

**HAPPY VALLEY SCHOOL DISTRICT
BOARD OF TRUSTEES**

April 19, 2023

3:30 pm, Multi-Purpose Room

Agenda

Revised 04/17/2023

A. Approval of Agenda

B. Approval of Minutes- Regular Board Meeting, March 15, 2023

C. Community Input

Members of the audience are welcome to address the Board of Trustees at this time during the meeting regarding items not listed on this agenda. The Trustees may ask questions for clarity but cannot take action on those matters, if desired, until such matters are appropriately placed on a future agenda, according to law. Three minutes may be allotted to each speaker and a maximum of twenty minutes to each subject matter (Board bylaws 9323).

D. Board Report

E. Superintendent's Report

F. Staff Report

G. Student Report

H. Information Items

1. Financial Sub-Committee

The Board will receive an update from the Financial Sub-Committee

2. Survey Results

The Board will receive an update regarding survey results.

3. Enrollment

The Board will receive information regarding the 2023/2024 enrollment

4. Santa Cruz County's Classified Employee of the Year Award

The Board will receive information regarding Santa Cruz County's Classified Employee of the Year Award.

5. Positive Certification for 2022/2023 Second Interim Financial Report

The Board will receive information regarding the Positive Certification of the 2022/2023 Second Interim Financial Report.

6. Audit Certification

The Board will receive an update regarding the 2021/2022 Audit Certification.

7. Strategic Plan

The Board will receive information regarding Happy Valley Elementary School District Strategic Plan.

I. Action Items

1. Community Foundation of Santa Cruz

The Board will receive information from the Community Foundation of Santa Cruz and make a determination as to where monies will be deposited.

2. Quarterly Status Report of Uniform Complaint

The Board will receive the 3rd quarter report of 2022/2023 Uniform Complaints related to the Williams Settlement.

3. Board Resolution 22-23-04, Emergency Provision to Forego Bid Process

The Board will consider the approval of Board Resolution 22-23-04, Emergency Provision to Forego the Bid Process.

4. Board Policy Update

The Board will receive information regarding board policy updates and will consider approval of these.

J. Consent Items

1. The Board will consider approval of vendor warrants paid since the last meeting.

K. Communications and Announcements

1. Apr 17- May 4- CAASPP Testing, Grades 3-6
2. Apr. 28- PeaceBuilder Assembly, 10:20 am, Stage
3. Apr. 28- Spirit Day, Marsupial Day
4. May 10- Spring Concert, 10:40 am, Stage
5. May 10- Board Meeting, 3:30 pm, MPR
6. May 11- Open House, 5:00 pm to 7:00 pm.
7. May 17- Parent Club Meeting, 6:30 pm, Zoom

L. Closed Session

Superintendent Contract and Negotiations

M. Report Out of Closed Session

N. Adjournment

**HAPPY VALLEY SCHOOL DISTRICT
BOARD OF TRUSTEES**

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Happy Valley School District
Regular Board Meeting
March 15, 2023
MINUTES

The meeting was called to order by the Board President at 3:30pm

BOARD MEMBERS PRESENT: Willet, Freeman, Hodges, Click Richardson

BOARD MEMBERS ABSENT: Frandle

STAFF MEMBERS PRESENT: Stewart, Lynd, Ruwe

STUDENTS PRESENT: None

A. CLOSED SESSION

The Board adjourned into closed session at 3:31pm to discuss Superintendent goals and negotiations.

B. REPORT OUT OF CLOSED SESSION

The Board opened from closed session at 4:00pm, reported that they discussed Superintendent goals. No need to adjourn back into closed session at the end of the meeting.

C. APPROVAL OF THE AGENDA

MSC CLICK RICHARDSON/FREEMAN to approve the Board Meeting agenda with the change of Action Item K. 1. moved to before Information Items. Unanimous.

D. APPROVAL OF THE MINUTES

MSC FREEMAN/WILLET to approve the minutes from the Regular Board Meeting February 15, 2023. Unanimous.

E. COMMUNITY INPUT

-Two students spoke about their experiences at Happy Valley.

-A current parent spoke to the Board about the flooding and devastation to Pajaro Valley and would like the Parent Club to donate money raised from the Read-a-Thon.

F. BOARD REPORT

Nothing to report.

G. SUPERINTENDENT'S REPORT

Michelle Stewart informed the Board of the following:

1. The Art and Music room flooded again. The COE is sending maintenance support.
2. Cool Earth Landscapes will be doing work over Spring Break to put in French drains.
3. Attended the final conference of the year at Small School District Association in Sacramento. Presented a breakout session on Climate and Culture. .
4. Since the last Board meeting we've had the Science Fair, a snake assembly and The Read-A-Thon. The money raised was unprecedented.

5. The 4th graders had to postpone their trip to Coloma due to the weather.
6. FAQs regarding Interdistrict Transfers has been put on the website with the input of parents.
7. Everyone is looking forward to sunshine and all the fun activities that come with Spring.

H. STAFF REPORT

Carey Ruwe informed the Board that teachers are looking forward to Staff Development Day.

I. STUDENT REPORT

Nothing to report. No students present.

J. ACTION ITEM

1. DESIGNATION OF CALIFORNIA SCHOOL BOARD ASSOCIATION (CSBA)
DELEGATE FOR SUBREGION 9-A
MSC FREEMAN/WILLET to vote Mark Becker to serve a two year term as CSBA Delegate for Subregion 9-A. Unanimous.

K. INFORMATION ITEMS

1. CALIFORNIA SCHOOL DASHBOARD
The Board received information regarding the California School Dashboard.
Chronic absenteeism continues to be a concern.
2. STAKEHOLDER ENGAGEMENT
The Board received information about the LCAP development process including meaningful stakeholder engagement. We will continue to use and welcome volunteers. There was agreement on current goals and action steps.
3. STRATEGIC PLAN
The Board discussed a Strategic Plan for Happy Valley School, no changes to be made at this time. The Plan will be reviewed in future meetings by the staff and parents.
4. EXTENSION REQUEST APPROVAL
The Board received information regarding the extension request approval regarding the fiscal year 2021-2022 Happy Valley Elementary School District audit report.
5. HEROES OF HAPPY VALLEY
The Board received an update on the April 16th induction, to be held in conjunction with field day. There will be a community lunch and ceremony following field day.

