Code 215)

If a referral is made for mental health or related services for a student in grade K-6 who is a Medi-Cal beneficiary, the Superintendent or designee shall coordinate and consult with the county mental health plan. (Education Code 215)

(cf. 5141.6 - School Health Services)

District employees shall act only within the authorization and scope of their credential or license. Nothing in this policy shall be construed as authorizing or encouraging district employees to diagnose or treat mental illness unless they are specifically licensed and employed to do so. (Education Code 215)

Note: Education Code 215 requires that the district's student suicide prevention policy be updated at least every five years. Given the severity of the issue and importance of maintaining an up-to-date suicide prevention policy, CSBA and CDE recommend reviewing and updating this policy annually. The following paragraph may be revised to reflect district practice.

The Board shall review, and update as necessary, this policy at least every five years. The Board may, at its discretion, review the policy more frequently. (Education Code 215)

SUICIDE PREVENTION (continued)

The Superintendent or designee shall periodically review district data pertaining to school climate and reports of suicidal ideation, attempts, or death to identify patterns or trends and make recommendations regarding program development.

The Superintendent or designee shall post this policy on the district's web site, in a prominent location and in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

*Legal Reference:*EDUCATION CODE

215 *Student suicide prevention policies*

215.5 *Suicide prevention hotline contact information on student identification cards*

216 *Suicide prevention online training programs*

234.6 *Posting suicide prevention policy on web site*

32280-32289.5 *Comprehensive safety plan*

49060-49079 *Student records*

49602 *Counseling; confidentiality of student information*

49604 *Suicide prevention training for school counselors*

GOVERNMENT CODE

810-996.6 *Government Claims Act*

PENAL CODE

11164-11174.3 *Child Abuse and Neglect Reporting Act*

WELFARE AND INSTITUTIONS CODE

5698 *Emotionally disturbed youth; legislative intent*

5850-5886 *Children's Mental Health Services Act*

COURT DECISIONS

Corales v. Bennett (Ontario-Montclair School District) (2009) 567 F.3d 554

*Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2019

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve, 2008

Model Youth Suicide Prevention Policy

CALSCHLS PUBLICATIONS

California Healthy Kids Survey (CHKS)

California School Parent Survey (CSPS)

California School Staff Survey (CSSS)

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009

Management Resources continued: (see next page)

SUICIDE PREVENTION (continued)*Management Resources: (continued)**EACH MIND MATTERS: CALIFORNIA'S MENTAL HEALTH MOVEMENT PUBLICATIONS**Making Headlines: Guide to Engaging the Media in Suicide Prevention in California, 2012**HEARD ALLIANCE PUBLICATIONS**K-12 Toolkit for Mental Health Promotion and Suicide Prevention, 2017**MENTAL HEALTH SERVICES OVERSIGHT AND ACCOUNTABILITY COMMUNICATIONS PUBLICATIONS**Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025**NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS PUBLICATIONS**Preventing Suicide: Guidelines for Administrators and Crisis Teams, 2015**SUICIDE PREVENTION RESOURCE CENTER PUBLICATIONS**After a Suicide: A Toolkit for Schools, 2nd Edition, 2018**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS**National Strategy for Suicide Prevention: Goals and Objectives for Action, rev. 2012**Preventing Suicide: A Toolkit for High Schools, 2012**WEB SITES**American Academy of Pediatrics: <https://www.healthychildren.org>**American Association of Suicidology: <http://www.suicidology.org>**American Foundation for Suicide Prevention: <https://afsp.org>**American Psychological Association: <http://www.apa.org>**American School Counselor Association: <https://www.schoolcounselor.org>**California Department of Education, Mental Health: <http://www.cde.ca.gov/ls/cg/mh>**California Department of Health Care Services, Mental Health Services:**<http://www.dhcs.ca.gov/services/MH>**California Mental Health Services Authority: <https://www.calmhsa.org>**CalSCHLS: <https://calschls.org>**Centers for Disease Control and Prevention, Mental Health: <http://www.cdc.gov/mentalhealth>**Crisis Text Line: <https://www.crisistextline.org>**Each Mind Matters: California's Mental Health Movement: <https://emmresourcecenter.org>**HEARD Alliance: <https://www.heardalliance.org>**Mental Health Services Oversight and Accountability Commission: <https://mhsoac.ca.gov>**National Action Alliance for Suicide Prevention: <https://theactionalliance.org>**National Association of School Psychologists: <https://www.nasponline.org>**National Child Traumatic Stress Network: <https://www.nctsn.org>**National Institute for Mental Health: <http://www.nimh.nih.gov>**Substance Abuse and Mental Health Services Administration: <https://www.samhsa.gov>**Suicide Prevention Lifeline: <https://suicidepreventionlifeline.org>**Suicide Prevention Messaging: <https://suicidepreventionmessaging.org>**Suicide Prevention Resource Center: <https://www.sprc.org/about-suicide>**Trevor Project: <http://thetrevorproject.org>**U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services**Administration: <http://www.samhsa.gov>*

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Policy Reference UPDATE Service

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Policy 5141.52: Suicide Prevention

Status: ADOPTED

Original Adopted Date: 05/21/2019 | **Last Revised Date:** 08/27/2020 | **Last Reviewed Date:** 08/27/2020

The Governing Board recognizes that suicide is a leading cause of death among youth and that school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance. In an effort to reduce suicidal behavior and its impact on students and families, the Superintendent or designee shall develop measures and strategies for suicide prevention, intervention, and postvention.

In developing policy and strategies for suicide prevention and intervention, the Superintendent or designee shall consult with school and community stakeholders such as administrators, other staff, parents/guardians, and students; school-employed mental health professionals such as school counselors, school psychologists, school social workers, and school nurses; suicide prevention experts such as local health agencies, mental health professionals, and community organizations; law enforcement; and, in developing policy for grades K-6, the county mental health plan. (Education Code 215)

The Board shall ensure that measures and strategies for students in grades K-6 are age appropriate and delivered and discussed in a manner that is sensitive to the needs of young students. (Education Code 215)

Measures and strategies for suicide prevention, intervention, and postvention shall include, but are not limited to:

1. Staff development on suicide awareness and prevention for teachers, school counselors, and other district employees who interact with students, as described in the accompanying administrative regulation
2. Instruction to students in problem-solving and coping skills to promote students' mental, emotional, and social health and well-being, as well as instruction in recognizing and appropriately responding to warning signs of suicidal intent in others
3. Methods for promoting a positive school climate that enhances students' feelings of connectedness with the school and that is characterized by caring staff and harmonious interrelationships among students
4. The provision of information to parents/guardians regarding risk factors and warning signs of suicide, the severity of the suicide problem among youth, the district's suicide prevention curriculum, basic steps for helping suicidal youth, and/or school and community resources that can help youth in crisis
5. Encouragement for students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions
6. Crisis intervention procedures for addressing suicide threats or attempts
7. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide

As appropriate, these measures and strategies shall specifically address the needs of students who are at high risk of suicide, including, but not limited to, students who are bereaved by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning. (Education Code 215)

If a referral is made for mental health or related services for a student in grade K-6 who is a Medi-Cal beneficiary, the Superintendent or designee shall coordinate and consult with the county mental health plan. (Education Code 215)

District employees shall act only within the authorization and scope of their credential or license. Nothing in this policy shall be construed as authorizing or encouraging district employees to diagnose or treat mental illness unless they are specifically licensed and employed to do so. (Education Code 215)

The Board shall review, and update as necessary, this policy at least every five years. (Education Code 215)

The Superintendent or designee shall post this policy on the district's web site, in a prominent location and in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

CSBA Sample Administrative Regulation

Students

AR 5141.52(a)

SUICIDE PREVENTION

Note: Education Code 215 **mandates** policy on suicide prevention, intervention, and postvention for grades K-12. See the accompanying Board policy. The following administrative regulation provides additional strategies that fulfill the mandate and may be revised to reflect district practice. Pursuant to Education Code 215, the following regulation should be developed in consultation with school and community stakeholders, school-employed mental health professionals, suicide prevention experts, and, in developing strategies for grades K-6, the county mental health plan.

Examples of suicide prevention strategies are also available in the California Department of Education's (CDE) Model Youth Suicide Prevention Policy, Mental Health Services Oversight and Accountability Commission's (MHSOAC) Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025, the U.S. Department of Health and Human Services publication Preventing Suicide: A Toolkit for High Schools, and resources issued by other state and federal agencies and organizations. For further information about strategies to protect students from bullying, cyberbullying, and other harassment, see BP 5131 - Conduct, BP 5131.2 - Bullying, BP 5145.3 - Nondiscrimination/Harassment, BP/AR 5145.7 - Sexual Harassment, and BP 5145.9 - Hate-Motivated Behavior.

Staff Development

Note: Education Code 215 **mandates** that the district's policy address any training on suicide awareness and prevention to be provided to teachers of students in all grade levels served by the district. In addition, Education Code 49604 encourages each district to provide suicide prevention training at least once to each middle, junior high, and high school counselor.

CDE recommends that employees receive training on the core components of suicide prevention at the beginning of employment, and also receive training each year on risk factors, protective factors, warning signs of suicide, suicide prevention, intervention, referral, and postvention, with a minimum of one hour of general suicide prevention training. The following section should be revised to reflect district practice.

Education Code 216 requires CDE to identify evidence-based online training program(s), aligned with the requirements of Education Code 215, that districts may use to train students and staff.

Education Code 216 also requires CDE, dependent upon funds being appropriated in the annual Budget Act, to provide grants, upon application, to county offices of education for the acquisition of such training programs to disseminate to districts at no cost.

Suicide prevention training shall be provided to teachers, interns, counselors, and others who interact with students, including, as appropriate, substitute teachers, coaches, expanded day learning staff, crossing guards, tutors, and volunteers. The training shall be offered under the direction of a district counselor, psychologist, and/or social worker who has received advanced training specific to suicide and who may collaborate with one or more county or community mental health agencies.

SUICIDE PREVENTION (continued)

(cf. 1240 - Volunteer Assistance)
(cf. 4112.21 - Interns)
(cf. 4121 - Temporary/Substitute Personnel)
(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 5142 - Safety)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 6145.2 - Athletic Competition)

Materials for training shall include how to identify appropriate mental health services at the school site and within the community, and when and how to refer youth and their families to those services. Materials also may include programs that can be completed through self-review of suitable suicide prevention materials. (Education Code 215)

Additionally, staff development shall include research and information related to the following topics:

Note: Education Code 215 **mandates** that the district's policy specifically address the needs of high-risk groups; see the accompanying Board policy. One strategy to specifically address their needs is to increase staff awareness of the higher rates of suicide among these groups, as provided in item #1 below.

1. The higher risk of suicide among certain groups, including, but not limited to, students who are impacted by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning

Note: Staff development may include training about individual risk factors associated with suicide, as provided in item #2 below. Information about risk factors is available from MHSOAC's Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025, the Centers for Disease Control and Prevention, American Association of Suicidology, American Foundation for Suicide Prevention, Trevor Project, and other publications, agencies, and organizations.

2. Individual risk factors such as previous suicide attempt(s) or self-harm, history of depression or mental illness, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe or traumatic stressor or loss, family instability, impulsivity, and other factors

(cf. 5131.6 - Alcohol and Other Drugs)

SUICIDE PREVENTION (continued)

3. Identification of students who may be at risk of suicide, including, but not limited to, warning signs that may indicate depression, emotional distress, or suicidal intentions, such as changes in students' personality or behavior and verbalizations of hopelessness or suicidal intent
4. Protective factors that may help to decrease a student's suicide risk, such as resiliency, problem-solving ability, access to mental health care, and positive connections to family, peers, school, and community
5. Instructional strategies for teaching the suicide prevention curriculum, promoting mental and emotional health, reducing the stigma associated with mental illness, and using safe and effective messaging about suicide
6. The importance of early prevention and intervention in reducing the risk of suicide
7. School and community resources and services, including resources and services that meet the specific needs of high-risk groups

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

8. Appropriate ways to interact with a student who is demonstrating emotional distress or is suicidal and procedures for intervening when a student attempts, threatens, or discloses the desire to die by suicide, including, but not limited to, appropriate protocols for constant monitoring and supervision of the student, during the time the student is in the school's physical custody, while the immediate referral of the student to medical or mental health services is being processed
9. District procedures for responding after a suicide has occurred
10. Common misconceptions about suicide

The district may provide additional professional development in suicide risk assessment and crisis intervention to district mental health professionals, including, but not limited to, school counselors, psychologists, social workers, and nurses.

Instruction

Note: The state's content standards for health education include voluntary standards pertaining to mental, emotional, and social health at selected elementary and secondary grades and suicide prevention instruction at grade 7 or 8 and in high school.

SUICIDE PREVENTION (continued)

CDE recommends that the instruction be under the supervision of district-employed mental health professionals following consultation with county and community health agencies, and that it be incorporated into areas of the curriculum in addition to health classes.

The district's comprehensive health education program shall promote the healthy mental, emotional, and social development of students and shall be aligned with the state content standards and curriculum framework. Suicide prevention instruction shall be incorporated into the health education curriculum in an age and developmentally appropriate manner and shall be designed to help students:

1. Identify and analyze warning signs and risk factors associated with suicide, including, but not limited to, understanding how mental health challenges and emotional distress, such as feelings of depression, loss, isolation, inadequacy, and anxiety, can lead to thoughts of suicide
2. Develop coping and resiliency skills for dealing with stress and trauma, and building self-esteem
3. Learn to listen, be honest, share feelings, and get help when communicating with friends who show signs of suicidal intent
4. Identify trusted adults; school resources, including the district's suicide prevention, intervention, and referral procedures; and/or community crisis intervention resources where youth can get help

(cf. 5141.6 - School Health Services)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6164.2 - Guidance/Counseling Services)

5. Develop help-seeking strategies and recognize that there is no stigma associated with seeking services for mental health, substance abuse, and/or suicide prevention

(cf. 5131.6 - Alcohol and Other Drugs)

6. Recognize that early prevention and intervention can drastically reduce the risk of suicide

The Superintendent or designee may develop and implement school activities that raise awareness about mental health wellness and suicide prevention.

(cf. 6145.8 - Assemblies and Special Events)

SUICIDE PREVENTION (continued)

Student Identification Cards

Note: The following section is for use by districts that serve students in grades 7-12. Education Code 215.5 requires districts that issue or reissue student identification cards to have printed on either side of the card the telephone number of the National Suicide Prevention Lifeline (1-800-273-8255), and allows to have printed on the card the Crisis Text Line (texting HOME to 741741) and/or a local suicide prevention hotline telephone number.

Student identification cards for students in grades 7-12 shall include the National Suicide Prevention Lifeline telephone number and may also include the Crisis Text Line and/or a local suicide prevention hotline telephone number. (Education Code 215.5)

Intervention

Note: Education Code 215 **mandates** that the district's policy and procedures address suicide intervention. The following section should be revised to reflect district practice. In addition, the district may choose to incorporate crisis intervention strategies in its comprehensive school safety plan adopted pursuant to Education Code 32280-32289.5; see BP/AR 0450 - Comprehensive Safety Plan.

The following paragraph is for use by districts that have formed and trained district and/or school site crisis intervention team(s) to assist with suicide intervention; see the accompanying Board policy. The National Association of School Psychologists (NASP) recommends that crisis intervention teams assign one or more individuals as a "designated reporter" to receive and act upon all reports from teachers, other staff, and students who may be suicidal.

The Superintendent or designee shall provide the name, title, and contact information of the members of the district and/or school crisis intervention team(s) to students, staff, parents/guardians, and caregivers and on school and district web sites. Such notifications shall identify the mental health professional who serves as the crisis intervention team's designated reporter to receive and act upon reports of a student's suicidal intention.

Students shall be encouraged to notify a teacher, principal, counselor, designated reporter, or other adult when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.

Every statement regarding suicidal intent shall be taken seriously. Whenever a staff member suspects or has knowledge of a student's suicidal intentions based on the student's verbalizations or act of self-harm, the staff member shall promptly notify the principal, school counselor, or designated reporter, who shall implement district intervention protocols as appropriate.

SUICIDE PREVENTION (continued)

Note: Education Code 49602 generally protects the confidentiality of information of a personal nature disclosed to a school counselor by a student age 12 years or older or by a parent/guardian. However, in certain circumstances, the counselor may disclose such information to avert a clear and present danger to the health, safety, or welfare of the student or others within in the school community. Also see BP 6164.2 - Guidance/Counseling Services.

Although any personal information that a student discloses to a school counselor shall generally not be revealed, released, discussed, or referred to with third parties, the counselor may report to the principal or student's parents/guardians when there is reasonable cause to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or others within the school community. In addition, the counselor may disclose information of a personal nature to psychotherapists, other health care providers, or the school nurse for the sole purpose of referring the student for treatment, or to report child abuse and neglect as required by Penal Code 11164-11174.3. (Education Code 49602)

(cf. 5141 - Health Care and Emergencies)

Whenever schools establish a peer counseling system to provide support for students, peer counselors shall receive training that includes identification of the warning signs of suicidal behavior and referral of a suicidal student to appropriate adults.

(cf. 5138 - Conflict Resolution/Peer Mediation)

When a suicide attempt or threat is reported, the principal or designee shall ensure student safety by taking the following actions:

1. Immediately securing medical treatment and/or mental health services as necessary
2. Notifying law enforcement and/or other emergency assistance if a suicidal act is being actively threatened
3. Keeping the student under continuous adult supervision and providing comfort to the student until the parent/guardian and/or appropriate support agent or agency can be contacted and has the opportunity to intervene
4. Removing other students from the immediate area as soon as possible

(cf. 0450 - Comprehensive Safety Plan)

The principal or designee shall document the incident in writing, including the steps that the school took in response to the suicide attempt or threat.

(cf. 5125 - Student Records)

SUICIDE PREVENTION (continued)

Note: The following paragraph is **optional**. If a student's parents/guardians refuse or neglect to access treatment for a student who has been identified to be at risk for suicide, the Superintendent or designee shall consider whether a referral to child protective services for child neglect is needed. Pursuant to Penal Code 11164-11174.3, the Child Abuse and Neglect Reporting Act, school employees who are mandated reporters are required to report child abuse or neglect, as defined in law, when they have knowledge of or reasonably suspect that a child is a victim of child abuse or neglect. See BP/AR 5141.4 - Child Abuse Prevention and Reporting.

The Superintendent or designee shall follow up with the parent/guardian and student in a timely manner to provide referrals to appropriate services as needed. If the parent/guardian does not access treatment for the student, the Superintendent or designee may meet with the parent/guardian to identify barriers to treatment and assist the family in providing follow-up care for the student. If follow-up care is still not provided, the Superintendent or designee shall consider whether it is necessary, pursuant to laws for mandated reporters of child neglect, to refer the matter to the local child protective services agency.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

For any student returning to school after a mental health crisis, the principal or designee and/or school counselor may meet with the parents/guardians and, if appropriate, with the student to discuss re-entry and appropriate steps to ensure the student's readiness for return to school and determine the need for ongoing support.

Postvention

Note: Education Code 215 **mandates** that the district's policy and procedures address suicide postvention. The following section should be revised to reflect district practice.

In the event that a student dies by suicide, the Superintendent or designee shall communicate with the student's parents/guardians to offer condolences, assistance, and resources. In accordance with the laws governing confidentiality of student record information, the Superintendent or designee shall consult with the parents/guardians regarding facts that may be divulged to other students, parents/guardians, and staff.

Note: Research has identified an increased risk of suicide among youth who are grieving the suicide of another (so-called "suicide contagion"). The NASP, in its Preventing Suicide: Guidelines for Administrators and Crisis Teams, recommends that memorials should be implemented with care so as not to sensationalize or glamorize suicide and thereby increase the suicide risk to other students. If a memorial is conducted for a student who dies by suicide, the association suggests a living memorial, such as making donations to a local crisis center, participating in an event that raises awareness about suicide prevention, or providing other opportunities for service activities in the school that emphasize the importance of students taking care of each other.

SUICIDE PREVENTION (continued)

The Superintendent or designee shall implement procedures to address students' and staff's grief and to minimize the risk of imitative suicide or suicide contagion. The Superintendent or designee shall provide students, parents/guardians, and staff with information, counseling, and/or referrals to community agencies as needed. Students significantly affected by suicide death and those at risk of imitative behavior should be identified and closely monitored. School staff may receive assistance from school counselors or other mental health professionals in determining how to best discuss the suicide or attempted suicide with students.

Any response to media inquiries shall be handled by the district-designated spokesperson who shall not divulge confidential information. The district's response shall not sensationalize suicide and shall focus on the district's postvention plan and available resources.

(cf. 1112 - Media Relations)

After any suicide or attempted suicide by a student, the Superintendent or designee shall provide an opportunity for all staff who responded to the incident to debrief, evaluate the effectiveness of the strategies used, and make recommendations for future actions.

(12/18 3/20) 6/21

Policy Reference UPDATE Service

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Regulation 5141.52: Suicide Prevention

Status: ADOPTED

Original Adopted Date: 05/21/2019 | **Last Revised Date:** 08/27/2020 | **Last Reviewed Date:** 08/27/2020

Staff Development

Suicide prevention training shall be provided to teachers, counselors, and other district employees who interact with students. The training shall be offered under the direction of a district counselor/psychologist and/or in cooperation with one or more community mental health agencies.

Materials for training shall include how to identify appropriate mental health services at the school site and within the community, and when and how to refer youth and their families to those services. Materials also may include programs that can be completed through self-review of suitable suicide prevention materials. (Education Code 215)

Staff development shall include research and information related to the following topics:

1. The higher risk of suicide among certain groups, including, but not limited to, students who are impacted by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning
2. Individual risk factors such as previous suicide attempt(s) or self-harm, history of depression or mental illness, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe stressor or loss, family instability, impulsivity, and other factors
3. Warning signs that may indicate depression, emotional distress, or suicidal intentions, such as changes in students' personality or behavior and verbalizations of hopelessness or suicidal intent
4. Protective factors that may help to decrease a student's suicide risk, such as resiliency, problem-solving ability, access to mental health care, and positive connections to family, peers, school, and community
5. Instructional strategies for teaching the suicide prevention curriculum and promoting mental and emotional health
6. School and community resources and services, including resources and services that meet the specific needs of high-risk groups
7. Appropriate ways to interact with a student who is demonstrating emotional distress or is suicidal and procedures for intervening when a student attempts, threatens, or discloses the desire to die by suicide, including, but not limited to, appropriate protocols for monitoring the student while the immediate referral of the student to medical or mental health services is being processed
8. District procedures for responding after a suicide has occurred

Instruction

The district's comprehensive health education program shall promote the healthy mental, emotional, and social development of students and shall be aligned with the state content standards and curriculum framework. Suicide prevention instruction shall be incorporated into the health education curriculum in an age appropriate manner and shall be designed to help students:

1. Identify and analyze signs of depression and self-destructive behaviors in oneself and others and understand how feelings of depression, loss, isolation, inadequacy, and anxiety can lead to thoughts of suicide
2. Develop coping and resiliency skills and self-esteem
3. Learn to listen, be honest, share feelings, and get help when communicating with friends who show signs of suicidal intent
4. Identify trusted adults, school resources, and/or community crisis intervention resources where youth can get help and recognize that there is no stigma associated with seeking services for mental health, substance abuse, and/or suicide prevention

Student Identification Cards

Student identification cards for students in grades 7-12 shall include the National Suicide Prevention Lifeline telephone number and may also include the Crisis Text Line and/or a local suicide prevention hotline telephone number. (Education Code 215.5)

Intervention

Students shall be encouraged to notify a teacher, principal, counselor, or other adult when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.

Every statement regarding suicidal intent shall be taken seriously. Whenever a staff member suspects or has knowledge of a student's suicidal intentions based on the student's verbalizations or act of self-harm, the staff member shall promptly notify the principal or school counselor, who shall implement district intervention protocols as appropriate.

Although any personal information that a student discloses to a school counselor shall generally not be revealed, released, referenced, or discussed with third parties, the counselor may report to the principal or student's parents/guardians when there is reasonable cause to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or others within the school community. In addition, the counselor may disclose information of a personal nature to psychotherapists, other health care providers, or the school nurse for the sole purpose of referring the student for treatment. (Education Code 49602)

Whenever schools establish a peer counseling system to provide support for students, peer counselors shall receive training that includes identification of the warning signs of suicidal behavior and referral of a suicidal student to appropriate adults.

When a suicide attempt or threat is reported, the principal or designee shall ensure student safety by taking the following actions:

1. Immediately securing medical treatment and/or mental health services as necessary
2. Notifying law enforcement and/or other emergency assistance if a suicidal act is being actively threatened
3. Keeping the student under continuous adult supervision until the parent/guardian and/or appropriate support agent or agency can be contacted and has the opportunity to intervene
4. Removing other students from the immediate area as soon as possible

The principal or designee shall document the incident in writing, including the steps that the school took in response to the suicide attempt or threat.

The Superintendent or designee shall follow up with the parent/guardian and student in a timely manner to provide referrals to appropriate services as needed. If the parent/guardian does not access treatment for the student, the Superintendent or designee may meet with the parent/guardian to identify barriers to treatment and assist the family in providing follow-up care for the student. If follow-up care is still not provided, the Superintendent or designee shall consider whether it is necessary, pursuant to laws for mandated reporters of child neglect, to refer the matter to the local child protective services agency.

For any student returning to school after a mental health crisis, the principal or designee and/or school counselor may meet with the parents/guardians and, if appropriate, with the student to discuss re-entry and appropriate next steps to ensure the student's readiness for return to school and determine the need for ongoing support.

Postvention

In the event that a student dies by suicide, the Superintendent or designee shall communicate with the student's parents/guardians to offer condolences, assistance, and resources. In accordance with the laws governing confidentiality of student record information, the Superintendent or designee shall consult with the parents/guardians regarding facts that may be divulged to other students, parents/guardians, and staff.

The Superintendent or designee shall implement procedures to address students' and staff's grief and to minimize the risk of imitative suicide or suicide contagion. The Superintendent or designee shall provide students,

parents/guardians, and staff with information, counseling, and/or referrals to community agencies as needed. Students significantly affected by suicide death and those at risk of imitative behavior should be identified and closely monitored. School staff may receive assistance from school counselors or other mental health professionals in determining how best to discuss the suicide or attempted suicide with students.

Any response to media inquiries shall be handled by the district-designated spokesperson who shall not divulge confidential information. The district's response shall not sensationalize suicide and shall focus on the district's postvention plan and available resources.

After any suicide or attempted suicide by a student, the Superintendent or designee shall provide an opportunity for all staff who responded to the incident to debrief, evaluate the effectiveness of the strategies used, and make recommendations for future actions.

CSBA Sample Board Policy

Students

BP 5142.2(a)

SAFE ROUTES TO SCHOOL PROGRAM

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

Education Code 44808 provides that districts are not responsible or in any way liable for the conduct or safety of students at any time when students are not on school property unless the district has undertaken to provide transportation for students to and from the school premises, has undertaken a school-sponsored activity off premises, has otherwise specifically assumed responsibility or liability, or has failed to exercise reasonable care under the circumstances. Districts should consult legal counsel and/or the district's insurance provider regarding any potential liability issues. Also see BP/AR 5142 - Safety.

Strategies to promote walking, bicycling, and other forms of active transport to school may be included in the district's school wellness policy, adopted pursuant to 42 USC 1758b, which is required to include goals for physical activity, the district's comprehensive safety plan adopted pursuant to Education Code 32282, and the district's environmental programs. See BP 5030 - Student Wellness, AR 0450 - Comprehensive Safety Plan, and BP 3510 - Green School Operations.

The Governing Board recognizes that walking, bicycling, and other forms of active transport to school increase students' physical activity and reduce vehicle traffic and air pollution in the vicinity of schools. As part of the district's coordinated approach to supporting student wellness and safety and enhancing student learning and achievement, the Superintendent or designee shall develop and implement strategies to establish and encourage safe routes to school program activities.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3510 - Green School Operations)

(cf. 3514 - Environmental Safety)

(cf. 5030 - Student Wellness)

(cf. 5142 - Safety)

All students shall have equitable access and opportunity to participate in the district's safe routes to school program.

(cf. 0415 - Equity)

Note: Districts that have a school wellness council and/or a committee that focuses on environmental efforts may want to identify those groups to assist with the planning and coordination of safe routes to school activities, as described below. Districts may revise the following paragraph to reflect district practice.

The Superintendent or designee may appoint a program coordinator and identify or establish district and/or school site committees to oversee and coordinate related activities.

SAFE ROUTES TO SCHOOL PROGRAM (continued)

The Superintendent or designee may collaborate with local public works and public safety departments, transportation agencies, other city and county agencies, school staff, students, parents/guardians and parent organizations, health organizations, community organizations, and/or businesses in the development, implementation, and evaluation of strategies.

(cf. 1220 - Citizen Advisory Committees)

(cf. 1230 - School-Connected Organizations)

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

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

(cf. 6020 - Parent Involvement)

Strategies in support of the safe routes to school program shall be based on the grade levels of the students and an assessment of the conditions and needs of each school and the surrounding neighborhoods.

Note: Both state and federal grants are available to support local efforts to increase the number of students walking and bicycling to school and to make it safer for them to do so. Pursuant to 23 USC 133, funding for infrastructure and noninfrastructure projects that support safe routes to schools may be available under the Surface Transportation Block Grant. At the state level, districts may apply for funding through the Active Transportation Program (ATP) (Streets and Highways Code 2380-2385). Funding for both federal and state programs is distributed through the California Department of Transportation's (Caltrans) Division of Local Assistance.

Additionally, the district may collaborate with local agencies and organizations to find funding sources and may seek alternative funding sources for district projects and events that are not covered by a grant.

Streets and Highways Code 2380 expresses legislative intent that disadvantaged communities fully share in the benefits of the ATP, and Streets and Highways Code 2382 requires that the guidelines for the ATP ensure that no less than 25 percent of overall program funds benefit disadvantaged communities, as defined, during each program cycle.

The Superintendent or designee shall explore the availability of grant funds and other sources of funding to support related projects and activities.

(cf. 1260 - Educational Foundation)

(cf. 3100 - Budget)

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 3470 - Debt Issuance and Management)

(cf. 3471 - Parcel Taxes)

(cf. 7110 - Facilities Master Plan)

Note: The following **optional** paragraph may be revised to reflect indicators agreed upon by the Governing Board and Superintendent to assess progress toward program goals. To assist with program evaluation, the National Center for Safe Routes to School (NCSRTS) has developed a standardized survey of parents/guardians' attitudes about allowing their child to walk or bicycle to school as well as student tally forms for recording the modes of travel that students use. NCSRTS recommends that a district use these forms both before and after implementation of a project in order to evaluate changes in attitudes and behaviors. NCSRTS also provides an online data system to enter and view data collected from the parent surveys and student tallies. Caltrans requires the use of these evaluation forms by grant recipients.

SAFE ROUTES TO SCHOOL PROGRAM (continued)

The Superintendent or designee shall periodically report to the Board on the implementation of program activities and progress toward program goals. Such reports may include, but are not limited to, levels of participation in promotional and educational activities, survey results of parent/guardian attitudes about allowing their child to walk or bicycle to school, tallies of the numbers of students using various modes of travel to and from school and how these numbers have changed over time, records of student attendance and on-time arrival, and injury data within the school and/or district attendance boundaries.

(cf. 0500 - Accountability)

*Legal Reference:*EDUCATION CODE

32282 Comprehensive safety plan

44808 Liability for conduct or safety of students when not on district property

45450-45451 Crossing guards

GOVERNMENT CODE

65352.2 General planning; communication between cities, counties and school districts

STREETS AND HIGHWAYS CODE

2380-2385 Active Transportation Program

VEHICLE CODE

21200-21213 Operation of bicycles, especially:

21212 Helmet required for bicycle, nonmotorized scooter, skateboard, skates

21949-21971 Pedestrian rights and duties

UNITED STATES CODE, TITLE 23

133 Surface transportation block grant program

148 Highway safety improvement program

UNITED STATES CODE, TITLE 42

1758b Local wellness policy

COURT DECISIONS

Cerna v. City of Oakland, (2008) 161 Cal.App.4th 1340

*Management Resources:*CALIFORNIA DEPARTMENT OF TRANSPORTATION PUBLICATIONS

Active Transportation Program Fact Sheet, January 2020

ATP Purpose and Goals as Defined by the State Legislature and SB 99, March 2015

NATIONAL CENTER FOR SAFE ROUTES TO SCHOOL PUBLICATIONS

Safe Routes to School Guide

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PUBLICATIONS

Advancing Pedestrian and Bicyclist Safety: A Primer for Highway Safety Professionals, April 2016

SAFE ROUTES TO SCHOOL NATIONAL PARTNERSHIP PUBLICATIONS

Safe Routes to School by the Numbers: Using Data to Foster Walking and Biking to School, June 2016

Safe Routes to School 2009 Policy Report: Moving to the Future: Building on Early Achievements, March 2009

Management Resources continued: (see next page)

SAFE ROUTES TO SCHOOL PROGRAM (continued)

Management Resources: (continued)

WEB SITES

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

California Department of Transportation, Safe Routes to School:

<http://www.dot.ca.gov/hq/LocalPrograms/saferoutes/saferoutes.htm>

National Center for Safe Routes to School: <http://www.saferoutesinfo.org>

National Highway Traffic Safety Administration: <http://www.nhtsa.gov>

Safe Routes Partnership: <http://www.saferoutespartnership.org>

U.S. Department of Transportation, Federal Highway Administration, Safe Routes to School:

https://www.fhwa.dot.gov/environment/safe_routes_to_school

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Policy Reference UPDATE Service

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Policy 5142.2: Safe Routes To School Program

Status: ADOPTED

Original Adopted Date: 05/19/2010

The Board of Education recognizes that walking, bicycling, and other forms of active transport to school promote students' physical activity and reduce vehicle traffic and air pollution in the vicinity of schools. As part of the district's coordinated approach to supporting student wellness and safety and enhancing student learning, the Superintendent or designee shall develop and implement strategies to establish and promote safe routes to school program activities.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3510 - Green School Operations)

(cf. 3514 - Environmental Safety)

(cf. 5030 - Student Wellness)

(cf. 5142 - Safety)

The Superintendent or designee may identify a program coordinator or establish district and/or school site committees to oversee and coordinate related activities.

The Superintendent or designee may collaborate with local public works and public safety departments, transportation agencies, other city and county agencies, school staff, students, parents/guardians and parent organizations, health organizations, community organizations, and/or businesses in the development, implementation, and evaluation of strategies.

(cf. 1020 - Youth Services)

(cf. 1220 - Citizen Advisory Committees)

(cf. 1230 - School-Connected Organizations)

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

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

(cf. 6020 - Parent Involvement)

Strategies shall be based on the grade levels of the students and an assessment of the conditions and needs of each school and the surrounding neighborhoods.

The Superintendent or designee shall explore the availability of grant funds and other sources of funding to support related projects and activities.

(cf. 1260 - Educational Foundation)

(cf. 3100 - Budget)

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 7110 - Facilities Master Plan)

The Superintendent or designee shall periodically report to the Board on the implementation of program activities and progress toward program goals. Such reports may include, but not be limited to, levels of participation in promotional and educational activities, survey results of parent/guardian attitudes about allowing their child to walk or bicycle to school, tallies of the numbers of students using various modes of travel to and from school and how these numbers have changed over time, records of student attendance and on-time arrival, and injury data within the school and/or district attendance boundaries.

(cf. 0500 - Accountability)

CSBA Sample Administrative Regulation

Students

AR 5142.2(a)

SAFE ROUTES TO SCHOOL PROGRAM

Note: The following **optional** administrative regulation should be revised to reflect district practice. The strategies listed below are organized around the "fundamental E's" recommended for inclusion in local programs by the U.S. Department of Transportation's Federal Highway Administration (NHTSA) and the National Center for Safe Routes to School's online resource guide. NHTSA's Advancing Pedestrian and Bicyclist Safety: A Primer for Highway Safety Professionals states that the most often addressed E's are engineering, education, and enforcement, with encouragement and engagement, evaluation, emerging technologies, emergency response, and equity as other important E's to consider.

District strategies to improve student safety along routes to school and to promote walking, bicycling, and other forms of active transport to school by students may include:

1. Education activities that promote safety and awareness, such as:
 - a. Instructing students about pedestrian, bicycle, and personal safety
 - b. Instructing students about the health, academic, and environmental benefits of walking, bicycling, and other forms of active transport to school

(cf. 3510 - Green School Operations)
(cf. 5030 - Student Wellness)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6142.8 - Comprehensive Health Education)

 - c. Offering driver safety information to high school students, parents/guardians, and the community to promote safety around school campuses and routes
2. Encouragement strategies designed to generate interest in active transport to school, such as:
 - a. Organizing or facilitating "walking school buses" and/or "bicycle trains" whereby students walk or bike to school in groups escorted by parents/guardians or other volunteers as needed
 - b. Organizing special events and activities, such as Walk or Bike to School Day, International Walk to School Month, or year-round competitions
 - c. Publicizing the district's efforts in order to build support of parents/guardians and the community, including providing information about the district's safe routes to school program in parent/guardian communications and in any notifications about transportation options

SAFE ROUTES TO SCHOOL PROGRAM (continued)

(cf. 1112 - Media Relations)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District Sponsored Social Media)
(cf. 3540 - Transportation)
(cf. 3541 - Transportation Routes and Services)

3. Enforcement strategies to deter unsafe behaviors of drivers, pedestrians, and bicyclists, such as:

- a. Initiating or expanding crossing guard, student safety patrol, and/or parent/guardian safety patrol programs

(cf. 5142 - Safety)

- b. Partnering with local law enforcement to help ensure that traffic laws are obeyed in the vicinity of schools and to implement appropriate measures such as placement of speed feedback monitors, ticketing, and/or driver safety campaigns
- c. Monitoring to ensure that students who bicycle to school or who use skateboards, skates, or nonmotorized scooters wear helmets in accordance with Vehicle Code 21212

4. Engineering strategies that address the design, implementation, operation, and maintenance of traffic control devices or physical measures, such as:

- a. Working with local government agencies, parents/guardians, school staff, and others as appropriate to gather data about environmental conditions and hazards along routes to school

(cf. 1220 - Citizen Advisory Committees)
(cf. 1230 - School-Connected Organizations)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)
(cf. 6020 - Parent Involvement)

- b. Working with local government agencies to make operational and physical improvements that reduce or eliminate hazards, such as reducing motor vehicle traffic speeds in the area and establishing safer and fully accessible crosswalks, walkways, trails, and bikeways
- c. Assessing the adequacy, accessibility, and safety of bicycle parking at schools and making modifications as needed, such as increasing the number of or relocating bicycle racks and/or equipment storage areas

SAFE ROUTES TO SCHOOL PROGRAM (continued)

(cf. 7111 - Evaluating Existing Buildings)

- d. Considering safe routes to school when making decisions about siting and designing of new schools

(cf. 7110 - Facilities Master Plan)

(cf. 7150 - Site Selection and Development)

Note: See the accompanying Board policy for additional information about program evaluation, including examples of indicators that may be used to measure program implementation and effectiveness.