L. ACTION ITEMS

1. RESOURCE SPECIALIST PROGRAM TEACHER
MSC FREEMAN/WILLET to approve the increase of the Resource Specialist Program Teacher position to FTE .49 for the 2023-2024 school year.
Unanimous.
2. 2022-2023 2nd INTERIM BUDGET REPORT FOR HAPPY VALLEY SCHOOL

MSC WILLET/FREEMAN to approve the Happy Valley School District's 2022-2023 2nd Interim Budget and Multi-Year Project Report. Unanimous.

3. 2023-2024 ENROLLMENT

The Board to consider enrollment options for the 2023-2024 school year.

The Board discussed the possibility of moving into ADA and agreed that the financial impact is not substantial enough to deny IDT's based on funding for the 2023-2024 school year. There continues to be enrollment concerns at the intermediate grades.

Community Members asked that the Board make clear Basic Aid vs ADA and how it affects enrollment, that the Board make clear criteria for IDT's, if additional resources could be used to help teachers in combo classes if additional combo classes would mean accepting all IDT's, and that is also hard for the 6th graders who might not have IDT's approved.

MSC HODGES/FREEMAN to direct Superintendent to approve all IDT's through 5th grade and hold 6th grade IDT applications until there are more updates to enrollment numbers and to investigate ways to keep all 6th grade IDT's. Unanimous.

4. LOTTERY FOR INTER DISTRICT TRANSFER STUDENTS

The Board to consider lottery options for Inter District Transfer students.

Community Members asked that there be a pause to think about process for future, holding 6th grade IDT's and no lottery at this time.

MSC HODGES/CLICK RICHARDSON to direct the Superintendent to make a decision on instituting a lottery after surveying the 6th grade IDT parents. Unanimous.

5. FINANCIAL SUB-COMMITTEE

The Board to consider a short-term financial sub-committee to explore options for the 2023-2024 school year.

Community members asked that there still be a sub-committee to explore options for not only the 2023-2024 school year, but future enrollment concerns and suggested staff to be a part of the committee.

MSC FREEMAN/HODGES to approve the formation of a short-term financial sub-committee consisting of 2 IDT parents, 2 in district parents, 2 Board members and the Superintendent to meet at least once before Board meetings.


The sub-committee members can be different from month to month. Unanimous.

M. CONSENT ITEMS

MSC FREEMAN/HODGES to approve the vendor warrants paid since the last meeting. Unanimous.

N. COMMUNICATION AND ANNOUNCEMENTS

1. March 15, 2023 - Parent Club Meeting, 6:30pm, MPR
2. March 17, 2023 - No School, Staff Development Day
3. March 24, 2023 - PeaceBuilder Assembly, 10:20am, Stage
4. March 24, 2023 - Spirit Day, Pajama Day
5. March 30, 2023 - Kindergarten Round Up, 9:00am, MPR
6. April 3 - April 7, 2023 - No School, Spring Break

- 
7. April 19, 2023 - Board Meeting, 3:30pm, MPR
 8. April 19, 2023 - Parent Club Meeting, Via Zoom
 9. April 28, 2023 - PeaceBuilder Assembly, 10:20am, Stage
 10. April 28, 2023 - Spirit Day, TBA

O. **ADJOURNMENT**

MSC CLICK RICHARDSON/FRANDLE to adjourn the meeting, there being no further business, 6:11pm. Unanimous.

pl





SANTA CRUZ
COUNTY OFFICE OF
EDUCATION
DR. FARIS SABBAAH • SUPERINTENDENT OF SCHOOLS

BOARD OF EDUCATION

Mr. Ed Acosta
Ms. Alyssa Alto
Ms. Rose Filicetti
Ms. Sandra Nichols
Ms. Sue Roth
Mr. Abel Sanchez
Mr. Bruce Van Allen

400 Encinal Street, Santa Cruz, CA 95060 • Tel (831) 466-5600 • Fax (831) 466-5607 • www.santacruzcoe.org

April 3, 2023

Paige Lynd, Administrative Assistant
Happy Valley Elementary School District
3125 Branciforte Drive
Santa Cruz, CA 95065

Dear Ms. Lynd

This is to inform you that you have been selected for **Santa Cruz County's Classified Employee of the Year Award**. On behalf of the residents of Santa Cruz County, I congratulate you on being nominated by your peers for this honor. You are representative of a group of exemplary leaders in education, going above and beyond the call of duty to ensure that our public school children receive a high-quality education.

With such talented and dedicated educators working in Santa Cruz County, the future of public education in our community looks brighter than ever. Your efforts were recognized due to your excellent work as a leader at Happy Valley for many years. Your colleagues noted that you are devoted to your students and their families, and you are compassionate, supportive and welcoming to everyone. You are knowledgeable about all of the programs and services that are available for students and staff, and you always go above and beyond in your job. You are friendly, kind, caring, honest, fair, generous, reliable and always ready to lend a hand with a warm smile for everyone. You have spearheaded positive change in education, and you have truly been a gift to Happy Valley.

We hope this recognition validates the tremendous efforts you have put forth over the years in the service of our students and our schools. We will be recognizing our local winners at our May (in person) board meeting on May 18, 2023, starting at 4 PM. We hope you can join us for this celebration along with family, colleagues, and/or friends that you would like to invite.

Sincerely,

Dr. Faris Sabbah
County Superintendent of Schools
Santa Cruz County Office of Education

Copy: Michelle Stewart, Superintendent, Happy Valley Elementary School District

Happy Valley Elementary School District Strategic Plan

January 18, 2023

School Board

Cliff Hodges, Board President

Jacob Willet, Clerk

Katie Freeman

Rachel Click-Richardson

Kyle Frandle

Superintendent/Principal

Michelle Stewart

I. What is a Strategic Plan?

Strategic planning is an organizational activity that is used to:

- set priorities
- ensure equity of access and in outcomes
- focus energy and resources
- strengthen operations
- ensure that employees and other stakeholders are working toward common goals
- establish agreement around intended outcomes and processes for monitoring results
- assess and adjust the organization's direction in response to a changing environment

II. LCAP: Local Control Accountability Plan

The LCAP is a tool for local educational agencies to set goals, plan actions, and leverage resources to meet those goals to improve student outcomes.

III. Core Values

- a. What are our Core Values?

Happy Valley Elementary School District Strategic Plan

IV. Mission

A Mission Statement is the description of the founding purpose and commitments of the educational organization.

- a. What words are most important to you in the current mission?
- b. Is there anything missing?
- c. What do we want to change or add?

V. Vision of the future

The vision is the ultimate goal – where we hope to see something in the future and how we plan to accomplish the vision.

- a. Look at examples.
- b. Outline our vision
 - i. Brainstorm key words
 - ii. Are our core values included in the vision?

VI. What do we want to include in our plan?

- a. Overall goal areas
 - Student Achievement and Engagement
 - Continuous Improvement of Teaching and Learning
 - Positive School Culture
 - Social Emotional Wellbeing
 - Fiscal Stewardship
 - Facilities
 - Public Relations
 - Community Engagement

b. Action steps (2-3 under each area)

1. Identity measurables
2. Find systems to evaluate (See below for template)

VII. Communication

- a. Send to the community and staff for feedback
- b. Possible sub-committee
- c. Review at upcoming board meetings, possibly a goal a month.

Happy Valley Elementary School District Strategic Plan

Our Mission

Happy Valley School's Mission is to educate the whole child in a small, safe, community supported school that provides a solid foundation to achieve academic, social, and emotional success.

Smart Goals:

- Specific: clear and specific
- Measurable
- Actionable
- Realistic
- Timebound

Possible Measurement Template

Goal: _____

Action Step	Metrics - Measurement	2022-23 Tasks	2022-23 Update	2023-24 Tasks	2023-24 Update
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OR

Goal: _____

Description/Data Demonstrating Baseline/Current State

Outcome	Planned Strategy / Action	Time Frame	Responsible Party
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Happy Valley Elementary School District Strategic Plan

Our Mission

Happy Valley School's Mission is to educate the whole child in a small, safe, community supported school that provides a solid foundation to achieve academic, social, and emotional success.

Our Vision

Happy Valley will be a place where all students will be prepared for academic, social, and emotional success for the next stages of life and school.

Our Core Values

- Provide an exceptional education with high expectations
- Value honesty and integrity
- Engage our diverse community
- Cultivate aware and involved citizens
- Recruit, retain and support high quality staff
- Honor students as individuals with a focus on the whole child
- Foster a small school environment
- Provide a safe place both academically and emotionally
- Create a growth mindset

Happy Valley Goals

I. Student Achievement and Engagement

- Provide differentiation for all students
- Provide extra curricular activities such as garden, library, art and music
- Evaluate current teaching practices and investigate curriculum that supports all learners
- Provide social and emotional supports for all students

II. Fiscal Stewardship

- Maintain balanced budget

Happy Valley Elementary School District Strategic Plan

- Provide safe and well-maintained facilities

III. Public Relations

- Support community engagement and Provide events that the community is invited to (i.e. Heroes of Happy Valley)
- Collaborate with the HVES Parent Club
- Participate in work days that enhance the campus
- Communicate transparently to the school community about important Board decisions

IV. Human Resources

- Retain, recruit (when necessary) and support high quality staff
- Create positive relations between the staff and school board

Goal I. Student Achievement and Engagement

Action Step 1	Provide differentiation for all students
Metrics, Measurement	Benchmark/ report card data Intervention schedule
2022-23 Benchmark	
2023-24 Tasks	
2023-24 Update	

Action Step 2	Provide extra curricular activities
Metrics, Measurement	Schedule of pull outs and after school activities Survey of students/parents
2022-23 Benchmark	
2023-24 Tasks	

Happy Valley Elementary School District Strategic Plan

2023-24 Update	
Action Step 3	Evaluate current teaching practices and investigate curriculum that supports all learners
Metrics, Measurement	Reports from Professional Development Textbook adoption and supplemental resources Surveys from teachers
2022-23 Benchmark	
2023-24 Tasks	
2023-24 Update	

Action Step 4	Provide social and emotional supports for all students
Metrics, Measurement	Reports from Counseling program Information about PeaceBuilder Program Parent, staff and student surveys
2022-23 Benchmark	
2023-24 Tasks	
2023-24 Update	

Goal II. Fiscal Stewardship

Action Step 1	Maintain balanced budget
Metrics, Measurement	Board Reports Positive certification from the COE
2022-23 Benchmark	
2023-24 Tasks	

Happy Valley Elementary School District Strategic Plan

2023-24 Update	
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Action Step 2	Provide safe and well-maintained facilities
Metrics, Measurement	SARC Workmans' Comp
2022-23 Benchmark	Hired a maintenance worker beginning March, 2023
2023-24 Tasks	
2023-24 Update	

Goal III. Public Relations

Action Step 1	Support community engagement and provide events that the community is invited to (i.e. Heroes of Happy Valley)
Metrics, Measurement	Attendance
2022-23 Benchmark	
2023-24 Tasks	
2023-24 Update	

Action Step 2	Collaborate with the HVES Parent Club
Metrics, Measurement	??

Happy Valley Elementary School District Strategic Plan

2022-23 Benchmark	
2023-24 Tasks	
2023-24 Update	

Action Step 3	Participate in work days that enhance the campus
Metrics, Measurement	Attendance at scheduled work days
2022-23 Benchmark	
2023-24 Tasks	
2023-24 Update	

Action Step 4	Communicate transparently to the school community about important Board decisions
Metrics, Measurement	Newsletters Website Community response at Board Meetings
2022-23 Benchmark	
2023-24 Tasks	
2023-24 Update	

Goal IV. Human Resources

Happy Valley Elementary School District Strategic Plan

Action Step 1	Retain, recruit (when necessary) and support high quality staff
Metrics, Measurement	Salary Schedule List of retention of teachers CBA
2022-23 Benchmark	
2023-24 Tasks	
2023-24 Update	

Action Step 2	Create positive relations between the staff and school board
Metrics, Measurement	Staff reports at Board meetings Surveys
2022-23 Benchmark	
2023-24 Tasks	
2023-24 Update	



Paige Lynd <plynd@hvesd.com>

Community Foundation Santa Cruz County 2023 Agency Payout - Check Payment!

1 message

Alexa Klingler <AKlingler@cfsc.org>
To: "plynd@hvesd.com" <plynd@hvesd.com>

Tue, Feb 28, 2023 at 5:04 PM



Michelle Stewart, Superintendent / Principal

Happy Valley Elementary School

3125 Branciforte Drive

Santa Cruz, CA 95065-9661

Re: Grant number: 49284

I am happy to let you know that the Community Foundation's Board of Directors has released a grant in the amount of **\$45246** to your organization. This is the annual endowment payout from the Happy Valley School Foundation Fund and its associated donor gifts fund at the Foundation.

The amount of your endowment payout is based upon the Foundation's spending policy for endowed funds. Currently, that spending policy provides for an annual payout rate of 3.75% applied to the average balance of your Fund over 12 trailing quarters ending on December 31, 2022, if the year-end Fund balance was equal to or greater than 98% of the total historical gifts received by your Fund.