5. Evaluation to assess progress toward program goals, including:
 - a. Gathering and interpreting data based on indicators established by the Superintendent and the Governing Board
 - b. Presenting data to the Board, program partners, and the public
 - c. Recommending program modifications as needed
6. Emerging technologies that aid in the prevention and mitigation of accidents
7. Emergency response in managing injuries after an accident occurs, including, but not limited to, training staff, crossing guards, student and/or parent/guardian safety patrols, and other volunteers who assist with drop-off and pick-up in emergency procedures

(cf. 0450 - Comprehensive Safety Plan)

8. Equity, such that resources are distributed in a manner that provides safe access and participation in an equitable manner

(cf. 0415 - Equity)

(7/09) 6/21

Policy Reference UPDATE Service

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Regulation 5142.2: Safe Routes To School Program

Status: ADOPTED

Original Adopted Date: 05/19/2010

District strategies to improve student safety along routes to school and to promote walking, bicycling, and other forms of active transport to school by students may include:

1. Education activities that promote safety and awareness, such as:

a. Instructing students about pedestrian, bicycle, and personal safety

b. Instructing students about the health and environmental benefits of walking, bicycling, and other forms of active transport to school

(cf. 3510 - Green School Operations)

(cf. 5030 - Student Wellness)

(cf. 6142.7 - Physical Education)

(cf. 6142.8 - Comprehensive Health Education)

c. Offering driver safety education to high school students, parents/guardians, and the community

2. Encouragement strategies designed to generate interest in active transport to school, such as:

a. Organizing or facilitating "walking school buses" and/or "bicycle trains" whereby students walk or bike to school in groups escorted by parents/guardians or other volunteers as needed

b. Organizing special events and activities, such as Walk or Bike to School Day, International Walk to School Month, or year-round competitions

c. Publicizing the district's efforts in order to build support of parents/guardians and the community, including providing information about the district's safe routes to school program in parent/guardian communications and in any notifications about transportation options

(cf. 1112 - Media Relations)

(cf. 3540 - Transportation)

(cf. 3541 - Transportation Routes and Services)

3. Enforcement strategies to deter unsafe behaviors of drivers, pedestrians, and bicyclists, such as:

a. Initiating or expanding crossing guard, student safety patrol, and/or parent/guardian safety patrol programs

(cf. 5142 - Safety)

b. Partnering with local law enforcement to help ensure that traffic laws are obeyed in the vicinity of schools and to implement appropriate measures such as placement of speed feedback monitors, ticketing, and/or driver safety campaigns

c. Monitoring to ensure that students who bicycle to school or who use skateboards, skates, or nonmotorized scooters wear helmets in accordance with Vehicle Code 21212

4. Engineering strategies that address the design, implementation, operation, and maintenance of traffic control devices or physical measures, such as:

a. Working with local government agencies, parents/guardians, school staff, and others as appropriate to gather data about environmental conditions and hazards along routes to school

(cf. 1020 - Youth Services)

(cf. 1220 - Citizen Advisory Committees)

(cf. 1230 - School-Connected Organizations)

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

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

(cf. 6020 - Parent Involvement)

b. Working with local government agencies to make operational and physical improvements that reduce or eliminate hazards, such as reducing motor vehicle traffic speeds in the area and establishing safer and fully accessible crosswalks, walkways, trails, and bikeways

c. Assessing the adequacy, accessibility, and safety of bicycle parking at schools and making modifications as needed, such as increasing the number of or relocating bicycle racks and/or equipment storage areas

(cf. 7111 - Evaluating Existing Buildings)

d. Considering safe routes to school when making decisions about siting and designing of new schools

(cf. 7110 - Facilities Master Plan)

(cf. 7150 - Site Selection and Development)

5. Evaluation to assess progress toward program goals, including:

a. Gathering and interpreting data based on indicators established by the Superintendent or designee and the Board of Education

b. Presenting data to the Board, program partners, and the public

c. Recommending program modifications as needed

CSBA Sample Board Policy

Students

BP 5145.12(a)

SEARCH AND SEIZURE

Note: The following **optional** policy should be modified to reflect district practice. The legality of a search by school officials is complex and depends on the particular circumstances surrounding the search. Districts with specific questions about the legality of a search should consult legal counsel. It is also recommended that the district work with legal counsel to provide staff development for employees conducting searches on behalf of the district.

The following policy and accompanying administrative regulation address circumstances under which searches of individual students may be authorized based on individualized suspicion, and circumstances under which the district may conduct searches without individualized suspicion (e.g., searches of lockers, use metal detectors, or use contraband detection dogs). In *In re Sean A.*, the Court of Appeal upheld a limited search for weapons or drugs without individualized suspicion where a school policy called for students who left campus and returned in the middle of the day to be searched. Districts that wish to develop policy authorizing limited searches for weapons or drugs without individualized suspicion should consult legal counsel.

The Governing Board is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, and only as authorized by law, Board policy, and administrative regulation, school officials may search students, their property, and/or district property under their control and may seize illegal, unsafe, or otherwise prohibited items. School officials shall exercise discretion and use good judgment when conducting searches.

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall ensure that staff who conduct student searches receive training regarding the requirements of the district's policy and administrative regulation and other legal issues, as appropriate.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

SEARCH AND SEIZURE (continued)**Searches Based on Individualized Suspicion**

Note: The Fourth Amendment of the U.S. Constitution, which prohibits unreasonable search and seizure, applies to students in the school setting. In New Jersey v. T.L.O., the U.S. Supreme Court held that the legality of a search of a student and/or the student's belongings depends on whether the search is "reasonable." The "reasonableness" of a search depends on two factors: (1) whether there is individualized suspicion that the search will turn up evidence of a student's violation of the law or school rules and (2) whether the search is reasonably related to the objectives of the search and not excessively intrusive in light of the student's age, gender, and/or the nature of the infraction.

In Redding v. Safford Unified School District, the U.S. Supreme Court held that a strip search of a student was beyond the scope and overly intrusive in light of the seriousness of the student's alleged violation (i.e., possession of ibuprofen), the lack of immediate danger, and the lack of justification for the search given that the basis of the search was an uncorroborated tip from a fellow student. Although the specific type of search discussed in the court decision is not permissible in California schools pursuant to Education Code 49050, the factors considered by the court are applicable to an analysis as to whether a search is reasonable in scope, as specified below.

School officials may search an individual student, the student's property, or district property under the student's control when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law, Board policy, administrative regulation, or other rules of the district or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation.

Any search of a student, the student's property, or district property under the student's control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation.

The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, and student vehicles parked on district property.

Note: In California, searches of personal electronic devices such as cellular phones are subject to the restrictions imposed by Penal Code 1546.1 in addition to the prohibitions against unreasonable searches and seizures under the Fourth Amendment. Districts with questions about searches of electronic devices such as cellular phones should consult legal counsel.

A student's personal electronic device may be searched only if a school official, in good faith, believes that an emergency involving danger of death or serious physical injury to the student or others requires access to the electronic device information.

(cf. 6163.4 - Student Use of Technology)

SEARCH AND SEIZURE (continued)

Employees shall not conduct strip searches or body cavity searches of any student. (Education Code 49050)

Searches of individual students shall be conducted in the presence of at least two district employees.

The principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

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

Searches of Student Lockers and Desks

Note: The ability of school officials to search a locker without individualized suspicion depends on whether, under the circumstances, the student has a reasonable expectation of privacy in the locker. In In re Cody S., the Court of Appeal observed that, while students in California generally have a reasonable expectation of privacy in lockers, that expectation can be limited where school policy makes it clear that lockers are the property of the district and subject to search. Nonetheless, board policy alone will not determine whether a student has a reasonable expectation of privacy in a locker as other circumstances such as staff communication and school practice can also inform the reasonableness of a student's expectation of privacy. Districts with specific questions about whether school officials can search lockers without individualized suspicion should consult legal counsel.

The following **optional** section is for districts that conduct regular, announced inspections of multiple student lockers and/or desks and should be revised to reflect district practice.

All student lockers and desks are the property of the district. The principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

Use of Metal Detectors

Note: In In re Latasha W., the Court of Appeal upheld a policy of random weapons screening with a handheld metal detector. In addition, an Attorney General opinion (75 Ops.Cal.Atty.Gen. 155 (1992)) states that the reasonable use of metal detectors to deter the presence of weapons in schools is appropriate without individualized suspicion. The Attorney General recommends that the Governing Board make a specific finding identifying the rationale for the use of metal detectors. This finding need not be based on a specific weapons incident, but rather may be based on the need for metal detectors in response to the general harm caused by weapons and the need to provide a safe learning environment.

The following **optional** paragraph should be modified to reflect the district's rationale for the use of metal detectors.

SEARCH AND SEIZURE (continued)

The Board finds that the presence of weapons in the schools threatens the district's ability to provide the safe and orderly learning environment to which district students and staff are entitled. The Board also finds that metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

Note: The Board should consider where and when metal detectors will be used, such as on a permanent basis at certain sites, rotated among sites, during regular school hours, and/or during special events such as athletic events or dances. To ensure that a metal detector search is reasonable, the Attorney General recommends that an administrative plan be established which contains uniform, established procedures and adequate safeguards against arbitrary and capricious enforcement by school officials. For example, the plan may specify that metal detectors be used at randomly selected schools or that students will be searched on a random basis (e.g., every fifth student entering). The key is to ensure that neutral criteria are applied so that the persons conducting the search do not exercise discretion in determining whether specific persons are targeted or selected for the search. The Attorney General's opinion also recommends that the district's use of metal detectors be incorporated into the district and/or school site safety plan; see BP/AR 0450 - Comprehensive Safety Plan. See the accompanying administrative regulation for other safeguards identified by the Attorney General.

The Superintendent or designee shall use metal detectors as necessary to keep weapons out of schools and help provide a safe learning environment. The Superintendent or designee shall establish a plan to ensure that metal detector searches are conducted in a uniform and consistent manner.

Use of Contraband Detection Dogs

Note: The following **optional** section is for districts that use trained dogs for random and unannounced inspections for contraband. Prior to instituting such a program, districts wishing to conduct these types of "sniff searches" should make specific findings as to the need for the program and consult legal counsel.

Legally, problems arise when individual persons are sniffed and when students are separated from their belongings so that the belongings can be sniffed. In B.C. v. Plumas, the 9th Circuit Court of Appeals concluded that the random and suspicionless dog sniff of a student as he walked by the dog while exiting the room was unreasonable. The court found compelling the fact that there were not specific findings of a serious drug problem at the school that would necessitate the need for the use of the dogs. This court did not rule on whether sniffs of inanimate objects (such as automobiles or lockers) in a school setting are legal. However, courts outside of California (Zamora v. Pomeroy and Horton v. Goose Creek Independent School District) have indicated that dog sniffing around lockers and cars would probably not be deemed a "search" and thus would be permissible on a random basis without individualized suspicion. If the dog then alerts on a particular car or locker, this alert could then constitute the reasonable suspicion needed in order to conduct a search.

The law is unclear as to whether the district can conduct random and unannounced use of dogs whereby students are asked or required to leave their belongings so that the dog can sniff those belongings. An Attorney General opinion (83 Ops.Cal.Atty.Gen. 257 (2000)) states that, unless exigent circumstances exist (e.g., supporting data of a known drug problem), requiring students to leave their belongings behind in the classroom (e.g., backpacks, purses, jackets) in order to conduct random, unannounced and neutral sniff tests on students' personal belongings would be unreasonable and therefore unconstitutional. Whether the district

SEARCH AND SEIZURE (continued)

can ask students to leave their belongings behind is also questionable since such a request might be considered an unconstitutional "seizure." Districts that wish to institute either type of policy should consult legal counsel and have specific data demonstrating the need for such a policy. Although Attorney General opinions are not law, they are generally afforded deference by the courts. See the accompanying administrative regulation.

In an effort to keep the schools free of dangerous contraband, the district may use specially trained, nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or Board policy. The dogs may sniff the air around lockers, desks, or vehicles on district property or at district-sponsored events. Dogs shall not sniff within the close proximity of students or other persons and may not sniff any personal items on those persons without individualized suspicion.

Legal Reference: (see next page)

SEARCH AND SEIZURE (continued)

Legal Reference:

EDUCATION CODE

32280-32289 *School safety plans*
 35160 *Authority of governing boards*
 35160.1 *Broad authority of school districts*
 48900-48927 *Suspension and expulsion*
 49050-49051 *Searches by school employees*
 49330-49334 *Injurious objects*

PENAL CODE

626.9 *Firearms*
 626.10 *Dirks, daggers, knives or razor*
 1546-1546.1 *Production of or access to electronic communication information*

CALIFORNIA CONSTITUTION

Article I, Section 28(c) *Right to Safe Schools*

COURT DECISIONS

In G.C. v. Owensboro Public Schools (6th Cir. 2013) 711 F.3d 623
In re Sean A. (2010) 191 Cal. App. 4th 182
Redding v. Safford Unified School District, (2009) 557 U.S. 364
Jennings v. Joshua Independent School District (5th Cir. 1992) 948 F.2d 194
In re Cody S., 121 Cal. App. 4th 86, 92 (2004)
Klump v. Nazareth Area School District (E.D. Pa. 2006) 425 F. Supp. 2d 622, 640
In Re William V. (2003) 111 Cal.App.4th 1464
B.C. v. Plumas (9th Cir. 1999) 192 F.3d 1260
In re Latasha W. (1998), 60 Cal. App. 4th 1524
O'Connor v. Ortega, (1987) 480 U.S. 709
In re William G (1985) 40 Cal. 3d 550
New Jersey v. T.L.O., (1985) 469 U.S. 325
Horton v. Goose Creek Independent School District, (5th Cir. 1982) 690 F.2d 470
Zamora v. Pomeroy, (10th Cir. 1981) 639 F.2d 662
ATTORNEY GENERAL OPINIONS
 83 *Ops.Cal.Atty.Gen.* 257 (2000)
 75 *Ops.Cal.Atty.Gen.* 155 (1992)

Management Resources:

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999

WEB SITES

CSBA: <http://www.csba.org>
 California Attorney General's Office: <http://caag.state.ca.us>
 California Department of Education, Safe Schools: <http://www.cde.ca.gov/lr/ss>
 National Institute of Justice: <http://www.ojp.usdoj.gov/nij>

(3/01 11/08) 6/21

Policy Reference UPDATE Service

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Policy 5145.12: Search And Seizure

Status: ADOPTED

Original Adopted Date: 01/28/2009

The Board of Education is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, school officials may search students, their property, and/or district property under their control and may seize illegal, unsafe, or otherwise prohibited items.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

The Board urges that employees exercise discretion and good judgment. When conducting a search or seizure, employees shall act in accordance with law, Board policy, and administrative regulation.

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall ensure that staff who conduct student searches receive training regarding the requirements of the district's policy and administrative regulation and other legal issues, as appropriate.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331- Staff Development)

Individual Searches

School officials may search any individual student, his/her property, or district property under his/her control when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, Board policy, administrative regulation, or other rules of the district or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation. The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, student vehicles parked on district property, cellular phones, or other electronic communication devices.

Any search of a student, his/her property, or district property under his/her control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation.

Employees shall not conduct strip searches or body cavity searches of any student. (Education Code 49050)

Searches of individual students shall be conducted in the presence of at least two district employees.

The principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

(cf. 5145.11 - Questioning and Apprehension)

Searches of Multiple Student Lockers/Desks

All student lockers and desks are the property of the district. The principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

Use of Metal Detectors

The Board believes that the presence of weapons in the schools threatens the district's ability to provide the safe and orderly learning environment to which district students and staff are entitled. The Board also believes that metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

The Superintendent or designee shall use metal detectors at district schools as necessary to help provide a safe learning environment. He/she shall establish a plan to ensure that metal detector searches are conducted in a uniform and consistent manner.

Use of Contraband Detection Dogs

In an effort to keep the schools free of dangerous contraband, the district may use specially trained, nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or Board policy.

The dogs may sniff the air around lockers, desks, or vehicles on district property or at district-sponsored events. Dogs shall not sniff within the close proximity of students or other persons and may not sniff any personal items on those persons without their consent.

Regulation 5145.12: Search And Seizure**Status:** ADOPTED**Original Adopted Date:** 01/28/2009**Use of Contraband Detection Dogs**

Contraband detection dogs shall not be used in classrooms or other district facilities when the rooms are occupied, except for demonstration purposes with the handler present. When used for demonstration purposes, the dog shall be separated from the students and not allowed to sniff any individual.

Prior to conducting an inspection, students shall be asked to leave the room that will be subject to the canine sniff. No student shall be forced to leave personal items behind for inspection, unless school officials have reasonable suspicion to search the item.

Only the dog's official handler shall determine what constitutes an alert by the dog. If the dog alerts on a particular item or place, the student having the use of that item or place, or responsibility for it, shall be called to witness the inspection. If a dog alerts on a locked vehicle, the student who brought the vehicle onto district property shall be asked to unlock it for inspection.

(cf. 5131.6 - Alcohol and Other Drugs)

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

Notifications

At the beginning of each school year and upon enrollment, the Superintendent or designee shall inform students and parents/guardians about the district's policies and procedures for searches, including notice regarding:

1. The possibility of random searches of students, their belongings, their vehicles parked on district property, and district properties under a student's control, including lockers or desks
2. A contraband dog detection program

In addition, the Superintendent or designee shall ensure that signs are posted at all schools at which metal detectors are to be used to explain that anyone may be scanned by metal detector for guns, knives, or other illegal weapons when on campus or attending athletic or extracurricular events.

CSBA Sample Board Policy

Students

BP 5145.9(a)

HATE-MOTIVATED BEHAVIOR

Note: The following **optional** policy addresses prevention strategies for hate-motivated incidents and should be modified to reflect district practice. Elements of this policy may be integrated into existing district and school site plans, such as the local control and accountability plan, comprehensive school safety plan, and staff development plans.

The Governing Board is committed to providing a respectful, inclusive, and safe learning environment that protects students from discrimination, harassment, intimidation, bullying, or any other type of behavior that is motivated by hate.