We have sent a check for grant **49284**. **Your organization will be receiving the grant check via regular mail. If you have not received the check within 10 business days, please contact grants@cfsc.org.**

As stated in the Fund's agreement, the purpose of this grant, is to support cultural and arts programs and academic programs that benefit students at Happy Valley School

By drawing upon these funds, you agree:

- Grant funds will be used only for the charitable purposes indicated above; and
- Records showing how grant funds were spent will be maintained and available to the Foundation and its auditors upon request.

If you have any questions about your endowed fund, please feel free to contact our Director of Philanthropic Services, Sam Leask, at (831) 662-2060, or email sleask@cfsc.org.
Thank you for partnering with Community Foundation Santa Cruz County.

COMMUNITY FOUNDATION SANTA CRUZ COUNTY
7807 Soquel Drive | Aptos, CA 95003
831.662.2000 | grants@cfsc.org

COMMUNITY FOUNDATION SANTA CRUZ COUNTY

7807 SOQUEL DRIVE
APT 105, CA 95003
831-662-2000



SANTA CRUZ
COUNTY BANK

PO BOX 6408
SANTA CRUZ, CA 95061



90-4373/1211

500368

Forty-five thousand two hundred and forty-six dollars and 00/100*****

03/01/2023

***45,246.00

AMOUNT

PAY
TO THE
ORDER
OF

Happy Valley Elementary School
3125 Branciforte Drive
Santa Cruz, CA 95065-9661

grant 49284



AUTHORIZED SIGNATURE

[Signature]

⑈500368⑈ ⑆121143736⑆ 013030457⑈

Security features. Details on back.

**QUARTERLY DISTRICT STATUS REPORT OF UNIFORM COMPLAINTS
TO THE COUNTY SUPERINTENDENT OF SCHOOLS
QUARTER ENDED March 31, 2023**

DISTRICT: Happy Valley Elementary **Date Reported to the Board** April 19, 2023

I. INSTRUCTIONAL MATERIALS

A) Insufficient textbooks or instructional materials in the classroom:

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
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- Explanation: _____

B) Insufficient textbooks or instructional materials to take home:

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
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- Explanation: _____

C) Textbooks or instructional materials in poor or unusable condition:

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
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- Explanation: _____

II. TEACHER VACANCY OR MISASSIGNMENT

A) No assigned certified teacher at beginning of the semester:

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
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- Explanation: _____

**B) Teacher lacking credentials or training to teach English Language Learners (ELL) with
More than 20% Ell in class:**

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
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- Explanation: _____

D) Teacher instructing class lacking subject matter competency:

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
----------------------	-------------------------------	----------------------------------

- Explanation: _____

III. FACILITIES

A) Conditions pose an emergency or urgent threat to the health or safety of students/staff:

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
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- Explanation: _____

HAPPY VALLEY ELEMENTARY SCHOOL DISTRICT
Santa Cruz, CA

Board Resolution #22-23-04

Emergency Provision to Forego Bid Process

WHEREAS, Public Contract Code Section 20113 provides emergency provisions when any repairs, alternations, work, or improvement is necessary to permit the continuance of existing school classes or avoid danger to life or property, the Board may, by unanimous vote, with the approval of the County Superintendent of Schools, make a contract in writing or otherwise on behalf of the District for the performance of labor and furnishing of materials or supplies for the purpose without advertising for inviting bids; and

WHEREAS, The Happy Valley School District has identified an immediate need to repair the Art and Music Room due to water damage at 3125 Branciforte Dr.

WHEREAS, It is necessary to immediately contract for the performance of labor and materials in order for the Art and Music room to be repaired.

BE IT FURTHER RESOLVED, That the Superintendent of Happy Valley School is hereby authorized to transmit an executed copy of this resolution to the Santa Cruz County Superintendent of Schools and request his approval of the findings and directions contained herein; and

BE IT FURTHER RESOLVED, That upon the approval by the Santa Cruz County Superintendent of Schools, the Superintendent of Happy Valley School is hereby authorized and directed to make such contract or contract(s) in writing or otherwise on behalf of the District for the performance of labor and furnishing of materials or supplies sufficient to repair the Art and Music Room at Happy Valley School without advertising for or inviting bids.

Passed and Adopted this 19th day of April 2023, by the governing board of the Happy Valley Elementary School District of Santa Cruz County, California by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAINING: _____

State of California

County of Santa Cruz

I, Michelle Stewart, Secretary of Governing Board of Happy Valley Elementary School District, State of California, do hereby certify that the foregoing resolution was duly adopted by the said Board at a regular meeting held on April 19, 2023.

Michelle Stewart, Secretary, Happy
Valley School Board

CSBA UPDATE CHECKLIST – March 2023

District Name: Happy Valley School District

Contact Name: Michelle Stewart Phone: 83-429-1456 Email: mstewart@hvesd.com

POLICY	TITLE	OPTIONS/BLANKS	ADOPT DATE
BP 4030	Nondiscrimination In Employment		
BP 4218	Dismissal/Suspension/Disciplinary Action		
AR 4218	Dismissal/Suspension/Disciplinary Action		
AR 5113	Absences And Excuses		
AR 5131.41	Use Of Seclusion and Restraint		
AR 5144	Discipline		
AR 5144.1	Suspension And Expulsion/Due Process		
AR 5144.2	Suspension And Expulsion/Due Process (Students with Disabilities)		
AR 6115	Ceremonies And Observances		
BP 6173	Education For Homeless Children		
AR 6173	Education For Homeless Children	Fill in Blanks _____ _____ _____	

POLICY	TITLE	OPTIONS/BLANKS	ADOPT DATE
BP 6173.1	Education For Foster Youth		
AR 6173.1	Education For Foster Youth	Fill in Blanks _____ _____ _____	

BP 6177	Summer Learning Programs	OPTION 1: <input type="checkbox"/> OPTION 2: <input type="checkbox"/> AND OPTION 1: <input type="checkbox"/> OPTION 2: <input type="checkbox"/>	
BB 9270	Conflict Of Interest		
BB 9320	Meetings And Notices	Fill in Blanks <hr/> <hr/> <hr/>	

CSBA POLICY GUIDE SHEET
March 2023

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

Board Policy 3555 - Nutrition Program Compliance

Policy updated to clarify that prohibited discrimination includes alleged discrimination on the basis of race, color, national origin, age, sex, sexual orientation, gender identity, or disability. Policy also updated to reflect United States Department of Agriculture CRD memorandum 01-2022, "Application of Bostock v. Clayton County to Program Discrimination Complaint Processing," which clarifies that prohibited sex discrimination includes discrimination on the basis of gender identity and sexual orientation. Policy also updated to include that complaints against a program operator that is not an educational agency shall be filed with or referred to the California Department of Education.