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

(cf. 0415 - Equity)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 - Local Control and Accountability Plan)

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

(cf. 5131- Conduct)

(cf. 5131.2 - Bullying)

(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. 5145.7 - Sexual Harassment)

Note: The following paragraph reflects the definition of "hate-motivated behavior" specified in the California Department of Education's (CDE) publication Bullying at School, expanded to include the categories of protected characteristics identified in state and federal law. Also see BP 0410 - Nondiscrimination in District Programs and Activities and AR 1312.3 - Uniform Complaint Procedures.

Hate-motivated behavior is any behavior intended to cause emotional suffering, physical injury, or property damage through intimidation, harassment, bigoted slurs or epithets, force or threat of force, or vandalism motivated in part or in whole by bias or hostility toward the victim's real or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55.

The Superintendent or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents in a timely manner when they occur.

HATE-MOTIVATED BEHAVIOR (continued)

Note: Hate-motivated behavior, such as an assault, physical threat, bomb threat, destruction of property, graffiti, and vandalism, may constitute a crime under state or federal law. Local law enforcement agencies, human rights commissions, and community organizations throughout the state have established countywide hate crimes networks aimed at responding to and preventing hate crimes.

Districts can identify local hate crime resources through the California Association of Human Relations Organizations, which conducts activities designed to protect human and civil rights by creating a climate of respect and inclusion through networks of collaborations that reduce community tension and build intergroup relationships.

The Superintendent or designee shall collaborate with regional programs and community organizations to promote an environment where diversity is celebrated and hate-motivated behavior is not tolerated. Such collaborative efforts shall focus on the development of effective prevention strategies and response plans, provision of assistance to students affected by hate-motivated behavior, and/or education of students who have perpetrated hate-motivated acts.

(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)

The district shall provide students with age-appropriate instruction that:

1. Includes the development of social-emotional learning
2. Promotes an understanding, awareness, appreciation, and respect for human rights, human relations, diversity, and acceptance in a multicultural society
3. Explains the harm and dangers of explicit and implicit biases
4. Discourages discriminatory attitudes and practices
5. Provides 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. 6142.94 - History-Social Science Instruction)

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)

When appropriate, students who engage in hate-motivated behavior shall be disciplined.

HATE-MOTIVATED BEHAVIOR (continued)

(cf. 5144 - Discipline)

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

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

Note: Education Code 218 requires CDE, by July 1, 2021, to develop and/or update resources for use in schools serving students in grades 7-12 for in-service training for the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) students, and strategies to increase support for LGBTQ students which improve overall school climate. Pursuant to Education Code 218, districts that serve students in grades 7-12 are encouraged to use such resources to provide training at least once every two years to teachers and other certificated staff.

The Superintendent or designee shall provide staff with training that:

1. Promotes an understanding of diversity, equity, and inclusion
2. Discourages the development of discriminatory attitudes and practices
3. Includes social-emotional learning and nondiscriminatory instructional and counseling methods
4. Supports the prevention, recognition, and response to hate-motivated behavior
5. Raises the awareness and sensitivity of staff to potentially prejudicial and discriminatory behavior
6. Includes effective enforcement of rules for appropriate student conduct

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Employees who engage in hate-motivated behavior shall be subject to disciplinary action, up to and including dismissal.

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

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

Rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident shall be provided to students, staff, and parents/guardians.

This policy shall be posted in a prominent location on the district's web site in a manner that is readily and easily accessible to parents/guardians and students. (Education Code 234.6)

(cf. 1113 - District and School Web Sites)

HATE-MOTIVATED BEHAVIOR (continued)**Complaints**

Note: Pursuant to Education Code 234.1, districts are required to adopt a process for receiving and investigating complaints involving unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) based on race or ethnicity, nationality, disability, gender, gender identity, gender expression, sex, sexual orientation, religion, immigration status, or any characteristic contained in the definition of hate crimes in Penal Code 422.55, or association with a person or group with one or more of these actual or perceived characteristics. In addition, federal regulations require districts to adopt procedures providing for the prompt and equitable resolution of complaints of discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR 35.107), and age (34 CFR 110.25). Pursuant to 5 CCR 4600-4670, uniform complaint procedures (UCP) must be used for this purpose. See BP/AR 1312.3 - Uniform Complaint Procedures. Complaints of sexual harassment that meet the federal definition of sexual harassment in 34 CFR 106.30 must be addressed through the procedures specified in 34 CFR 106.44-106.45; see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Although some incidents of harassment, intimidation, or bullying may not fall within the provisions of Education Code 234.1 or federal civil rights regulations, CSBA recommends that districts use the UCP to investigate all incidents (whether discriminatory or nondiscriminatory) to ensure consistent implementation by district staff. It is not always easy or possible for staff to know prior to an investigation whether a student was victimized because of an actual or perceived membership in a legally protected class. Those incidents found to involve discrimination based on the results of the investigation would then be resolved using the UCP. When an incident is determined to be nondiscriminatory, it should be resolved through the appropriate disciplinary process.

Any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident shall immediately contact the compliance officer responsible for coordinating the district's response to complaints and complying with state and federal civil rights laws. As appropriate, the staff member shall also contact law enforcement.

(cf. 3515.3 - District Police/Security Department)

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

A student or parent/guardian who believes the student is a victim of hate-motivated behavior is encouraged to report the incident to a teacher, the principal, the district's compliance officer, or other staff member.

Any complaint of hate-motivated behavior shall be investigated and, if determined to be discriminatory, shall be resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures or other applicable procedure. If, during the investigation, it is determined that a complaint is about nondiscriminatory behavior, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

HATE-MOTIVATED BEHAVIOR (continued)

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

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 harassment, threats, or intimidation

GOVERNMENT CODE

11135 Prohibition of discrimination in programs or activities

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.30 Discrimination on the basis of sex in education programs and activities; definitions

106.44 Recipient's response to sexual harassment

106.45 Grievance process for formal complaints of sexual harassment

110.25 Prohibition of discrimination based on age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018

HUMAN RIGHTS CAMPAIGN FOUNDATION PUBLICATIONS

California LGBTQ Youth Report, 2019

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

Dear Colleague Letter: Harassment and Bullying, October 2010

Dear Colleague Letter: Prohibited Disability Harassment, July 2000

Management Resources: (see next page)

HATE-MOTIVATED BEHAVIOR (continued)

Management Resources: (continued)

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>

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

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

U.S. Department of Health and Human Services: <http://www.stopbullying.gov>

U.S. Department of Justice: <https://www.justice.gov>

(7/09 5/18) 6/21

Policy Reference UPDATE Service

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Policy 5145.9: Hate-Motivated Behavior

Status: ADOPTED

Original Adopted Date: 10/22/2018

The Board of Education is committed to providing a safe learning environment that protects students from discrimination, harassment, intimidation, bullying, and other behavior motivated by a person's hostility towards another person's real or perceived ethnicity, national origin, immigrant status, sex, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic. The Superintendent or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents if they occur.

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

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 5131- Conduct)

(cf. 5131.2 - Bullying)

(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. 5145.7 - Sexual Harassment)

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. Such collaborative efforts shall focus on ensuring an efficient use of district and community resources, developing effective prevention strategies and response plans, providing assistance to students affected by hate-motivated behavior, and/or educating students who have perpetrated hate-motivated acts.

(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)

The district shall provide students with age-appropriate instruction that includes the development of social-emotional learning, promotes their understanding of and respect for human rights, diversity, and acceptance in a multicultural society, and provides 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. 6142.94 - History-Social Science Instruction)

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)

The Superintendent or designee shall ensure that the rules prohibiting hate-motivated behavior and procedures for

reporting a hate-motivated incident are provided to students and parents/guardians.

The Superintendent or designee shall provide staff with training on recognizing and preventing hate-motivated behavior and on effectively enforcing rules for appropriate student conduct.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Complaint Process

A student or parent/guardian who believes the student is a victim of hate-motivated behavior is strongly encouraged to report the incident to a teacher, the principal, or other staff member.

Any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident shall immediately contact the principal or the compliance officer responsible for coordinating the district's response to complaints and complying with state and federal civil rights laws. As appropriate, he/she shall also contact law enforcement.

(cf. 3515.3 - District Police/Security Department)

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

Any complaint of hate-motivated behavior shall be investigated and, if determined to be discriminatory, shall be resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures. If, during the investigation, it is determined that a complaint is about nondiscriminatory behavior, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5144 - Discipline)

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

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

CSBA Sample Board Policy

Students

BP 5148(a)

CHILD CARE AND DEVELOPMENT

Note: The following **optional** policy may be revised to reflect the type(s) of child care and development programs offered by the district.

The Child Care and Development Services Act (Education Code 8200-8499.10) establishes a variety of child care programs including resource and referral programs (Education Code 8210-8216; 5 CCR 18240-18248), alternative payment programs (Education Code 8220-8227.7; 5 CCR 18220-18231), migrant child care and development programs (Education Code 8230-8233), general child care and development programs (Education Code 8240-8244), and programs for children with special needs (Education Code 8250-8252). Pursuant to Welfare and Institutions Code 10200-10206, as added by SB 98 (Ch. 24, Statutes of 2020), effective July 1, 2021, the state's responsibility for administering these programs will transfer from the California Department of Education (CDE) to the California Department of Social Services (CDSS).

For requirements pertaining to before-school and after-school programs, including the After-School Education and Safety program (Education Code 8482-8484.65) and 21st Century Community Learning Centers (Education Code 8484.7-8484.8), see BP/AR 5148.2 - Before/After School Programs. The California State Preschool Program (Education Code 8235-8239) for children ages 3-4 is addressed in BP/AR 5148.3 - Preschool/Early Childhood Education.

The Governing Board desires to provide child care and development services which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

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

(cf. 6175 - Migrant Education Program)

The Board ~~shall~~ may enter into a contract with the California Department of Social Services (CDSS) for the provision of child care and development services by the district.

(cf. 3312 - Contracts)

Note: The following **optional** paragraph may be revised to reflect district practice. Education Code 8499-8499.7 establish county-level child care and development planning councils, with members selected by the County Board of Supervisors and County Superintendent of Schools, to identify local priorities for child care and to develop policies to meet identified needs.

The district ~~shall~~ may work cooperatively with the local child care and development planning council, public and private agencies, parents/guardians, and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality, and supply information about child care options.

(cf. 1020 - Youth Services)

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

CHILD CARE AND DEVELOPMENT (continued)

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

Note: Pursuant to 5 CCR 18271, the district must have a written philosophical statement, goals, and objectives, approved by the Governing Board, which address each program component specified in 5 CCR 18272-18281. See the accompanying administrative regulation for required program components.

The Board shall approve for the district's child care and development program a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

Eligibility and Enrollment

Note: Pursuant to 5 CCR 18105, districts contracting to offer child care services are **mandated** to develop written admissions policies and procedures that conform to requirements of 22 CCR 101218, as provided below. See the accompanying administrative regulation for additional language that fulfills this mandate.

Child care admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the child care center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and health examination requirements. (5 CCR 18105; 22 CCR 101218)

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

(cf. 3540 - Transportation)

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

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

Note: Education Code 8263 and 5 CCR 18106 establish eligibility criteria and priorities for subsidized child care services, as provided below and in the accompanying administrative regulation.

Eligibility is generally limited to children who reside within district boundaries. However, Education Code 8322 and 5 CCR 18107 authorize the Board to enter into an agreement with the boards of other districts to serve children who reside within those districts. The district may revise the following paragraph to reflect any such agreement approved by the Board.

CHILD CARE AND DEVELOPMENT (continued)

The Superintendent or designee shall ensure that subsidized child care is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263 and 5 CCR 18106.

Note: The following paragraph is **optional** and may be revised to reflect any district-established priorities for nonsubsidized services.

To the extent that space is available after the enrollment of children who are eligible for subsidized services, priority for admissions shall be given to district students, children of district students, and children of district employees.

(cf. 5111.1 - District Residency)

(cf. 5146 - Married/Pregnant/Parenting Students)

Staffing

Note: The Commission on Teacher Credentialing issues permits for child development program directors, site supervisors, master teachers, teachers, associate teachers, and assistants pursuant to criteria established in Education Code 8360-8370 and 5 CCR 80105-80125. The district may request a waiver of the qualification requirements for a site supervisor upon demonstration of a compelling need, in accordance with Education Code 8208(aa) and 5 CCR 18295.

Health and Safety Code 1596.7995 requires that employees and volunteers at a day care center be immunized against influenza, pertussis, and measles, with specified exemptions. In addition, Health and Safety Code 1597.055 requires that teachers in a day care center obtain a tuberculosis clearance. See the accompanying administrative regulation.

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications and have satisfied all legal requirements.

(cf. 1240 - Volunteer Assistance)

(cf. 4112.2 - Certification)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Facilities

Note: **Optional** items #1-5 below present examples of methods that may be used to provide facilities for child care services and may be revised to reflect district practice.

Upon recommendation of the Superintendent or designee, the Board may approve any of the following for the provision of child care and development services:

CHILD CARE AND DEVELOPMENT (continued)

1. The use of existing district facilities that have capacity
2. Renovation or improvement of district facilities to make them suitable for such services
3. Purchase of relocatable child care facilities
4. Inclusion of child care facilities in any new construction
5. Agreement with a public agency or community organization for the use of community facilities

(cf. 1330.1 - Joint Use Agreements)

(cf. 7110 - Facilities Master Plan)

The Superintendent or designee shall ensure that facilities used for child care services meet all applicable health and safety standards. (5 CCR 18020; 22 CCR 101238-101239.2)

Complaints

Note: Pursuant to 5 CCR 4610, the district's uniform complaint procedures should be used to resolve any complaint alleging violation of state or federal laws governing educational programs, including child care and development programs; see BP/AR 1312.3 - Uniform Complaint Procedures. However, 5 CCR 4611, as amended by Register 2020, No. 21, provides that health and safety complaints regarding licensed facilities that operate a child care and development program should be referred to CDSS as described in the following paragraph and BP 1312.3.

Pursuant to 22 CCR 101156, all child care centers must be licensed by CDSS unless exempted by law. See the accompanying administrative regulation for information about child care programs that are exempted from licensure requirements. If all of the district's child care services are license-exempt, the following paragraph may be deleted.

For a licensed child care center, any complaint alleging health and safety violations shall be referred to CDSS. (5 CCR 4611)

Any other alleged violation of state or federal laws governing child care and development programs shall be investigated and resolved using the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Program Evaluation

Note: 5 CCR 18279-18281 require child care and development programs to be evaluated through the standardized "Desired Results for Children and Families" system. The system requires a program self-evaluation that includes, but is not limited to, a staff assessment, a parent survey, and an environment rating scale.

CHILD CARE AND DEVELOPMENT (continued)

The Superintendent or designee shall annually conduct an evaluation of the district's child care and development services in accordance with state requirements. The results of the evaluation shall be used to develop an action plan which establishes program goals and objectives for the coming year and addresses any areas identified as needing improvement. (5 CCR 18279-18281)

(cf. 0500 - Accountability)

*Legal Reference:*EDUCATION CODE

8200-8499.10 *Child Care and Development Services Act, especially:*
 8200-8209 *General provisions for child care and development services*
 8210-8216 *Resource and referral program*
 8220-8226 *Alternative payment program*
 8230-8233 *Migrant child care and development program*
 8235-8239 *California state preschool program*
 8240-8244 *General child care programs*
 8250-8252 *Programs for children with special needs*
 8263 *Eligibility and priorities for subsidized child development services*
 8263.3 *Disenrollment of families due to reduced funding levels*
 8263.4 *Enrollment of students ages 11-12 years*
 8273-8273.3 *Fees*
 8360-8370 *Personnel qualifications*
 8400-8409 *Contracts*
 8482-8484.65 *After-school education and safety program*
 8484.7-8484.8 *21st Century community learning centers*
 8493-8498 *Facilities*
 8499-8499.7 *Local planning councils*
 49540-49546 *Child care food program*
 49570 *National School Lunch program*
 56244 *Staff development funding*
HEALTH AND SAFETY CODE
 1596.70-1596.895 *California Child Day Care Act*
 1596.90-1597.21 *Day care centers*
 120325-120380 *Immunization requirements*
WELFARE AND INSTITUTIONS CODE
 10200-10206 *Early Childhood Development Act of 2020*

Legal Reference continued: (see next page)

CHILD CARE AND DEVELOPMENT (continued)*Legal Reference: (continued)*CODE OF REGULATIONS, TITLE 5

4610-4687 Uniform complaint procedures

18000-18434 Child care and development programs, especially:

18012-18122 General requirements

18180-18192 Federal and state migrant programs

18210-18213 Severely handicapped program

18220-18231 Alternative payment program

18240-18248 Resource and referral program

18270-18281 Program quality, accountability

18290-18292 Staffing ratios

18295 Waiver of qualifications for site supervisor

18300-18308 Appeals and dispute resolution

80105-80125 Commission on Teacher Credentialing, child care and development permits

CODE OF REGULATIONS, TITLE 22

101151-101239.2 General requirements, licensed child care centers, especially:

101151-101163 Licensing and application procedures

101212-101231 Continuing requirements

101237-101239.2 Facilities and equipment

UNITED STATES CODE, TITLE 42

1751-1769j National School Lunch Programs

9831-9852 Head Start programs

9858-9858q Child care and development block grant

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch program

CODE OF FEDERAL REGULATIONS, TITLE 45

98.2-98.93 Child care and development fund

COURT DECISIONSCBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001)
91 Cal.App.4th 892*Management Resources:*WEB SITESCSBA: <http://www.csba.org>California Association for the Education of Young Children: <http://www.caeyc.org>California Child Development Administrators Association: <http://www.ccdaa.org>

California Department of Education, Early Education and Support Division:

<http://www.cde.ca.gov/sp/cd>

California Department of Education, Early Education Management Bulletins:

<http://www.cde.ca.gov/sp/cd/ci/allmbs.asp>California Department of Social Services: <https://www.cdss.ca.gov>California Head Start Association: <http://caheadstart.org>California School-Age Consortium: <http://calsac.org>Commission on Teacher Credentialing: <http://www.ctc.ca.gov>National Association for the Education of Young Children: <http://www.naeyc.org>U.S. Department of Education: <http://www.ed.gov>

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Policy Reference UPDATE Service

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Policy 5148: Child Care And Development

Status: ADOPTED

Original Adopted Date: 02/03/2016

The Board of Education desires to provide child care and development services which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

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

(cf. 6175 - Migrant Education Program)

The Board shall enter into a contract with the California Department of Education (CDE) for the provision of child care and development services by the district.

(cf. 3312 - Contracts)

The district shall work cooperatively with the local child care and development planning council, public and private agencies, parents/guardians, and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality, and supply information about child care options.

(cf. 1020 - Youth Services)

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

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

The Board shall approve for the district's child care and development program a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

Eligibility and Enrollment

Child care admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the child care center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and health examination requirements. (5 CCR 18105; 22 CCR 101218)

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

(cf. 3540 - Transportation)

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

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

The Superintendent or designee shall ensure that subsidized child care is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263 and 5 CCR 18106.

To the extent that space is available after the enrollment of children who are eligible for subsidized services, priority for admissions shall be given to district students, children of district students, and children of district employees.

(cf. 5111.1 - District Residency)

(cf. 5146 - Married/Pregnant/Parenting Students)

Staffing

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications and have satisfied all legal requirements.

(cf. 1240 - Volunteer Assistance)

(cf. 4112.2 - Certification)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Facilities

Upon recommendation of the Superintendent or designee, the Board may approve any of the following for the provision of child care and development services:

1. The use of existing district facilities that have capacity
2. Renovation or improvement of district facilities to make them suitable for such services
3. Purchase of relocatable child care facilities
4. Inclusion of child care facilities in any new construction
5. Agreement with a public agency or community organization for the use of community facilities

(cf. 1330.1 - Joint Use Agreements)

(cf. 7110 - Facilities Master Plan)

The Superintendent or designee shall ensure that facilities used for child care services meet all applicable health and safety standards. (5 CCR 18020; 22 CCR 101238-101239.2)

Complaints

For a licensed child care center, any complaint alleging health and safety violations shall be referred to the California Department of Social Services. For a license-exempt facility, such complaints shall be referred to the appropriate Child Development regional administrator. Any other alleged violation of state or federal laws governing child care and development programs shall be investigated and resolved using the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Program Evaluation

The Superintendent or designee shall annually conduct an evaluation of the district's child care and development services in accordance with state requirements. The evaluation report shall be submitted to the Board and the CDE along with an action plan which establishes program goals and objectives for the coming year and addresses any areas identified as needing improvement. (5 CCR 18279-18281)

(cf. 0500 - Accountability)

CSBA Sample Administrative Regulation

Students

AR 5148(a)

CHILD CARE AND DEVELOPMENT

Note: The following administrative regulation reflects provisions generally applicable to programs under the Child Care and Development Services Act (Education Code 8200-8499.7). Such programs include resource and referral programs (Education Code 8210-8216; 5 CCR 18240-18248), alternative payment programs (Education Code 8220-8227.7; 5 CCR 18220-18231), migrant child care and development programs (Education Code 8230-8233), general child care and development programs (Education Code 8240-8244), and programs for children with special needs (Education Code 8250-8252). Pursuant to Welfare and Institutions Code 10200-10206, as added by SB 98 (Ch. 24, Statutes of 2020), effective July 1, 2021, the state's responsibility for administering these programs will transfer from the California Department of Education (CDE) to the California Department of Social Services (CDSS).

The district may revise this regulation to reflect specific requirements for the program(s) it offers. See BP/AR 5148.2 - Before/After School Programs for requirements pertaining to the After-School Education and Safety program (Education Code 8482-8484.65) and 21st Century Community Learning Centers (Education Code 8484.7-8484.8), and BP/AR 5148.3 - Preschool/Early Childhood Education for California State Preschool Program (CSPP) requirements.

The following administrative regulation does not reflect all policy language mandated for each specific program. The district should be careful to include the mandates, if any, applicable to the program(s) it offers. For example, for the alternative payment program, 5 CCR 18221 mandates a written policy statement that includes specified components, including, but not limited to, program purpose, enrollment priorities, reimbursement of providers, and family fee collection. For the resource and referral program, 5 CCR 18244 mandates written referral policies and written complaint procedures.

In addition to the program requirements described below, child care and development programs may be subject to other policies in the district's policy manual (e.g., BP/AR 1240 - Volunteer Assistance, AR 3514.2 - Integrated Pest Management, BP/AR 3550 - Food Service/Child Nutrition Program). Districts should consult legal counsel if they have questions regarding the applicability of other laws to the district's child care and development program.

Licensing

Note: Pursuant to 22 CCR 101156, all child care centers must be licensed by CDSS unless exempted by law. Health and Safety Code 1596.792 and 22 CCR 101158 list exemptions from the licensure requirements including, but not limited to, any program that (1) is a "public recreation program" that meets the criteria specified in Health and Safety Code 1596.792, (2) is operated before and/or after school by qualified teachers employed by the district, (3) is a school parenting program or adult education child care program, (4) operates only one day per week for no more than four hours on that day, (5) offers temporary child care services to parents/guardians who are on the same premises as the child care site, (6) provides activities that are of an instructional nature in a classroom-like setting when K-12 students are normally not in session and the sessions do not exceed a total of 30 days when only school-age children are enrolled or 15 days when younger children are enrolled, or (7) is a CSPP program operated in a school building that meets specified health and safety requirements. If the district offers only programs that are exempted from licensure, it should modify the following regulation accordingly.

CHILD CARE AND DEVELOPMENT (continued)

Pursuant to Health and Safety Code 1596.951, CDSS was required to adopt regulations by January 1, 2021 to create a new child care center license including components for serving infant, toddler, preschool, and school-age children; health and safety standards; and enhanced ability to transition children to the next age group. However, the regulations were delayed due to the COVID-19 pandemic. Pursuant to Health and Safety Code 1596.951, all child care centers are required to obtain this license by January 1, 2024.

All district child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code 1596.792 or 22 CCR 101158.

The license shall be posted in a prominent, publicly accessible location in the facility. (Health and Safety Code 1596.8555)

Licensed child care centers shall be subject to the requirements of Health and Safety Code 1596.70-1597.21, 22 CCR 101151-101239.2, and, when applicable, 22 CCR 101451-101539.

Program Components

Note: Items #1-7 and 9 below list components of child care and development programs that are required for all providers pursuant to 5 CCR 18272-18281. The Governing Board is required, pursuant to 5 CCR 18271, to approve goals and objectives addressing each of these program components; see the accompanying Board policy. The district may add components of other programs offered by the district.

The district's child care and development program shall include the following components:

1. The use of a developmental profile reflecting each child's physical, cognitive, social, and emotional development to plan and conduct developmentally and age appropriate activities (Education Code 8203.5; 5 CCR 18272)

Program staff shall complete the developmental profile for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages. (Education Code 8203.5; 5 CCR 18270.5, 18272)

2. An educational program that complies with 5 CCR 18273, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6159 - Individualized Education Program)

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

(cf. 6174 - Education for English Learners)

CHILD CARE AND DEVELOPMENT (continued)

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

4. Parent/guardian involvement and education that comply with 5 CCR 18275 and include an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress

(cf. 6020 - Parent Involvement)

5. A health and social services component that complies with 5 CCR 18276 and includes referrals to appropriate community agencies as needed

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

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.23 - Asthma Management)

(cf. 5141.6 - School Health Services)

6. A community involvement component that complies with 5 CCR 18277

Note: Health and Safety Code 1596.808 establishes beverage standards for licensed child care centers. In addition, centers that receive funding through the Child and Adult Care Food Program (42 USC 1766) must meet federal guidelines for meals, snacks, fluid milk or nutritionally equivalent milk substitutes, and drinking water.

7. As applicable, a nutrition component that ensures children in the program are provided nutritious meals, beverages, and snacks that meet state and federal standards and have access to drinking water throughout the day, including meal times (Health and Safety Code 1596.808; 5 CCR 18278; 42 USC 1766)

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

(cf. 5030 - Student Wellness)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

Note: Item #8 below is **optional** and may be revised to reflect district practice. 42 USC 1766 encourages child care centers to provide opportunities for physical activity and to limit the amount of time spent in sedentary activities, such as time spent using electronic devices.

8. Programs that promote age-appropriate structured and unstructured opportunities for physical activity and that limit the amount of time spent in sedentary activities to an appropriate level

CHILD CARE AND DEVELOPMENT (continued)

Note: 5 CCR 18279-18281 require an annual evaluation using the standardized "Desired Results for Children and Families" system. The system requires a program self-evaluation that includes a staff assessment, a parent/guardian survey, and an environment rating scale. Each contractor is required to submit a summary of the self-evaluation findings by June 1 of each year.

9. An annual plan for program evaluation which conforms with the state's system and includes a self-evaluation, parent/guardian survey, and environment rating scale (5 CCR 18270.5, 18279, 18280)

(cf. 0500 - Accountability)

Health and Safety

Note: The following section is for use by districts that offer one or more licensed child care programs. Health and Safety Code 1596.7996 requires licensed child care programs to provide parents/guardians of enrolled children with a flyer developed by CDSS in conjunction with the California Department of Public Health, which contains specified information regarding lead exposure and blood testing. The flyer is available on the CDSS web site.

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

(cf. 5145.6 - Parental Notifications)

Note: Pursuant to Health and Safety Code 1597.16, a licensed child care center located in a building that was constructed before January 1, 2010 must have its drinking water tested for lead contamination as provided below. A licensed child care center is subject to the temporary suspension of its license if it fails to comply with the requirements to cease using any fountains and faucets where elevated lead levels may exist and to provide potable water.

If a licensed child care center is located in a building that was constructed before January 1, 2010, the center shall have its drinking water tested for lead contamination every five years following an initial test conducted between January 1, 2020 and January 1, 2023. The center shall notify the parents/guardians of enrolled children of the requirement to test a facility's drinking water and of the test results. If notified of elevated lead levels, the center shall immediately make inoperable and cease using the fountains and faucets where elevated lead levels may exist and shall obtain a potable source of water for children and staff at that location. (Health and Safety Code 1597.16)

CHILD CARE AND DEVELOPMENT (continued)**Staffing**

The district's child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in 5 CCR 18290-18292 based on the ages of the children served.

All persons employed at a licensed district child care center and all volunteers who provide care and supervision to children at such a center shall be immunized against influenza, pertussis, and measles. If they meet all other requirements for employment or volunteering, as applicable, but need additional time to obtain and provide immunization records, they may be employed or volunteer conditionally for a maximum of 30 days upon signing and submitting a written statement attesting that they have been immunized as required. In addition, employees and volunteers shall receive an influenza vaccination between August 1 and December 1 of each year. A person shall be exempt from these requirements only under any of the following circumstances: (Health and Safety Code 1596.7995)

1. The person submits a written statement from a licensed physician declaring either that immunization is not safe because of the person's physical condition or medical circumstances or that the person has evidence of current immunity to influenza, pertussis, and measles.
2. In the case of the influenza vaccine, the person submits a written declaration declining the vaccination.
3. In the case of the influenza vaccine required during the first year of employment or volunteering, the vaccine is not timely because the person was hired after December 1 of the previous year and before August 1 of the current year.

(cf. 1240 - Volunteer Assistance)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

Documentation of the required immunizations or exemptions from immunization shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

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

In addition to the above immunization requirements, teachers employed in a licensed child care center shall present evidence of a current tuberculosis clearance and meet other requirements specified in Health and Safety Code 1597.055. (Health and Safety Code 1597.055)

CHILD CARE AND DEVELOPMENT (continued)

Eligibility and Enrollment

Note: State funding is only available for services to families who meet the criteria for subsidized services as specified in Education Code 8263. The district may also provide services to nonsubsidized families provided the district uses other funding sources or the families pay the full cost of services; see section on "Fees and Charges" below.

Pursuant to 5 CCR 18105, districts contracting with CDE to offer child care services are **mandated** to develop written admissions policies and procedures that conform to requirements of 22 CCR 101218, including criteria designating those children whose needs can be met by the child care center's program and services and the ages of children who will be accepted.

The following section should be revised to reflect the district's contract(s).

The district's subsidized child care and development services may be available to infants and children through 12 years of age and to individuals with disabilities through 21 years of age in accordance with their individualized education program and Education Code 8208. (Education Code 8208, 8263.4; 5 CCR 18089, 18407, 18422)

Note: Pursuant to 5 CCR 18082-18083, the parent/guardian must submit an application for services which contains specified information and documentation. The family's or child's eligibility must be certified by a person designated by the district.

Pursuant to Education Code 8263.1, income eligibility is based on an adjusted monthly family income at or below 85 percent of the state median income, adjusted for family size.

Eligible families shall be those who document both an eligibility basis and a need for care, as follows: (Education Code 8263, 8263.1)

1. The family is eligible for subsidized services on the basis of being a current aid recipient, income eligible, or homeless and/or the family's children are recipients of protective services or have been identified as being or at risk of being abused, neglected, or exploited.
2. The family has a need for child care based on either of the following:
 - a. The unavailability of the parents/guardians to care for and supervise their children for some portion of the day because they are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated

CHILD CARE AND DEVELOPMENT (continued)

- b. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services, as being or at risk of being neglected, abused, or exploited, or as being homeless

Note: The following paragraph may be revised to reflect district practice. Unless state funding is allocated to support the centralized eligibility list established in each county pursuant to Education Code 8499.5, such lists will be maintained only if locally funded. In situations where there is no locally funded centralized eligibility list or the district elects not to participate in the local list, the district must establish its own waiting list in accordance with admission priorities pursuant to Education Code 8263 and 5 CCR 18106.

The Superintendent or designee ~~shall consult the county's centralized eligibility list, when available, or~~ shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

First priority for enrollment shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8263)

Second priority for enrollment shall be given to families who are income eligible, as defined in Education Code 8263.1. Families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with disabilities shall be admitted first or, if there is no child with disabilities, the family that has been on the waiting list for the longest time shall be admitted first. (Education Code 8263, 8263.1)

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

Note: The following **optional** paragraph may be revised to reflect additional enrollment priorities or criteria established by the district, such as priority for district students, children of district students, or children of district employees; see the accompanying Board policy.

After all children eligible for subsidized services have been enrolled, the district may enroll children in accordance with the priorities established by the Governing Board.

CHILD CARE AND DEVELOPMENT (continued)

Note: 5 CCR 18094 and 18118 require the district to provide written notification to the parent/guardian as to whether the application for subsidized services has been approved or denied. For this purpose, the district should use the state's Notice of Action form.

The district's decision to approve or deny services shall be communicated to the parent/guardian through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18118)

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

The Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

1. A determination made during recertification or the update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. An indication by the parent/guardian that the service is no longer wanted
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

The Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services containing the completed and signed application for services, documentation used to determine the child's eligibility and need, and copies of all Notices of Action. (5 CCR 18081, 18095)

CHILD CARE AND DEVELOPMENT (continued)**Fees and Charges**

Note: Education Code 8273 requires the state to establish a fee schedule for families using child care services, including families who are eligible for subsidized child care services based on the criteria specified in item #1 in the section "Eligibility and Enrollment" above.

Education Code 8250 and 5 CCR 18110 prohibit districts from assessing fees for children enrolled in a program for severely disabled children or a federally based migrant program. Districts may revise the following paragraph to reflect any such program(s) offered by the district. Districts that offer only programs prohibited from charging fees may delete the following section.

Except when offering a program that is prohibited by law from charging any fees, the Superintendent or designee may charge fees for services according to the state fee schedule, the actual cost of services, or the maximum daily/hourly rate specified in the contract, whichever is least. (Education Code 8250, 8263, 8273, 8273.1, 8447; 5 CCR 18078, 18108-18110)

However, no fee shall be charged to a family that is receiving CalWORKS cash aid, an income-eligible family whose child is enrolled in a part-day California State Preschool Program, or a family whose income level, in relation to family size, is less than the first entry in the fee schedule. (Education Code 8273.1; 5 CCR 18110)

In addition, any family receiving child care on the basis of having a child who is a recipient of child protective services, or having a certification by a county child welfare agency that child care services continue to be necessary, may be exempt from these fees for up to 12 months. (Education Code 8273.1)

Note: Pursuant to Education Code 8273, family fees must be assessed at initial enrollment and reassessed at recertification or when the family data file is updated due to a change in status.

Pursuant to 5 CCR 18114, districts contracting to offer child care services are **mandated** to adopt a policy for the collection of fees in advance of providing services, as provided below. 5 CCR 18114 contains an alternative definition of delinquency for alternative payment programs offered pursuant to Education Code 8220-8224.

Fees shall be assessed at initial enrollment and reassessed when a family is recertified or experiences a change in status. Fees shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the district's regulations regarding fee collection at the time of initial enrollment into the program. (Education Code 8273; 5 CCR 18082, 18114, 18115)

CHILD CARE AND DEVELOPMENT (continued)

Note: The following paragraph is for use by districts that contract to offer child care services and wish to require parents/guardians to provide diapers and/or to pay the costs of field trips (unless the program is exempt from fees), and may be modified to delete diapers as appropriate for the age of the children served. Education Code 8273.3 **mandates** that such districts have a written policy which includes parents/guardians in the decision-making process. Pursuant to Education Code 8273.3, the fees cannot exceed \$25 per child in the contract year.

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers. This process shall also be used to determine whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8273.3)

Disenrollment

Note: Education Code 8263.3 specifies the order by which families must be disenrolled from child care and development services when funding levels are reduced. Parents/guardians may appeal such actions pursuant to 5 CCR 18120-18122, but only on the grounds that the factors used to determine the family's disenrollment are incorrect. See section "Rights of Parents/Guardians" below.

When necessary due to a reduction in state reimbursements, families shall be disenrolled from subsidized child care and development services in the following order: (Education Code 8263.3)

1. Families with the highest income in relation to family size shall be disenrolled first.
2. If two or more families have the same income ranking, children without disabilities who have been enrolled in child care services the longest shall be disenrolled first. After all children without disabilities have been disenrolled, children with disabilities shall be disenrolled, with those who have been enrolled in child care services the longest being disenrolled first.
3. Families whose children are receiving child protective services or are at risk of neglect, abuse, or exploitation, regardless of family income, shall be disenrolled last.

Health Examination and Immunizations

Note: Education Code 8263 requires children enrolling in a child care center to obtain a physical examination and evaluation, including immunizations, unless a parent/guardian submits a letter stating that such examination is contrary to the parent/guardian's religious beliefs. However, with respect to immunization requirements, Health and Safety Code 120335 eliminated the personal beliefs exemption unless the parent/guardian filed a letter or affidavit prior to January 1, 2016 or a licensed physician indicates

CHILD CARE AND DEVELOPMENT (continued)

that a student should be exempted for medical reasons. An exemption granted for personal beliefs is only effective until the next grade span (i.e., birth through preschool, grades K-6, and grades 7-12). See BP/AR 5141.31 - Immunizations.

Prior to or within six weeks of enrollment, a child enrolling in a child care center shall obtain a physical examination and evaluation and receive age-appropriate immunizations. (Education Code 8263)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

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

A child may be exempted from the immunization requirements only if: (Health and Safety Code 120335)

1. A licensed physician indicates that immunization is not safe due to the physical condition or medical circumstances of the child.

Note: Pursuant to Health and Safety Code 120372, a child care center may only accept a medical exemption request that is made by a licensed physician or surgeon on an electronic, standardized, statewide medical exemption certification form developed by the California Department of Public Health and transmitted using the California Immunization Registry. However, Health and Safety Code 120370 requires that a child who has a medical exemption issued prior to January 1, 2020 be allowed to continue enrollment until the next grade span.

A medical exemption shall be submitted using the standardized medical exemption certification form developed by California Department of Public Health and transmitted using the California Immunization Registry. The request shall include, but not be limited to, a description of the medical basis for which the exemption for each individual immunization is sought and whether the medical exemption is permanent or temporary, including the date upon which a temporary medical exemption will expire. A temporary exemption shall not exceed one year. (Health and Safety Code 120372)

2. The parent/guardian submitted a letter or affidavit prior to January 1, 2016 stating that such examination is contrary to the parent/guardian's personal beliefs. An exemption from immunization granted for personal beliefs is effective only until the next grade span (i.e., birth through preschool, grades K-6, and grades 7-12).