Exhibit(1) 3555 - Nutrition Program Compliance

Exhibit updated to reflect current language of the United States Department of Agriculture Nondiscrimination Statement.

Board Policy 4030 - Nondiscrimination in Employment

Policy updated to reflect NEW LAW (SB 523, 2022) which adds reproductive health decisionmaking as a form of prohibited discrimination, and prohibits an employer from requiring an applicant or employee to disclose information relating to an employee's reproductive health decisionmaking.

Board Policy 4218 - Dismissal/Suspension/Disciplinary Action

Policy updated to reflect NEW LAW (AB 2413, 2022) which prohibits a district from suspending, demoting, or dismissing a permanent classified employee who timely requests a hearing pending the outcome of that hearing.

Administrative Regulation 4218 - Dismissal/Suspension/Disciplinary Action

Regulation updated to clarify that a classified employee against whom a recommendation for disciplinary action has been issued may remain on active duty or may be placed on paid leave pending a hearing on the charges. Regulation also updated to reflect NEW LAW (AB 2413, 2022) which prohibits a district from suspending without pay, suspending or demoting with a reduction in pay, or dismissing a permanent classified employee who timely requests a hearing unless it is found by a preponderance of the evidence at the time discipline was imposed that the employee (1) engaged in criminal misconduct, (2) engaged in misconduct that presents a risk of harm to students, staff, or property, or (3) committed habitual violations of the district's policies or regulations. Additionally, regulation updated to provide that a district may cease paying an employee if a decision has not been rendered within 30 days of the date the hearing was requested.

Administrative Regulation 5113 - Absences and Excuses

Regulation updated to reflect NEW LAW (SB 955, 2022) which includes, as another type of required excused absence, the absence of a middle school or high school student for the purpose of participating in a civic or political event, as defined, provided that the student notifies the school ahead of the absence, and NEW LAW (AB 181, 2022) which no longer requires the State Board of Education to update its illness verification regulations as necessary to account for including, as a personal illness excused absence, a student's absence for the benefit of the student's mental or behavioral health. Regulation also updated to clarify that absences for participation in religious exercise or to receive moral and religious instruction are excused, but that in order for districts to receive average daily attendance funding for such absences, the Governing Board is required to first adopt a resolution permitting an excused absence for such purposes.

Administrative Regulation 5131.41 - Use of Seclusion and Restraint

Regulation updated to clarify the limited exception when seclusion and/or behavioral constraint may be used, and to reflect that it cannot be applied for longer than necessary to contain the dangerous behavior. Regulation also updated to include, as appropriate, concepts from the December 2022 Davis Joint Unified School District Resolution Agreement with the U.S. Department of Education, Office for Civil Rights, regarding the use of seclusion and restraint as it relates to a free appropriate public education for students with disabilities. Regulation also updated to add a new section "Documentation of Seclusion and Restraint."

Administrative Regulation 5144 - Discipline

Regulation updated to incorporate NEW GUIDANCE from the U.S. Department of Education, Office for Civil Rights, issued to help districts support students with disabilities and avoid discriminatory discipline practices.

Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process

Regulation updated to provide that "suspension" does not include removal from class, as specified, so long as removal from a particular class does not occur more than once every five school days, add definitions related to electronic acts as a mode of bullying, include that a teacher may, in addition to suspending a student from class, refer a student for specified acts to the Principal or designee for consideration of a suspension from school, and clarify that immediate suspension is required for any student found at school or a school activity away from school who committed any of the enumerated acts for which a recommendation of expulsion is required. Regulation also updated to reflect NEW LAW (AB 740, 2022) which provides for additional due process procedures for suspension of foster youth and Indian children.

Administrative Regulation 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)

Regulation updated to reflect NEW GUIDANCE from the U.S. Department of Education's Office of Special Education and Rehabilitative Services, which recommends that districts identify ways to significantly reduce the use of exclusionary discipline and its disproportionate effect on student with disabilities, and the U.S. Department of Education's Office for Civil Rights, which provides that, for a student with a disability under Section 504, schools are required to conduct a manifestation determination before implementing a disciplinary removal that will significantly change the placement of the student due to discipline for (1) removal from class or school for more than 10 consecutive school days, or (2) a series of removals from class or school that together total more than 10 school days in a school year and constitute a pattern of removal. Regulation also updated to emphasize that suspension or expulsion of a student with disabilities be in accordance with Board Policy 5144.1 - Suspension and Expulsion/Due Process, and that when a student with disabilities exhibits behavior which impedes the student's own learning or that of others, the student's individualized education program (IEP) team consider positive behavioral interventions and supports, and other strategies, to address the behavior. Additionally, regulation updated, for conceptual alignment, to move material regarding the monitoring of the number of days of a suspension of student with an IEP, and reflect NEW LAW (AB 740, 2022) which provides that a foster youth's educational rights holder, attorney, and county social worker, and an Indian child's tribal social worker and, if applicable, county social worker, have the same rights as a parent/guardian to receive a suspension notice, expulsion notice, manifestation determination notice and invitation to the manifestation determination meeting, involuntary transfer notice, and other documents and related information.

Administrative Regulation 6115 - Ceremonies and Observances

Regulation updated to reflect NEW LAW (AB 1655, 2022) which adds June 19, "Juneteenth National Independence Day," to the list of holidays on which public schools must be closed and NEW LAW (AB 1801, 2022) that adds Genocide Remembrance Day to the list of days districts are authorized to close. Regulation also updated to clarify language regarding days on which schools are required to be closed based on appointment by the Governor or President, and to encourage districts to observe a moment of silence on September 11th Remembrance Day, as authorized by law.

Board Policy 6173 - Education for Homeless Children

Policy updated to reflect NEW LAW (AB 408, 2022) which (1) mandates that districts establish homeless education program policies and update those policies at least once every three years, and (2) requires the liaison for homeless students to offer annual training to district employees providing services to students experiencing homelessness and to inform such employees of the availability of training and the services provided by the liaison. Policy also updated to reflect NEW LAW (AB 2375, 2022) which requires districts, regardless of whether they received American Rescue Plan Act of 2021 funds, to annually administer a housing questionnaire for the purpose of identifying students experiencing homelessness, including unaccompanied minors, and annually report that number of students to the California Department of Education (CDE). Additionally, policy updated to reflect NEW LAW (SB 532, 2022) which requires districts to annually report to CDE the number of students experiencing homelessness who graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements. Policy updated throughout to change language from "homeless student" to "student experiencing homelessness."

Administrative Regulation 6173 - Education for Homeless Children

Regulation updated to reflect NEW LAW (AB 408, 2022) which (1) mandates that districts establish homeless education program policies and update those policies at least once every three years, and (2) requires the liaison for homeless students to offer annual training to district employees providing services to students experiencing homelessness and to inform such employees of the availability of training and the services provided by the liaison. Regulation also updated to clarify what factors to consider when determining the "best interest" of the student in enrollment decisions. Additionally, regulation updated to reflect NEW LAW (AB 181, 2022) which exempts a student classified as unduplicated from paying a fee for transportation and NEW LAW (SB 532, 2022) which provides, when a student experiencing homelessness transfers into a district school, for additional requirements regarding the transfer of coursework and credits, exemptions from district-established graduation requirements, and for the option to remain in school to complete district-established or statewide course requirements. Regulation updated throughout to change language from "homeless student" to "student experiencing homelessness."

Board Policy 6173.1 - Education for Foster Youth

Policy updated to move material regarding a safe learning environment toward the beginning of the policy as it is philosophical in nature and has general implications, and reflect NEW LAW (SB 532, 2022) which requires districts to annually report to the California Department of Education regarding the number of foster youth who, for the prior school year, graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements.

Administrative Regulation 6173.1 - Education for Foster Youth

Regulation updated to reflect NEW LAW (AB 181, 2022) which (1) amends the definition of foster youth, and (2) requires districts that provide home-to-school transportation and other transportation expressly provided by in law to waive transportation fees for foster youth. Regulation also updated to align the definition of "school of origin" with code language, reflect NEW LAW (AB 740, 2022) which provides that a foster youth's educational rights holder, attorney, and county social worker have the same rights as a parent/guardian to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information and NEW LAW (SB 532, 2022) which provides, when a foster youth transfers into a district school, for additional requirements regarding the transfer of coursework and credits, exemptions from district-established graduation requirements, and for the option to remain in school to complete district-established or statewide course requirements.

Board Policy 6177 - Summer Learning Programs

Policy updated to clarify that summer learning programs are part of the Expanded Learning Opportunities (ELO) Program and to reflect the requirements of the ELO programs to offer access to specified students, as provided in NEW LAW (AB 181 and 185, 2022). Policy also updated to reference NEW GUIDANCE from

the California Department of Education which clarifies that districts are prohibited from charging fees for summer school.

Board Bylaw 9270 - Conflict of Interest

Bylaw updated to reflect NEW LAW (SB 1439, 2022) which makes applicable to elected district officers the prohibition against accepting, soliciting, or directing a contribution of more than \$250 from any party or participant to a proceeding involving a license, permit, or other entitlement for use, including a contract, or from that person's agent, while the proceeding is pending before the Board and for 12 months following the date a final decision is rendered in the proceeding, and from participating in making, or in any way attempting to use the official position to influence the Board's decision when a district officer received a contribution of more than \$250 from a party or participant in the preceding 12 months, as specified. Bylaw also updated to clarify, for a Board member who manages public investments, that when an item on the consent calendar is one in which the Board member has a financial interest, the Board member is required to either make a motion to remove the item from the consent calendar or abstain from voting on the consent calendar.

Board Bylaw 9320 - Meetings and Notices

Bylaw updated to reflect NEW LAW (AB 2449, 2022) which (1) requires Boards to maintain and implement a procedure for receiving and resolving requests for reasonable accommodation for individuals with disabilities, to resolve any doubt in favor of accessibility, and to give notice of the procedure for receiving and resolving requests for accommodation in each instance in which notice of the time of a meeting is otherwise given or the agenda is otherwise posted, and (2) adds procedures for "Teleconferencing During a Personal Emergency" and "Teleconferencing for 'Just Cause'". Bylaw also updated to reflect NEW LAW (AB 2647, 2022) which provides a procedure for complying with the Brown Act when distributing materials to the Board less than 72 hours before a regular meeting and outside of regular business hours. Additionally, bylaw updated to reference the expiration of the California COVID-19 State of Emergency on February 28, 2023 and to clarify that a Board may utilize "Teleconferencing During a Proclaimed State of Emergency," if all terms are met pursuant to Government Code 54953, until January 1, 2024.

CSBA Policy Management Console

CSBA Sample District Policy Manual

Policy 4030: Nondiscrimination In Employment

Status: ADOPTED

Original Adopted Date: 05/01/2016 | Last Revised Date: 03/01/2023 | Last Reviewed Date: 03/01/2023

The Governing Board is determined to provide a safe, positive environment where all district employees are assured of full and equal employment access and opportunities, protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy, employees include job applicants, interns, volunteers, and persons who contracted with the district to provide services, as applicable.

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

Employers are also prohibited from discrimination against employees or job applicants on the basis of reproductive health decisionmaking, defined as a person's decision to use or access a particular drug, device, product, or medical service for reproductive health. (Government Code 12926, 12940)

The district shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that the district is required to do so in order to comply with federal immigration law. (2 CCR 11028)

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

1. Hiring, compensation, terms, conditions, and other privileges of employment
2. Taking of adverse employment actions such as termination or denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities or that has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive work environment
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
 - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status
 - b. Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement
 - c. Requiring medical or psychological examination of a job applicant or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity
 - d. Failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee

- e. Requiring an applicant or employee to disclose information relating to the employee's reproductive health decisionmaking

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the district or its employees, agents, or representatives or who complains, reports an incident, testifies, assists, or in any way participates in the district's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940; 2 CCR 11028)

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign a release of the employee's claim or right to file a claim against the district or a nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination, or other unlawful acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful. (Government Code 12964.5)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy, including providing training and information to employees about how to recognize harassment, discrimination, or other prohibited conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

The district shall maintain and preserve all applications, personnel, membership, or employment referral records and files for at least four years after the records are initially created or received or, for an applicant or a terminated employee, for four years after the date the employment action was taken. However, when the district is notified that a complaint has been filed with the California Civil Rights Department, records related to the employee involved shall be maintained and preserved until the later of the first date after the time for filing a civil action has expired or the first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have been terminated. (Government Code 12946)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

2 CCR 11006-11086

Discrimination in employment -
<https://simbli.eboardsolutions.com/SU/jUNQUneBGplusu4fVMTIWMKA==>