CHILD CARE AND DEVELOPMENT (continued)

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

(*cf. 5141.22 - Infectious Diseases*)

Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence, and signature of parent/guardian or district representative. (5 CCR 18065, 18066)

Absences shall be excused for the following reasons:

1. Illness or quarantine of the child or of the parent/guardian (Education Code 8208)
2. Family emergency (Education Code 8208)

Note: Pursuant to 5 CCR 18066, districts contracting to offer child care services are **mandated** to adopt policies delineating circumstances constituting an excused absence for a family emergency. The following paragraph may be revised to reflect district practice.

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative as required by a court of law (Education Code 8208)
4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child (Education Code 8208)

Note: 5 CCR 18066 **mandates** a policy that delineates circumstances constituting an excused absence "in the best interest of the child." The following paragraph may be revised to reflect district practice.

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

CHILD CARE AND DEVELOPMENT (continued)

Except for children who are recipients of child protective services or are at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 18066)

Note: 5 CCR 18066 **mandates** that providers adopt a policy governing unexcused absences which may include reasonable limitations, if any. The following paragraph may be revised to reflect district practice.

Any absence due to a reason other than any of those stated above, or without the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the program coordinator or site supervisor shall notify the child's parent/guardian. Children who continue to have excessive unexcused absences may be removed from the program at the discretion of the program coordinator in order to accommodate other families on the waiting list for admission.

Parents/guardians shall be notified of the policies and procedures related to excused and unexcused absences for child care and development services. (5 CCR 18066)

Rights of Parents/Guardians

Note: The following two paragraphs are for use by districts that operate one or more licensed child care centers, but may be used by license-exempt providers.

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of the rights specified in 22 CCR 101218.1, including, but not limited to, the right to enter and inspect the child care facility and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption. (Health and Safety Code 1596.857; 22 CCR 101218.1)

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to noncustodial parents/guardians when so requested by the responsible parent/guardian. (Health and Safety Code 1596.857)

Note: The remainder of this section is for use by all districts and applies to licensed and unlicensed child care programs.

In addition, if a parent/guardian disagrees with any district action to deny a child's eligibility for subsidized child care services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise

CHILD CARE AND DEVELOPMENT (continued)

change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 18120)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 18120 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to the CDE. (5 CCR 18120-18122)

Records

Note: State contracts require the district to submit data on both subsidized and nonsubsidized families served by child care centers. In addition, the district is required to provide monthly reports regarding any families receiving subsidized services during that month.

The Superintendent or designee shall maintain records of enrollment, attendance, types of families served, income received from all families participating in the district's child care and development program, and any other records required under the state contract.

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

(10/16 3/19) 6/21

Policy Reference UPDATE Service

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Regulation 5148: Child Care And Development

Status: ADOPTED

Original Adopted Date: 08/19/2019

Licensing

All district child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code 1596.792 or 22 CCR 101158.

The license shall be posted in a prominent, publicly accessible location in the facility. (Health and Safety Code 1596.8555)

Licensed child care centers shall be subject to the requirements of Health and Safety Code 1596.70-1597.21, 22 CCR 101151-101239.2, and, when applicable, 22 CCR 101451-101539.

Program Components

The district's child care and development program shall include the following components:

1. The use of a developmental profile reflecting each child's physical, cognitive, social, and emotional development to plan and conduct developmentally and age appropriate activities (Education Code 8203.5; 5 CCR 18272)

Program staff shall complete the "Desired Results Developmental Profile," available from the California Department of Education (CDE), for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages. (Education Code 8203.5; 5 CCR 18270.5, 18272)

2. An educational program that complies with 5 CCR 18273, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6159 - Individualized Education Program)

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

(cf. 6174 - Education for English Learners)

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

4. Parent/guardian involvement and education that comply with 5 CCR 18275 and include an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress

(cf. 6020 - Parent Involvement)

5. A health and social services component that complies with 5 CCR 18276 and includes referrals to appropriate community agencies as needed

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

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.23 - Asthma Management)

(cf. 5141.6 - School Health Services)

6. A community involvement component that complies with 5 CCR 18277

7. As applicable, a nutrition component that ensures children in the program are provided nutritious meals, beverages, and snacks that meet state and federal standards and have access to drinking water throughout the day, including meal times (Health and Safety Code 1596.808; 5 CCR 18278; 42 USC 1766)

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

(cf. 5030 - Student Wellness)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

8. Programs that promote age-appropriate structured and unstructured opportunities for physical activity and that limit the amount of time spent in sedentary activities to an appropriate level

9. An annual plan for program evaluation which conforms with the state's "Desired Results for Children and Families" system and includes, but is not limited to, a self-evaluation, parent/guardian survey, and environment rating scale using forms provided by the CDE (5 CCR 18270.5, 18279, 18280)

(cf. 0500 - Accountability)

Staffing

The district's child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in 5 CCR 18290-18292 based on the ages of the children served.

All persons employed at a licensed district child care center and all volunteers who provide care and supervision to children at such a center shall be immunized against influenza, pertussis, and measles. If they meet all other requirements for employment or volunteering, as applicable, but need additional time to obtain and provide immunization records, they may be employed or volunteer conditionally for a maximum of 30 days upon signing and submitting a written statement attesting that they have been immunized as required. In addition, employees and volunteers shall receive an influenza vaccination between August 1 and December 1 of each year. A person shall be exempt from these requirements only under any of the following circumstances: (Health and Safety Code 1596.7995)

1. The person submits a written statement from a licensed physician declaring either that immunization is not safe because of the person's physical condition or medical circumstances or that the person has evidence of current immunity to influenza, pertussis, and measles.

2. In the case of the influenza vaccine, the person submits a written declaration declining the vaccination.

3. In the case of the influenza vaccine required during the first year of employment or volunteering, the vaccine is not timely because the person was hired after December 1 of the previous year and before August 1 of the current year.

(cf. 1240 - Volunteer Assistance)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

Documentation of the required immunizations or exemptions from immunization shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

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

In addition to the above immunization requirements, teachers employed in a licensed child care center shall present evidence of a current tuberculosis clearance and meet other requirements specified in Health and Safety Code 1597.055. (Health and Safety Code 1597.055)

Eligibility and Enrollment

The district's subsidized child care and development services may be available to infants and children through 12 years of age and to individuals with disabilities through 21 years of age in accordance with their individualized education program and Education Code 8208. (Education Code 8208, 8263.4; 5 CCR 18089, 18407, 18422)

Eligible families shall be those who document both an eligibility basis and a need for care, as follows: (Education

Code 8263)

1. The family is eligible for subsidized services on the basis of being a current aid recipient, income eligible, or homeless and/or the family's children are recipients of protective services or have been identified as being or at risk of being abused, neglected, or exploited.

2. The family has a need for child care based on either of the following:

a. The unavailability of the parents/guardians to care for and supervise their children for some portion of the day because they are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated

b. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services, as being or at risk of being neglected, abused, or exploited, or as being homeless

The Superintendent or designee shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

First priority for enrollment shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8263)

Second priority for enrollment shall be given to families who are income eligible, as defined in Education Code 8263.1. Families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with disabilities shall be admitted first or, if there is no child with disabilities, the family that has been on the waiting list for the longest time shall be admitted first. (Education Code 8263, 8263.1)

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

After all children eligible for subsidized services have been enrolled, the district may enroll children in accordance with the priorities established by the Board of Education.

The district's decision to approve or deny services shall be communicated to the parent/guardian through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18118)

(cf. 5145.6 - Parental Notifications)

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

The Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

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

2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such

documentation in writing

3. An indication by the parent/guardian that the service is no longer wanted
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

The Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services containing the completed and signed application for services, documentation used to determine the child's eligibility and need, and copies of all Notices of Action. (5 CCR 18081, 18095)

Fees and Charges

Except when offering a program that is prohibited by law from charging any fees, the Superintendent or designee may charge fees for services according to the fee schedule established by the Superintendent of Public Instruction, the actual cost of services, or the maximum daily/hourly rate specified in the contract, whichever is least. (Education Code 8250, 8263, 8273, 8273.1, 8447; 5 CCR 18078, 18108-18110)

However, no fee shall be charged to a family that is receiving CalWORKS cash aid, an income-eligible family whose child is enrolled in a part-day California State Preschool Program, or a family whose income level, in relation to family size, is less than the first entry in the fee schedule. (Education Code 8273.1; 5 CCR 18110)

In addition, any family receiving child care on the basis of having a child who is a recipient of child protective services, or having a certification by a county child welfare agency that child care services continue to be necessary, may be exempt from these fees for up to 12 months. (Education Code 8273.1)

Fees shall be assessed at initial enrollment and reassessed when a family is recertified or experiences a change in status. Fees shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the district's regulations regarding fee collection at the time of initial enrollment into the program. (Education Code 8273; 5 CCR 18082, 18114, 18115)

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers. This process shall also be used to determine whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8273.3)

Disenrollment

When necessary due to a reduction in state reimbursements, families shall be disenrolled from subsidized child care and development services in the following order: (Education Code 8263.3)

1. Families with the highest income in relation to family size shall be disenrolled first.
2. If two or more families have the same income ranking, children without disabilities who have been enrolled in child care services the longest shall be disenrolled first. After all children without disabilities have been disenrolled, children with disabilities shall be disenrolled, with those who have been enrolled in child care services the longest being disenrolled first.
3. Families whose children are receiving child protective services or are at risk of neglect, abuse, or exploitation, regardless of family income, shall be disenrolled last.

Health Examination and Information

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

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

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

However, a child may be exempted from the immunization requirements only if: (Education Code 8263; Health and Safety Code 120335)

1. A licensed physician indicates that immunization is not safe due to the physical condition or medical circumstances of the child.

2. The parent/guardian submitted a letter or affidavit prior to January 1, 2016 stating that such examination is contrary to the parent/guardian's personal beliefs. An exemption from immunization granted for personal beliefs is effective only until the next grade span (i.e., birth through preschool, grades K-6, and grades 7-12).

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

(cf. 5141.22 - Infectious Diseases)

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

Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence, and signature of parent/guardian or district representative. (5 CCR 18065, 18066)

Absences shall be excused for the following reasons:

1. Illness or quarantine of the child or of the parent/guardian (Education Code 8208)

2. Family emergency (Education Code 8208)

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative as required by a court of law (Education Code 8208)

4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child (Education Code 8208)

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of child protective services or are at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 18066)

Any absence due to a reason other than any of those stated above, or without the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the program coordinator or site supervisor shall notify the child's parent/guardian. Children who continue to have excessive unexcused absences may be removed from the program at the discretion of the program coordinator in order to accommodate other families on the waiting list for admission.

Parents/guardians shall be notified of the policies and procedures related to excused and unexcused absences for child care and development services. (5 CCR 18066)

Rights of Parents/Guardians

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of the rights specified in 22 CCR 101218.1, including, but not limited to, the right to enter and inspect the child care facility and the right to be informed, upon request, of the name and type

of association to the center of any adult who has been granted a criminal record exemption. (Health and Safety Code 1596.857; 22 CCR 101218.1)

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to noncustodial parents/guardians when so requested by the responsible parent/guardian. (Health and Safety Code 1596.857)

In addition, if a parent/guardian disagrees with any district action to deny a child's eligibility for subsidized child care services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 18120)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 18120 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to the CDE. (5 CCR 18120-18122)

Records

The Superintendent or designee shall maintain records of enrollment, attendance, types of families served, income received from all families participating in the district's child care and development program, and any other records required by CDE.

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

CSBA Sample Board Policy

Instruction

BP 6142.5(a)

ENVIRONMENTAL EDUCATION

Note: The following **optional** policy may be revised to reflect district practice. Pursuant to Public Resources Code 71300-71304, the Office of Education and the Environment within the Department of Resources Recycling and Recovery (CalRecycle) has developed "environmental principles and concepts," which have been adopted by the State Board of Education. For further information, see the web site of the California Education and the Environment Initiative.

The Governing Board recognizes that schools play a crucial role in educating students about the relationship between humans and the natural world and in preparing them to have the skills, knowledge, and principles needed to solve environmental problems. The Board believes that all students should understand ecological systems and the impact of human action on such systems, including, but not limited to, climate change. The district's environmental education program shall promote environmental literacy and shall prepare students to be stewards of natural resources and live an environmentally sustainable lifestyle.

(cf. 6000 - Concepts and Roles)
(cf. 6142.3 - Civic Education)

The district's local control and accountability plan may include local goals and priorities for environmental literacy.

(cf. 0460 - Local Control and Accountability Plan)

Note: Education Code 51210 requires the adopted course of study for grades 1-6 to include instruction on the relations of persons to their human and natural environment, the wise use of natural resources, and science instruction on the place of humans in the ecological systems. In grades 7-12, Education Code 51220 requires study of the relations of persons to their human and natural environment and science instruction that emphasizes the place of humans in ecological systems. See AR 6143 - Courses of Study.

Pursuant to Education Code 51227.3, the environmental principles and concepts must be integrated into the state content standards, curriculum frameworks, and textbook criteria in the subjects of English language arts, science, history-social science, health, and, to the extent practicable, mathematics. To date, the environmental principles and concepts have only been integrated into the science and history-social science curriculum frameworks.

The following optional paragraph reflects the content of the state-adopted environmental principles and concepts.

The district's environmental education program may be taught across the district curriculum in science, history-social science, English language arts, health, and, to the extent practicable, mathematics. Such instruction shall be aligned with state-adopted standards and curriculum frameworks and may include, but not be limited to, the interactions and interdependence of human societies and natural systems, people's dependence and influence on natural systems,

ENVIRONMENTAL EDUCATION (continued)

the ways that natural systems change and how people can benefit and influence that change, the fact that there are no boundaries to prevent matter from flowing between systems, and the fact that decisions affecting resources and natural systems are complex and involve many factors.

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6142.93 - Science Instruction)

(cf. 6143 - Courses of Study)

Note: Pursuant to Public Resources Code 71300-71304, CalRecycle's Office of Education and the Environment has developed environmental education resources, including a model curriculum and successful strategies, to help districts coordinate best practices for environment-based education and environmental science and technology. Further information can be found on the California Education and the Environment Initiative's web site.

The district's program may also provide for active student participation in onsite resource conservation and management programs and the promotion of service learning partnerships. The Superintendent or designee may collaborate with other local educational agencies and/or community-based organizations to enhance the curriculum and learning experiences provided to students.

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

(cf. 3511 - Energy and Water Management)

(cf. 3511.1 - Integrated Waste Management)

(cf. 3514 - Environmental Safety)

(cf. 5030 - Student Wellness)

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

(cf. 6153 - School-Sponsored Trips)

The Superintendent or designee shall ensure that environment-based learning experiences are made available on an equitable basis and that the environmental literacy curriculum reflects the linguistic, ethnic, and socioeconomic diversity of California.

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

(cf. 0415 - Equity)

As appropriate, the Superintendent or designee shall provide professional development for teachers in the development and effective implementation of curriculum and activities inside and outside of the classroom that promote environmental literacy.

Legal References: (see next page)

ENVIRONMENTAL EDUCATION (continued)

Legal Reference:

EDUCATION CODE

8700-8707 *Environmental education*
8720-8723 *Conservation education service*
8760-8773 *Outdoor science, conservation, and forestry*
33541 *Science requirements*
37222 *John Muir; recognition of his contributions*
51210 *Areas of study, grades 1-6*
51220 *Areas of study, grades 7-12*
51227.3 *Environmental principles and concepts*
51795-51797 *School instructional gardens*
60041 *Ecological systems and their protection*
PUBLIC RESOURCES CODE
71300-71305 *Statewide environmental education*

Management Resources:

WEB SITES

California Department of Education, Environmental Education and Environmental Literacy:
<http://www.cde.ca.gov/pd/ca/sc/oeintrod.asp>
California Education and the Environment Initiative: <https://www.californiaeei.org>
California Regional Environmental Education Community: <http://www.creec.org>
Green Schoolyards America: <https://www.greenschoolyards.org>
Green Schoolyards America, National COVID-19 Outdoor Learning Initiative:
<https://www.greenschoolyards.org/covid-learn-outside>
North American Association for Environmental Education:
<https://naaee.org/our-work/programs/eworks>

(6/92 7/07) 6/21

Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Instruction

AR 6162.51(a)

STATE ACADEMIC ACHIEVEMENT TESTS

Note: The following administrative regulation reflects requirements of the California Assessment of Student Performance and Progress (CAASPP) (Education Code 60600-60649) and should be revised to reflect the grade levels offered by the district.

The Superintendent or designee shall administer the California Assessment of Student Performance and Progress (CAASPP) to all district students at applicable grade levels, except those students exempted by law.

Note: The following paragraph may be revised to reflect programs offered by the district.

5 CCR 851 clarifies responsibility for the testing of charter school students who attend locally funded charter schools. Pursuant to Education Code 47651, a locally funded charter school is one that receives the state aid portion of its local control funding formula allocation through the district that either authorized the charter or was designated by the State Board of Education (SBE) as the oversight agency, rather than directly from the state.

The students of any charter school that receives its state funding allocation through the district shall be tested in coordination with the testing of district students. In addition, the Superintendent or designee shall arrange for the testing of students in any alternative education program or program conducted off campus, including, but not limited to, non-classroom based programs, continuation schools, independent study, community day schools, county community schools, juvenile court schools, or nonpublic, nonsectarian schools. No test shall be administered in a home or hospital except by a test administrator or test examiner. (5 CCR 851)

(cf. 0420.4 - Charter School Authorization)

(cf. 0420.41 - Charter School Oversight)

(cf. 6158 - Independent Study)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Note: The following paragraph is **optional**. Pursuant to 5 CCR 853, if the district identifies students who are unable to access the computer-based assessments, as required by 5 CCR 857, the district may use a paper and pencil version of the assessment, if available.

On or before July 1 of each year, the Superintendent or designee shall identify any district school(s) with students who are unable to access the computer-based assessment of a

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

CAASPP test and shall report the number of such students to the test contractor. If available, a paper and pencil version of the assessment may be administered to such students. (5 CCR 853, 857)

On or before July 1 of each year, the Superintendent or designee shall designate a district coordinator who shall oversee all matters related to the testing program and serve as the district representative and liaison with the test contractor and the California Department of Education (CDE). The Superintendent or designee shall also designate a coordinator for each test site. The duties of the district and site test coordinators shall include those specified in 5 CCR 857-858. (5 CCR 857-858)

Note: 5 CCR 850 defines "test administrator" as an employee trained to administer the CAASPP achievement tests and "test examiner" as a certificated or licensed employee of a local educational agency trained to administer the California Alternate Assessments (CAA) for students with significant cognitive disabilities.