2 CCR 11023

Harassment and discrimination prevention and correction -
<https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==>

2 CCR 11024

Required training and education on harassment based on sex, gender identity and expression, and sexual orientation -
<https://simbli.eboardsolutions.com/SU/WdslshVrKs4pluscFHpIushNGLhCeQw==>

2 CCR 11027-11028

5 CCR 4900-4965

CA Constitution Article 1, Section 1

Civ. Code 51.7

Ed. Code 200-262.4

Gov. Code 11135

Gov. Code 12900-12996

Gov. Code 12940-12952

Gov. Code 12960-12976

Pen. Code 422.56

Federal References

20 USC 1681-1688

28 CFR 35.101-35.190

29 USC 621-634

29 USC 794

34 CFR 100.6

34 CFR 104.7

34 CFR 104.8

34 CFR 106.8

34 CFR 110.1-110.39

42 USC 12101-12213

42 USC 2000d-2000d-7

42 USC 2000e-2000e-17

42 USC 2000ff-2000ff-11

42 USC 2000h-2-2000h-6

42 USC 6101-6107

Executive Order 11246

U.S. Constitution

Management Resources References

CA Civil Rights Department Publication

CA Civil Rights Department Publication

CA Civil Rights Department Publication

CA Civil Rights Department Publication

CA Civil Rights Department Publication

Court Decision

Court Decision

National origin and ancestry discrimination -

<https://simbli.eboardsolutions.com/SU/SYk7u9LtH4epGWfUifjdg==>

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Inalienable rights

Freedom from violence or intimidation -

<https://simbli.eboardsolutions.com/SU/biK5w5xHjaslshApluscWXhrJ7ZQ==>

Prohibition of discrimination -

<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

Prohibition of discrimination -

<https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtfQ==>

Fair Employment and Housing Act

Unlawful employment practices

Unlawful employment practices; complaints

Definitions; hate crimes

Description

Title IX of the Education Amendments of 1972; discrimination based on sex

Americans with Disabilities Act

Age Discrimination in Employment Act

Rehabilitation Act of 1973; Section 504

Title VI; Compliance information

Section 504; Designation of responsible employee and adoption of grievance procedures

Notice of Nondiscrimination on the Basis of Handicap

Designation of coordinator; dissemination of policy, and adoption of grievance procedures

Nondiscrimination on the basis of age

Americans with Disabilities Act

Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended

Genetic Information Nondiscrimination Act of 2008

Title IX of the Civil Rights Act of 1964

Age discrimination in federally assisted programs

"Know Your Rights: Workplace Discrimination is Illegal" poster

Amendment 1, Free exercise, free speech, and establishment clauses

Description

Family Care and Medical Leave and Pregnancy Disability Leave

California Law Prohibits Workplace Discrimination and Harassment

The Rights of Employees Who Are Transgender or Gender Nonconforming

Harassment Prevention Guide for California Employers

Your Rights and Obligations as a Pregnant Employee

Kennedy v. Bremerton (2022) 142 S.Ct. 2407

Shepard v. Loyola Marymount, (2002) 102 Cal.App. 4th 837

Court Decision	Thomson v. North American Stainless LP (2011) 62 U.S. 170
U.S. DOE Office for Civil Rights Publication	Notice of Non-Discrimination, August 2010
U.S. Equal Employment Opportunity Comm Publication	Know Your Rights: Workplace Discrimination is Illegal, October 2022
U.S. Equal Employment Opportunity Comm Publication	Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999
U.S. Equal Employment Opportunity Comm Publication	EEOC Compliance Manual
Website	U.S. Department of Labor, Office of Federal Contract Compliance Program - https://simbli.eboardsolutions.com/SU/PH97sURpCaw0yTclBzHxZA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyI8K40jw==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPtTcoZle111WmbX10Vg==
Website	U.S. Equal Employment Opportunity Commission - https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/Zqs0lbYX5FQKNZRBttrSjA==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/ZEoW4ZKHcT3nfqLxRTR1fw==
1113-E(1)	District And School Web Sites - https://simbli.eboardsolutions.com/SU/i5TLslsh83D1nplusoytHTIsM6ew==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/GPX87YasvLlgrwrAjTkQSg==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/yjVorBCGm2rPCjkELGVV5A==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/c3bzU5HxDAULaslsh6slshY5Cf==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/ROv5x6plusDgBotyKnO8gWH3A==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dlGslshfvyQyWh8DLTuprGWw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVFedfwjAA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAkslsh8XdmxbODX9gY2A==
1312.3-E(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/vicclxcmyjagK8RRHm2Nkg==
1312.3-E(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/xVUTW3cplusaaIR0zsW6DCG1w==

1313	Civility - https://simbli.eboardsolutions.com/SU/cERNNranyLpslshslshpzrqyRyAw==
3312	Contracts - https://simbli.eboardsolutions.com/SU/fXvC3hMz5b6WCslsh8VCWplus8QQ==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/PCbwsishUQxLVplusmkc9Vslsh0GqfQ==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/lFY23eyj7gVURhZVxo1DXw==
3580	District Records - https://simbli.eboardsolutions.com/SU/crBR8lcYslshslshcadfBT09vKtA==
3580	District Records - https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPFolgiHPZg==
3600	Consultants - https://simbli.eboardsolutions.com/SU/sLyvCqj5pUlnTGBslshjHWZEHA==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/DZueYkplusHoNsish53DXisishi6mLw==
4033	Lactation Accommodation - https://simbli.eboardsolutions.com/SU/mBwCbA6CkbzZwslshCYfb2JvQ==
4111	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/8ilQZSj0C8m6ODHzDnKlnA==
4111.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/89uKRtR1yfGS7HLo57hv0w==
4111.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/IOQwAx8Z2iuoXgqYpDNjrw==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/sjLMslshxLI2YOPYoMMU2U7w==
4112.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/0pnpJJzNQsT3BV52tb62ng==
4112.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/hxZXZIYilYFfhH5M7TMUia==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshc715jiVl8pLyA79vr9rhw==
4112.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/PvNZHQMKslshzfzmjnbDq8Phg==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnwrwcplusn8LplusKslshysfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzg==
4113.5	Working Remotely - https://simbli.eboardsolutions.com/SU/lplusUYB21lDXQLwz12vjW3Eg==
4114	Transfers - https://simbli.eboardsolutions.com/SU/mFpPJXC1QmDMlC74Ql4ETg==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/1feQnJxnTqXT1BhlyWdeWA==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/L6i9RwB51Lbplusbnl35tH3Bg==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusdbQ4LuGjZA==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/8tRAPBREHq5fJpslshz0HVtfw==