The Superintendent or designee also shall appoint trained test administrator(s) to administer the CAASPP achievement tests and test examiner(s) to administer the California Alternate Assessments. A test examiner shall be a certificated or licensed employee or contractor of the district or county office of education. (5 CCR 850)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

As appropriate, the Superintendent or designee shall assign a specially trained district employee to serve as a test proctor to assist the test examiner; a specially trained district employee, or other person supervised by a district employee, to serve as a translator to translate the test directions into a student's primary language; and a district employee to serve as a scribe to transcribe a student's responses to the format required by the test. A student's parent/guardian or sibling shall not be eligible to be that student's translator or scribe. (5 CCR 850)

All test administrators, test examiners, proctors, translators, scribes, district and site test coordinators, and other persons having access to any of the CAASPP achievement tests and corresponding test materials, assessment technology platform, or tests administered pursuant to Education Code 60640 shall acknowledge the limited purpose of their access to the achievement tests by signing a test security affidavit. In addition, all district and site test coordinators shall sign a test security agreement before receiving any CAASPP achievement tests and corresponding test materials. The test security affidavit and test security agreement shall be those set forth in 5 CCR 859. (5 CCR 850, 859)

STATE ACADEMIC ACHIEVEMENT TESTS (continued)**Tests Included in the State Assessment System**

Note: Pursuant to Education Code 60640 and 5 CCR 851.5, the CAASPP consists of the required assessments listed in items #1-3 below and optional use of a primary language assessment.

Pursuant to Education Code 60640 and 99300-99301, the CAASPP also includes the Early Assessment Program (EAP) designed to assess the college readiness of students in grade 11 in English language arts and/or mathematics. The EAP is included within the summative assessments listed in item #1 below.

The district shall administer the following CAASPP assessments: (Education Code 60640; 5 CCR 851.5)

1. The Smarter Balanced summative assessments for English language arts and mathematics in grades 3-8 and 11, except that:

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

- a. Recently arrived English learners, defined pursuant to Education Code 60603 as English learners who are in their first 12 months of attending a school in the United States, shall be exempted from taking the English language arts assessment to the extent allowed by federal law. A recently arrived English learner may be administered the test upon request by the student's parent/guardian.

(cf. 6174 - Education for English Learners)

- b. Students with disabilities who are unable to participate in the English language arts and mathematics assessments, even with the resources described in the section "Testing Variations" below, shall be provided an alternate test when designated in their individualized education program (IEP), as provided in item #3 below.

(cf. 6159 - Individualized Education Program)

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

Note: Pursuant to Education Code 60640, SBE has determined that the California Science Test (CAST), which is aligned with the Next Generation Science Standards, must be administered in grades 5, 8, and once in grades 10-12. According to the CAASPP Online Test Administration Manual, districts can elect to administer the CAST to students in grade 10 or 11. Students in grade 12 who have not yet met the science testing requirement will automatically be registered to take the CAST. The California Department of Education (CDE) recommends testing high school students when they are enrolled in their last science course. Item #2 may be revised to reflect district practice.

2. The California Science Test (CAST) at grades 5, 8, and once in grades 10-12

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

However, students with disabilities who are unable to participate in the CAST, even with the resources described in the "Testing Variations" section below, shall be provided an alternate test when designated in their IEP, as provided in item #3 below.

(cf. 6142.93 - Science Instruction)

Note: Pursuant to 20 USC 1412 and Education Code 60640, students with disabilities must be included in the CAASPP program with accommodations where necessary (see section on "Testing Variations" below), unless they are exempted by their parents/guardians or are eligible to take an alternate assessment.

3. The California Alternate Assessments (CAA) in English language arts, mathematics, and science for students with significant cognitive disabilities who are unable to take the tests specified in items #1-2 above, even with appropriate accommodations or other testing resources, and who have an IEP that designates the use of alternate tests at the applicable grade levels

Note: The following paragraph is **optional**. In addition to administering the CAASPP achievement tests described in items #1-3 above to English learners, Education Code 60640 authorizes the district to administer a primary language assessment to English learners. The California Spanish Assessment (CSA) is available to measure competency in Spanish reading/language arts of students in grades 3-8 and high school.

Pursuant to Education Code 60640, the district will receive a per pupil apportionment from the state for administration of the primary language assessment to English learners.

In addition, the Superintendent or designee may administer the California Spanish Assessment (CSA) to English learners. Administration of this test shall not replace the administration of the above tests, administered in English, to English learners. (Education Code 60640)

Note: The following paragraph is **optional**. Pursuant to Education Code 60640, the district may, at its own expense, administer the CSA to students in a dual immersion program who are not limited English proficient or who are redesignated fluent English proficient. If the district chooses to use the primary language assessment for this purpose, it must enter into an agreement with the state testing contractor, subject to the approval of CDE.

The CSA also may be used to assess students in a dual language immersion program who are not limited English proficient or who are redesignated fluent English proficient, subject to approval by CDE of an agreement between the district and the state testing contractor. (Education Code 60640)

Note: The following paragraph is **optional**. Pursuant to Education Code 60642.6, the CAASPP includes optional computer-based interim assessments, available at no cost to districts, that provide teachers and administrators with results that can be used to support teaching and learning and to gauge student progress

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

toward mastery of the skills measured by the summative assessments. The interim assessments were developed for grades 3-8 and high school, but can be administered at any grade level. The timing and frequency of the interim assessments may be determined by the district.

CAASPP also offers formative assessment tools (i.e., assessment tools and processes that are embedded in instruction and used by teachers to receive real-time feedback for purposes of adjusting instruction). Tools for Teachers, available on the Smarter Balanced Assessment Consortium web site, is an online collection of resources aligned with the Common Core State Standards.

Throughout the school year, schools may use Smarter Balanced interim assessments and formative assessment tools at any grade level to provide timely feedback regarding students' progress toward mastery of the skills measured by the summative assessments in English language arts and mathematics and to assist teachers in continually adjusting instruction to improve learning. The Superintendent or designee may determine the timing and frequency of the administration of such assessments.

Exemptions

Note: In addition to the exemption of recently arrived English learners from the English language arts assessment (see item #1a in the section "Tests Included in the State Assessment System" above), Education Code 60615 allows students to be exempted from the CAASPP upon written request from their parents/guardians. 5 CCR 852 requires the district to notify parents/guardians regarding this exemption and provides that any exemption will be granted only for the current school year.

Districts should be aware of the need to maintain a high student participation level on state assessments. Pursuant to 20 USC 6311, states must annually measure the achievement of not less than 95 percent of all students and of each numerically significant subgroup of students.

Each year the Superintendent or designee shall notify parents/guardians of their child's participation in the CAASPP and of the provisions of Education Code 60615 related to exemptions from testing. (5 CCR 852)

(cf. 5145.6 - Parental Notifications)

Parents/guardians may annually submit to the school a written request to excuse their child from any or all parts of the CAASPP assessments for the school year, and such a request shall be granted by the Superintendent or designee. However, district employees shall not solicit or encourage any exemption request on behalf of any student or group of students. (Education Code 60615; 5 CCR 852)

If a parent/guardian submits an exemption request after testing has begun, any test(s) completed before the request is submitted will be scored and the results reported to the parent/guardian and included in the student's records. (5 CCR 852)

STATE ACADEMIC ACHIEVEMENT TESTS (continued)**Testing Period**

Note: Education Code 60640 requires the SBE to establish testing windows that allow all schools to administer the CAASPP tests at approximately the same time during the instructional year and take into account the need to provide make-up days for students who were absent during testing. Within these testing windows, the district may establish its own testing dates.

The following section should be revised to reflect grade levels offered by the district. In addition, districts that do not maintain any schools on a year-round schedule may revise the following section to delete references to schedules based on tracks.

The Superintendent or designee shall establish testing days for district students within the following available testing windows: (5 CCR 855)

1. Unless otherwise specified in state regulations, assessments shall be administered between the date on which at least 66 percent of the school's or track's annual instructional days have been completed, but no earlier than the second Tuesday in January, and the last day of instruction for the regular annual calendar of the school or track, but no later than July 15 or, if July 15 is not a weekday, then the next weekday following July 15.
2. The CAA for science shall be administered annually beginning on a date in September as determined by CDE through the last day of instruction for the regular annual calendar of the school or track, but no later than July 15 or, if July 15 is not a weekday, then the next weekday following July 15.

Note: **Optional** item 3 below is for use by districts that have chosen to administer the CSA to English learners as authorized by Education Code 60640; see section "Tests Included in the State Assessment System" above.

3. The CSA shall be administered to English learners within the testing window specified in item #1.

Note: Within the available testing windows specified above, the district may designate specific testing dates that will be used within the district. 5 CCR 855 allows the district to designate one selected testing period for each school or track subject to the conditions specified below. If the district does not designate a selected testing period for a school or track, then the available testing windows specified in items #1-2 above shall be the selected testing period for that school or track.

Within the above testing windows, the Superintendent or designee may designate one testing period for each school or track or, if a school has multiple tracks, a selected testing period for each track. The district shall not exceed six selected testing periods within the available

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

testing window. The testing period shall be no fewer than 25 consecutive instructional days and may be extended up to an additional 10 consecutive instructional days if still within the available testing window set forth in items #1-2 above. (5 CCR 855)

Students who are absent during testing shall be provided an opportunity to take the tests within the testing window.

Testing Variations

Note: The following section describes allowable testing resources that may be used during test administration pursuant to 5 CCR 854.1-854.4. For further information, see CDE's matrix of allowable testing variations, available on its web site.

All CAASPP tests shall be administered in accordance with the manuals or other instructions provided by the test contractor or CDE except that, as appropriate, the following testing variations may be used: (5 CCR 850, 853-854.4)

1. Universal tools specified in 5 CCR 854.1-854.4 may be used with any student.
2. Designated supports specified in 5 CCR 854.1-854.4 may be used with a student for whom the need has been indicated by an educator or team of educators, with parent/guardian and student input as appropriate, or for whom the need is specified in the student's IEP or Section 504 plan.
3. Accommodations specified in 5 CCR 854.1-854.4 may be used with a student with disabilities when included in the student's IEP or Section 504 plan as resources that are regularly used in the classroom for the student's instruction and/or assessment(s). Such accommodations shall be either utilized in the assessment environment or consist of changes in procedures or materials that increase equitable access during the assessment.

Note: 5 CCR 854.9 authorizes the use of "unlisted resources" (i.e., resources that have not been identified as a universal tool, designated support, or accommodation) with students with disabilities, provided that the resource is designated in the student's IEP or Section 504 plan and CDE has approved the use of the resource. Pursuant to 5 CCR 854.9, the district must electronically submit a request to CDE at least 10 business days prior to the first day of CAASPP testing, and the district will receive a response from CDE within four business days of submitting the request. CDE will not approve the use of an unlisted resource that threatens the security of the test or changes the construct being measured, including, but not limited to, those resources specified in 5 CCR 854.9. The district may nevertheless use a disapproved unlisted resource that changes the construct being measured, but the student will not be counted in the participation rate for state and federal accountability measures.

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

4. An unlisted resource that has not been specifically identified as an approved universal tool, designated support, or accommodation may be used with a student who has an IEP or Section 504 plan provided that the resource is one that is regularly used in the classroom for instruction and/or assessment and CDE has approved its use. At least 10 business days prior to the student's first day of CAASPP testing, the district or school site test coordinator may electronically submit a request to CDE for approval to use that unlisted resource during that year. If CDE determines that the unlisted resource changes the construct being measured, the unlisted resource may nevertheless be used with the student in order to generate an individual score report even though the student shall not be counted in the participation rate for accountability measures. (5 CCR 854.9)

In the administration of the CAA to a student with significant cognitive disabilities, the student may have all instructional supports that may be used in daily instruction or assessment, including language and physical supports, with the exception of any inappropriate test practices listed in test administration manuals. (5 CCR 850, 854.5)

Report of Test Results

Note: Education Code 60641 requires that valid test results for individual students, when available, be reported to the student's parents/guardians, school, and teacher(s). Pursuant to Education Code 60641, it is the Legislature's intent that districts are not precluded from using electronic media formats to provide this report, provided that the format secures the confidentiality of the student and the student's results. In addition, district personnel are not required to prepare individualized explanations of each student's test scores as part of the report described in the following paragraph.

For any state assessments that produce valid individual student results, the Superintendent or designee shall forward or transmit the student's test results to the student's parents/guardians within 20 working days from receipt of the results from the test contractor or, if the district receives the results from the contractor after the last day of instruction for the school year, then within the first 20 working days of the next school year. The report shall include a clear explanation of the purpose of the test, the student's score, and its intended use by the district. An individual student's scores shall also be reported to the school and teacher(s) and shall be included in the student record. (Education Code 60641; 5 CCR 863)

(cf. 5125 - Student Records)

With parent/guardian consent, the Superintendent or designee may release a student's test results to a postsecondary educational institution for the purposes of credit, placement, determination of readiness for college-level coursework, or admission. (Education Code 60641)

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

The Superintendent or designee shall present districtwide, school-level, and grade-level results to the Governing Board at a regularly scheduled meeting. The Board shall not receive individual students' scores or the relative position of any individual student. (Education Code 49076, 60641)

(12/14 3/16) 6/21

Policy Reference UPDATE Service

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Regulation 6162.51: State Academic Achievement Tests

Status: ADOPTED

Original Adopted Date: 09/08/2016

The Superintendent or designee shall administer the California Assessment of Student Performance and Progress (CAASPP) to all district students at applicable grade levels, except those students exempted by law.

The students of any charter school that receives its state funding allocation through the district shall be tested in coordination with the testing of district students. In addition, the Superintendent or designee shall arrange for the testing of students in any alternative education program or program conducted off campus, including, but not limited to, non-classroom based programs, continuation schools, independent study, community day schools, county community schools, juvenile court schools, or nonpublic, nonsectarian schools. No test shall be administered in a home or hospital except by a test administrator or test examiner. (5 CCR 851)

(cf. 0420.4 - Charter School Authorization)

(cf. 0420.41 - Charter School Oversight)

(cf. 6158 - Independent Study)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

On or before July 1 of each year, the Superintendent or designee shall identify any district school(s) with students who are unable to access the computer-based assessment of a CAASPP test and shall report the number of such students to the test contractor. If available, a paper and pencil version of the assessment may be administered to such students. (5 CCR 853, 857)

On or before July 1 of each year, the Superintendent or designee shall designate a district coordinator who shall oversee all matters related to the testing program and serve as the district representative and liaison with the test contractor and the California Department of Education (CDE). The Superintendent or designee shall also designate a coordinator for each test site. The duties of the district and site test coordinators shall include those specified in 5 CCR 857-858. (5 CCR 857-858)

The Superintendent or designee also shall appoint trained test administrator(s) to administer the CAASPP achievement tests and test examiner(s) to administer the California Alternate Assessments. A test examiner shall be a certificated or licensed employee of the district or county office of education. (5 CCR 850)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

As appropriate, the Superintendent or designee shall assign a specially trained district employee to serve as a test proctor to assist the test examiner; a specially trained district employee, or other person supervised by a district employee, to serve as a translator to translate the test directions into a student's primary language; and a district employee to serve as a scribe to transcribe a student's responses to the format required by the test. A student's parent/guardian or sibling shall not be eligible to be that student's translator or scribe. (5 CCR 850)

All test administrators, test examiners, proctors, translators, scribes, district and site test coordinators, and other persons having access to any of the CAASPP achievement tests and corresponding test materials, assessment technology platform, or tests administered pursuant to Education Code 60640 shall acknowledge the limited purpose of their access to the achievement tests by signing a test security affidavit. In addition, all district and site test coordinators shall sign a test security agreement before receiving any CAASPP achievement tests and corresponding test materials. The test security affidavit and test security agreement shall be those set forth in 5 CCR 859. (5 CCR 850, 859)

Tests Included in the State Assessment System

The district shall administer the following CAASPP assessments: (Education Code 60640; 5 CCR 851.5)

1. The CAASPP achievement tests for English language arts and mathematics in grades 3-8 and 11, except that:

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

a. Recently arrived English learners, defined pursuant to Education Code 60603 as English learners who are in their first 12 months of attending a school in the United States, shall be exempted from taking the English language arts assessment to the extent allowed by federal law. A recently arrived English learner may be administered the test upon request by his/her parent/guardian.

(cf. 6174 - Education for English Language Learners)

b. Students with disabilities who are unable to participate in the English language arts and mathematics assessments, even with the resources described in the section "Testing Variations" below, shall be provided an alternate test when designated in their individualized education program (IEP), as provided in item #3 below.

(cf. 6159 - Individualized Education Program)

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

2. Science assessments at grades 5, 8, and 10

However, students with disabilities who are unable to participate in the science assessments, even with the resources described in the "Testing Variations" section below, shall be provided an alternate test when designated in their IEP, as provided in item #3 below.

(cf. 6142.93 - Science Instruction)

3. For students with disabilities who are unable to take the tests specified in items #1-2 above, even with appropriate accommodations or other testing resources, and who have an IEP that designates the use of alternate tests at the applicable grade levels:

a. California Alternate Assessment in English language arts and mathematics for students with significant cognitive disabilities

b. For the science assessment, either the California Modified Assessment or, for students with significant cognitive disabilities, the California Alternate Performance Assessment

In addition, the Superintendent or designee may administer a primary language assessment to English learners. Administration of this test shall not replace the administration of the above tests, administered in English, to English learners. (Education Code 60640)

The primary language assessment also may be used to assess students in a dual language immersion program who are not limited English proficient or who are redesignated fluent English proficient, subject to approval by the California Department of Education (CDE) of an agreement between the district and the state testing contractor. (Education Code 60640)

Exemptions

Each year the Superintendent or designee shall notify parents/guardians of their child's participation in the CAASPP and of the provisions of Education Code 60615 related to exemptions from testing. (5 CCR 852)

(cf. 5145.6 - Parental Notifications)

A parent/guardian may annually submit to the school a written request to excuse his/her child from any or all parts of the CAASPP assessments for the school year, and such a request shall be granted by the Superintendent or designee. However, district employees shall not solicit or encourage any exemption request on behalf of any student or group of students. (Education Code 60615; 5 CCR 852)

If a parent/guardian submits an exemption request after testing has begun, any test(s) completed before the request is submitted will be scored and the results reported to the parent/guardian and included in the student's records. (5 CCR 852)

Testing Period

The Superintendent or designee shall establish testing days for district students within the following available testing windows: (5 CCR 855)

1. Assessments in English language arts and mathematics shall be administered between the date on which at least 66 percent of the school's or track's annual instructional days for grades 3-8, or at least 80 percent of the annual instructional days for grade 11, have been completed and the last day of instruction for the regular annual calendar of the school or track.
2. All science assessments, including CAPA and CMA, shall be administered during an available testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school's or track's annual instructional days.
3. Beginning in the 2016-17 school year, the CAA shall be administered during the available testing windows specified in item #1.
4. The primary language assessment shall be administered to English learners within the testing window specified in item #2.

Within the above testing windows, the Superintendent or designee may designate one testing period for each school or track or, if a school has multiple tracks, a selected testing period for each track. The district shall not exceed six selected testing periods within the available testing window. The testing period shall be no fewer than 25 consecutive instructional days and may be extended up to an additional 10 consecutive instructional days if still within the available testing window set forth in items #1-4 above. (5 CCR 855)

Students who are absent during testing shall be provided an opportunity to take the tests within the testing window.

Testing Variations

CAASPP achievement tests and the primary language test shall be administered in accordance with the manuals or other instructions provided by the test contractor or CDE except that, as appropriate, the following testing variations may be used: (5 CCR 850, 853-853.8)

1. Universal tools specified in 5 CCR 853.5 may be used with any student.
2. Designated supports specified in 5 CCR 853.5 and, if an English learner, in 5 CCR 853.7, may be used with a student for whom the need has been indicated by an educator or team of educators, with parent/guardian and student input as appropriate, or for whom the need is specified in the student's IEP or Section 504 plan.
3. Accommodations specified in 5 CCR 853.5 may be used with a student with disabilities when included in the student's IEP or Section 504 plan as resources that are regularly used in the classroom for the student's instruction and/or assessment(s). Such accommodations shall be either utilized in the assessment environment or consist of changes in procedures or materials that increase equitable access during the assessment.
4. An unlisted resource that has not been specifically identified as an approved universal tool, designated support, or accommodation may be used with a student who has an IEP or Section 504 plan provided that the resource is one that is regularly used in the classroom for instruction and/or assessment and the CDE has approved its use. At least 10 business days prior to the student's first day of CAASPP testing, the district or school site test coordinator may electronically submit a request to the CDE for approval to use that unlisted resource during that year. If the CDE determines that the unlisted resource changes the construct being measured, the unlisted resource may nevertheless be used with the student in order to generate an individual score report even though the student shall not be counted in the participation rate for accountability measures. (5 CCR 853.8)

In the administration of the CAA to a student with significant cognitive disabilities, the student may have all instructional supports that may be used in daily instruction or assessment, including language and physical supports, with the exception of any inappropriate test practices listed in test administration manuals. (5 CCR 850, 853.6)

Report of Test Results

For any state assessments that produce valid individual student results, the Superintendent or designee shall forward or transmit the student's test results to his/her parents/guardians within 20 working days from receipt of the results from the test contractor or, if the district receives the results from the contractor after the last day of instruction for the school year, then within the first 20 working days of the next school year. The report shall include a clear

explanation of the purpose of the test, the student's score, and its intended use by the district. An individual student's scores shall also be reported to his/her school and teacher(s) and shall be included in his/her student record. (Education Code 60641; 5 CCR 863)

(cf. 5125 - Student Records)

With parent/guardian consent, the Superintendent or designee may release a student's test results to a postsecondary educational institution for the purposes of credit, placement, determination of readiness for college-level coursework, or admission. (Education Code 60641)

The Superintendent or designee shall present districtwide, school-level, and grade-level results to the Board of Education at a regularly scheduled meeting. The Board shall not receive individual students' scores or the relative position of any individual student. (Education Code 49076, 60641)

Policy 6162.51: State Academic Achievement Tests

Status: ADOPTED

Original Adopted Date: 11/13/2014

The Board of Education recognizes that state achievement test results provide an indication of student progress in achieving state academic standards and may be used to promote high-quality teaching and learning. The Superintendent or designee shall administer mandatory student assessments within the California Assessment of Student Performance and Progress as required by law and in accordance with Board policy and administrative regulation.

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

(cf. 6162.54 - Test Integrity/Test Preparation)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

The Board strongly encourages all students at the applicable grade levels to participate in the state assessments in order to maximize the usefulness of the data and enable the district to meet participation levels required for state and federal accountability systems. The Superintendent or designee shall notify students and parents/guardians about the importance of these assessments and shall develop strategies to encourage student participation. Students shall be exempted from participation only in accordance with law and administrative regulation.

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

The Board shall annually examine state assessment results by school, grade level, and student subgroup as one measure of the district's progress in attaining its student achievement goals and shall revise the local control and accountability plan and other district or school plans as necessary to improve student achievement for underperforming student groups.

(cf. 0460 - Local Control and Accountability Plan)

(cf. 0500 - Accountability)

Adopt CSBA Recommendation

CSBA Sample Board Policy

Facilities

BP 7211(a)

DEVELOPER FEES

Note: The following policy is **optional**. Education Code 17620-17621 and Government Code 65995-65995.7 provide authority for three levels of developer fees that may be levied by school districts on residential, commercial, and industrial construction to mitigate the impact of increased enrollment on school facilities. Before imposing developer fees, the Governing Board must conduct a fee justification study and comply with other requirements.

Due to the failure of state bond measure Proposition 13 in March 2020, Government Code 65997 is operative until a new state bond measure is approved. Pursuant to Government Code 65997, public agencies may, on the basis of the inadequacy of school facilities, deny or refuse to approve a "legislative" act but may not require the payment of a fee in excess of that imposed pursuant to Government Code 65995-65995.7. Courts have distinguished between legislative acts (e.g., zoning ordinances) and adjudicative acts (e.g., subdivision approvals, variances, and conditional use permits). Districts with specific questions as to the operation of Government Code 65997 should consult legal counsel.

Level 1 fees, the basic mitigation fee, may be applied to residential, commercial, and industrial construction projects and must be within the limits established by law and the State Allocation Board (SAB). Level 2 fees apply only to residential construction, and the amount of the fee varies across districts as determined through a school facilities needs analysis. Level 3 fees may be double the amount of Level 2 fees, but may only be collected when SAB certifies that state funds for new school facility construction are not available.

Pursuant to Education Code 17620, some types of construction may be exempted from the developer fee. Districts should consult with legal counsel as appropriate.

In order to finance the construction or reconstruction of school facilities needed to accommodate increased student enrollment resulting from new development, the Governing Board may establish, levy, and collect developer fees on residential, commercial, and industrial construction within the district, subject to restrictions specified by law.

Level 1 Fees: Residential, Commercial and Industrial Construction

Note: For Level 1 fees, Government Code 65995 establishes a maximum amount of fee, which is adjusted for inflation by SAB every two years. In order to levy developer fees, Government Code 66001 requires that the Board conduct a fee justification study which demonstrates a reasonable relationship between residential, commercial, and industrial development in the district and the need for additional school facilities. Pursuant to Government Code 66001 and 66016, before increasing any fee, districts must update their fee justification study and satisfy the notice and hearing requirements, as specified below. Education Code 17622 requires separate, special findings when levying fees on spaces enclosed for agricultural purposes.

Courts have held that boards must be able to show that a valid method was used in the fee justification study. In Summerhill Winchester LLC v. Campbell Union School District, the Court of Appeal concluded that a fee justification study must include the following three factors: (1) a projection of the total amount of new housing expected to be built within the district; (2) an estimate of how many students will be generated

DEVELOPER FEES (continued)

by the new development; and (3) an estimate of what it will cost to provide the necessary school facilities for the new students. Districts with questions about the adequacy of a fee justification study or how to analyze the reasonableness of a fee in relation to the type of development at issue should consult legal counsel.

Before taking action to establish, increase, or impose Level 1 developer fees, the Board shall conduct a fee justification study which: (Government Code 66001)

1. Identifies the purpose of the fee and the use to which the fee will be put
2. Determines a reasonable relationship between the fee's use and the type of development project for which the fee is imposed
3. Determines a reasonable relationship between the need for the facility and the type of development project for which the fee is imposed
4. Determines a reasonable relationship between the amount of the fee and the cost of the facility or portion of the facility attributed to the development for which the fee is imposed

Before levying developer fees or prior to increasing an existing fee, the Board shall hold a public hearing. The Superintendent or designee shall mail notice of the time and place of the meeting at which a public hearing shall occur, including a general explanation of the matter to be considered and a statement that the required data are available, at least 14 days prior to the meeting to any interested party who has requested such information. Any written request for mailed notices shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The district may charge a fee reasonably related to the cost of providing these materials. (Government Code 66016)

Information on the anticipated amount of fees, other available funds and funding sources, and the estimated cost of planning, land acquisition, and school construction shall be made available to the public at least 10 days before the hearing. (Government Code 66016)

At the hearing, the Board shall adopt a resolution for the levying of the developer fees. (Government Code 66016)

The resolution shall set forth:

1. The purpose of the fee, the use to which the fee is to be put, and the public improvement(s) that the fee will be used to finance (Government Code 66001, 66006)

DEVELOPER FEES (continued)

2. The Board's findings of reasonable relationship which justify the fees pursuant to Government Code 66001
3. If the district requires payment of the fee at a time earlier than the date of final inspection or the issuance of a certificate of occupancy, the district's determination of either of the following conditions which allow collection of the fees at the time when building permits are issued: (Government Code 66007)
 - a. That the fees are to reimburse the district for previous expenditures
 - b. That the fees shall be collected for public improvements or facilities for which an account has been established, funds have been appropriated, and the district has adopted a proposed construction schedule or plan

In the case of any commercial or industrial development, the Board shall make findings on either an individual project basis or on the basis of categories of commercial or industrial development. Those categories may include, but are not limited to, the following uses: office, retail, transportation, communications and utilities, light industrial, heavy industrial, research and development, and warehouse. The Board shall also conduct a study to determine the impact of the increased number of employees anticipated to result from the commercial or industrial development upon the cost of providing school facilities within the district. (Education Code 17621)

Level 2 Fees: Residential Construction

Note: Government Code 65995.5 allows the Board to impose a fee on residential construction that is higher than the Level 1 fee limit set forth in Government Code 65995 if the district makes a timely application to SAB for new construction funding under the State Facilities Program for which it is determined to be eligible by SAB pursuant to Education Code 17071.10-17071.76. In addition, Government Code 65995.5 requires the district to adopt a facility needs analysis and to satisfy the cost-saving/revenue-enhancing measures described in that section. The facility needs analysis required by Government Code 65995.6 serves a similar purpose as the fee justification study detailed above, but specifies different legal requirements, as well as a different approval and adoption process. Government Code 65995.5 clarifies that developer fees may be expended on the costs of performing the needs analysis as well as on the administrative costs associated with collecting the fees.

In order to impose Level 2 residential construction fees within the limits of Government Code 65995.5, the Board shall, in addition to fulfilling the requirements above for Level 1 fees, undertake the following: (Government Code 65995.5)

1. Make a timely application to the State Allocation Board (SAB) for new construction funding and be determined to be eligible by SAB

DEVELOPER FEES (continued)

2. Conduct and adopt a school facility needs analysis pursuant to Government Code 65995.6
3. Satisfy at least two of the requirements set forth in Government Code 65995.5(b)(3)(A-D)

Note: Government Code 65352.2 requires the district to provide the notification specified below to the appropriate city or county planning agency. If the parties decide to meet, Government Code 65352.2 specifies issues that may be considered at the meeting.

At least 45 days prior to completion of the school facility needs analysis, the Board shall notify and provide copies of the analysis to the planning commission or agency of the city or county with land use jurisdiction within the district. Upon request of either party, the Board and city or county shall meet within 15 days following notification. (Government Code 65352.2)

(cf. 7131 - Relations with Local Agencies)

The Board shall adopt the school facility needs analysis by resolution at a public hearing. (Government Code 65995.6)

This analysis shall not be adopted until the analysis, in its final form, has been made available to the public for a period of not less than 30 days. Prior to its adoption, the public shall have the opportunity to review and comment on the analysis and the Board shall respond to written comments it receives regarding the analysis. (Government Code 65995.6)

Not less than 30 days prior to the hearing, notice of the time and place of the hearing, including the location and procedure for viewing or requesting a copy of the proposed analysis, shall be published in at least one newspaper of general circulation within the jurisdiction of the district. If there is no paper of general circulation, the notice shall be posted in at least three conspicuous places within the district's jurisdiction not less than 30 days prior to the hearing. (Government Code 65995.6)

In addition, the Superintendent or designee shall mail a copy of the needs analysis not less than 30 days prior to the hearing to any person who has made a written request if the written request was made 45 days prior to the hearing. The district may charge a fee reasonably related to the cost of providing these materials. (Government Code 65995.6)

During the period of public review, the analysis shall be provided to the local agency responsible for land use planning for its review and comment. (Government Code 65995.6)

DEVELOPER FEES (continued)

Note: Government Code 65995.6 provides that if the school facility needs analysis is revised during the period of public review or at the public hearing, the approval process must recommence (e.g., another 30-day review period, published notice, etc.).

The school facility needs analysis may be revised at any time. The revision is subject to the same conditions and requirements applicable to the adoption of the analysis. The existing school building capacity shall be recalculated as part of any revision to the needs analysis. (Government Code 65995.6)

Note: Pursuant to Government Code 65995.6, the fees take effect immediately upon adoption and are effective for only one year. After one year, the district must repeat the adoption process.

The fees authorized by Government Code 65995.6 and 65995.7 shall be adopted by resolution as part of the adoption or revision of the school facilities needs analysis. The fees shall take effect immediately upon adoption of the resolution and may not be effective for more than one year. (Government Code 65995.6)

Level 3 Fees: Residential Construction

Note: Government Code 65995.7 authorizes a district that is eligible to receive the Level 2 funding the authority to levy a still higher fee on residential construction (Level 3 funding) upon a determination by SAB that state funds are no longer available.

When Level 3 fees are authorized by law and the district qualifies for Level 2 fees pursuant to Government Code 65995.5, the Board may assess a fee on residential construction pursuant to Government Code 65995.7.

The notice and hearing requirements, resolution requirement, and term of effectiveness for Level 3 fees shall be the same as the requirements for Level 2 fees as specified above. (Government Code 65995.7)

Use of Fees

Note: Pursuant to Government Code 66006, the district may establish a reasonable annual charge, based on estimated cost, for sending the following notice.

The Board shall review information provided by the Superintendent or designee pursuant to Government Code 66006 regarding each account or fund into which developer fees have been deposited, at the first regularly scheduled public Board meeting which occurs 15 days after the information is made available to the public. Fifteen-day prior notice of this meeting shall be mailed to any parties filing a written request pursuant to Government Code 66006. (Government Code 66006)

DEVELOPER FEES (continued)

Note: Pursuant to Government Code 66001, if the following findings are not made every five years as required, the district may be required to refund the moneys in the account or fund pursuant to Government Code 66006(e).

In addition to discharging its public disclosure duties regarding the levying of developer fees, the Board shall, for the fifth fiscal year after the first deposit into the account or fund and every five years thereafter, make all of the following findings with respect to the portion of the account or fund that remains unexpended, whether committed or uncommitted: (Government Code 66001)

1. Identify the purpose to which the fee is to be put
2. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged
3. Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements originally identified
4. Designate the approximate dates on which the funding referred to in item #3 is expected to be deposited into the appropriate account or fund

Legal Reference: (see next page)

DEVELOPER FEES (continued)

Legal Reference:

EDUCATION CODE

17070.10-17079.30 Leroy F. Greene School Facilities Act of 1998

17582 District deferred maintenance fund

17620-17626 Levies against development projects by school districts

101122 Schedule for allocation of proceeds from sale of bonds

GOVERNMENT CODE

6061 One time notice

6066 Two weeks' notice

65352.2 Level 2 funding notification requirement

65864-65869.5 Development agreements

65995-65998 Payment of fees against a development project

66000-66008 Fees for development projects

66016-66019 Procedures for adopting various fees

66020-66025 Protests, legal actions, and audits

CODE OF REGULATIONS, TITLE 2

1859-1859.108 School facility program

COURT DECISIONS

Tanimura & Antle Fresh Foods, Inc. v. Salinas Union High School District (2019) 34 Cal. App. 5th 775

Summerhill Winchester LLC v. Campbell Union School District (2018) 30 Cal. App. 5th 545

Cresta Bella, LP v. Poway Unified School District (2013) 218 Cal.App.4th 438

Warmington Old Town Associates (2002) 101 Cal.App.4th 840

Dolan v. City of Tigard (1994) 114 S.Ct. 2309

Garrick Development Company v. Hayward Unified School District (1992) 3 Cal.App.4th 320

Management Resources:

WEB SITES

Department of General Services, Office of Public School Construction: <https://www.dgs.ca.gov/OPSC>

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Facilities

AR 7211(a)

DEVELOPER FEES

The district shall send a copy of any Governing Board resolution adopting or increasing Level 1, 2, or 3 developer fees to the city and county, accompanied by all relevant supporting documentation and a map indicating the boundaries of the area subject to the fee. (Education Code 17621)

In cooperation with local governmental agencies issuing building permits, the Superintendent or designee shall establish a means by which all of the following shall be accomplished:

1. The project applicant shall receive a written statement of the amount of the fees and notification that the 90-day approval period during which the applicant may protest has begun. (Government Code 66020)

Note: Item #2 below is optional and is intended to ensure that the district will have evidence that the required notification was delivered.

2. The Superintendent or designee shall receive and retain acknowledgment that the above notification was received.
3. Before a permit is issued and upon the payment of the applicable fee or requirement, the Board shall immediately certify that the fee has been paid or that the district has determined that the fee does not apply to the development project. (Education Code 17620)

Developer fees shall be deposited, invested, accounted for, and expended pursuant to Government Code 66006. Developer fees shall be deposited in a separate capital facilities account, except for temporary investments allowed by law, and shall be used only for the purpose for which they were collected. Interest income earned by the capital facilities account shall also be deposited in that account and used only for the purpose for which the fee was originally collected. (Government Code 66006)

For each separate account so established, the Superintendent or designee shall, within 180 days after the last day of each fiscal year, make available to the public and the Board the following information for the fiscal year: (Government Code 66006)

1. A brief description of the type of fee in the account or fund
2. The amount of the fee
3. The beginning and ending balance of the account or fund

DEVELOPER FEES (continued)

4. The amount of the fees collected and the interest earned
5. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees
6. An identification of an approximate date by which the construction of the public improvement will commence if the district determines that sufficient funds have been collected to complete financing on an incomplete public improvement
7. A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan
8. The amount of refunds made pursuant to Government Code 66001(e) and any allocations made pursuant to Government Code 66001(f)

When sufficient funds have been collected to complete the financing of public improvements but such improvements remain incomplete, the district shall, within 180 days of the date that a determination of sufficient funding was made, either identify an approximate date by which construction will begin or refund the unexpended revenues in accordance with Government Code 66001. (Government Code 66001)

Appeals Process for Protests by Developers

The Superintendent or designee shall establish an appeals process for the handling of protests by developers. (Education Code 17621)

Developers of residential, commercial, and industrial projects who claim that the developer fee has been inappropriately levied shall use the following procedures: (Government Code 66020)

1. The developer shall tender any required payment in full or provide satisfactory evidence of arrangements to pay the fee when due or ensure performance of the conditions necessary to meet the requirements of the imposition.
2. The developer shall serve written notice to the Board which shall include:
 - a. A statement that the required payment is tendered or will be tendered when due, or that any conditions which have been imposed are provided for or satisfied, under protest

DEVELOPER FEES (continued)

- b. A statement informing the Board of the factual elements of the dispute and the legal theory forming the basis for the protest
3. The protest shall be filed at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees.

At the time of the imposition of the fee, the Superintendent or designee shall provide each project applicant written notice that the 90-day period in which the applicant may initiate a protest has begun. The developer may file an action to attack, review, set aside, void, or annul the imposition of the fees imposed on the development project within 180 days of delivery of the notice. (Government Code 66020)

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