4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/QUrcWQUtgJeCDcHbkv2IRQ==
4119.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/cwaQhFQnPhGFvkogTSslshvoA==
4119.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/rOB42ElpiyuEXBiI5SCtVQ==
4119.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/JEV8w6UMpXbhNFrslshMaMYLw==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==
4119.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/XbhPGFM4y4bvDSCbqwF4UA==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/IYMIfYPYXEiEMhaRz6slshWJQ==
4144	Complaints - https://simbli.eboardsolutions.com/SU/gUFnuw70jWGezEp60OAE0w==
4144	Complaints - https://simbli.eboardsolutions.com/SU/slshuuXuplus3vKAplusjaXKpilZpQQ==
4151	Employee Compensation - https://simbli.eboardsolutions.com/SU/slshEmu3YLeYOPsKNjIKLuChQ==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2QhsA1O4mg==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==
4161.5	Military Leave - https://simbli.eboardsolutions.com/SU/slshzhSMPaLMK48eK1c33Zkgw==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/oQ4C9XMsOwxUslsh9ryiZsyRQ==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/4MJWRHUOUR8BT01HTbOYLA==
4211.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/2WKky9Qji6cf9iCBgN6KAQ==
4211.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/3O7plusYyrJDBkhExqktdGpXg==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/RQiw5kZICOmkgEEHCUvAIA==
4212.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/ZtFkQj68CnmBF0tkstldyA==
4212.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/EcuJ19plusLerWrGuoHzvFGuA==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/Kp3DemXWMRr4slshb8EnhyJPw==
4212.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/wCLduDAIzWslshQdb3feZPwYQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5PI6rr1OdMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==
4213.5	Working Remotely - https://simbli.eboardsolutions.com/SU/SPFSMb6tOUSdTISM41uslshvw==

4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/k6b9QyZ26FV73p30dAVfMw==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/IYBCjMtZL3slshslshlCwWRly9jw==
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System) - https://simbli.eboardsolutions.com/SU/Gs8gwy3Wx2plusPXU7EUkFEWg==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/qlnWNgn2LFslshDzTCLslsh592A==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/ThsBkTwebyi3QrSE9lpm2w==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/f0lz7oK8fOTNnMJg3w7aWA==
4219.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/OBcyzA9IS2uF2sCkACIVsw==
4219.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/D3ssslshZJNNby4WlamsEWM4pQ==
4219.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/73WaAoB7xVTilWdyg8jPUA==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/DzT84jciN31dA5odXslshEoA==
4219.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/VPdslshsJCVjWEhTzCiQ28xvw==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/FAuFrJnlbcVy3kgsTslshNU6g==
4244	Complaints - https://simbli.eboardsolutions.com/SU/dpWU08slsh6hjddsVYvxoilag==
4244	Complaints - https://simbli.eboardsolutions.com/SU/T94giCe5she2ilLWxwooVA==
4251	Employee Compensation - https://simbli.eboardsolutions.com/SU/XwmaYplusCUz0TmQhxrplusgRgxQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXG5VtT8tew==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVVDL3OkzrA==
4261.5	Military Leave - https://simbli.eboardsolutions.com/SU/nbdXrBTUQEYhc6HulNwlVA==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/uyDahEPplusY2h40slshhZOg3rQw==
4311	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/r2mnv4f1plusVdfqYyZAJkMg==
4311.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/f4P7cTeiXqy3vLQQNuRgZQ==
4311.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/sAe0uqoPpplus14Zd3rJ9b2vw==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/obiSk8rTaSgKJ7TuV2j8Xw==
4312.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/on2kzWrow5Q4jRIGezdpYQ==
4312.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/jrL5bO4AWpluswiY5aDrqHFlg==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1U27Fg==

4312.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/wVCHk7J38woBhr1kKwWUqQ==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGjYr69A==
4313.5	Working Remotely - https://simbli.eboardsolutions.com/SU/XFD8zwSIIlNB0slshTd0FRHWcQ==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGmRW95yTHU1Q==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4Vvv7i0i6uHdgslsheZNHpgVg==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/GoK7chDslshO0cPN2xYIVjhsIshg==
4319.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/XI9iCOEKKDImRslshjXsBtkkg==
4319.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/aomDgMkPUyslshbOT5nDJMKwQ==
4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/tclULDJ5tC01jFjvlegqoA==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==
4319.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/UrQheplusJPpgUnplusCM8MMvOEQ==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/3BIIBFE9slshf2AlnllsFw7ag==
4344	Complaints - https://simbli.eboardsolutions.com/SU/0m0xiT7oKn9m9TLzpluszeRyA==
4344	Complaints - https://simbli.eboardsolutions.com/SU/35PWlyWDSczCYbz2slshslshaWog==
4351	Employee Compensation - https://simbli.eboardsolutions.com/SU/SdFbv9zvpQGp42fubiKLVw==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/plusE0GMUC0mfjQbplusslshslsh4TDslshQ==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/rplumwwwksFJslufmMFbAX0vQ==
4361.5	Military Leave - https://simbli.eboardsolutions.com/SU/6ECKMs84Fb4pMwD07UkXqA==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/XuXj0i6rmuGudyelbKG9Hg==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFfduR9FE4g==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvirA==
9321-E(1)	Closed Session - https://simbli.eboardsolutions.com/SU/HugJnLcusrzLSVT90UPEcA==
9321-E(2)	Closed Session - https://simbli.eboardsolutions.com/SU/wSrEqCMiEHslshYFCIuMQnxBg==

Policy 4218: Dismissal/Suspension/Disciplinary Action

Status: ADOPTED

Original Adopted Date: 07/01/2019 | Last Revised Date: 03/01/2023 | Last Reviewed Date: 03/01/2023

The Governing Board expects all employees to perform their jobs satisfactorily and to exhibit professional and appropriate conduct. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law or any applicable collective bargaining agreement, Board policy, or administrative regulation.

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. An employee's private exercise of personal beliefs and activities, including religious, political, cultural, social, or other beliefs or activities, or lack thereof, shall not be grounds for disciplinary action against the employee, provided that the beliefs or activities do not involve coercion of students or any other violation of law, Board policy, or administrative regulation.

In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension without pay, reduction of pay step in class, compulsory leave, and dismissal.

The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

A probationary classified employee may be dismissed without cause at any time prior to the expiration of the probationary period.

Permanent classified employees shall be subject to disciplinary action only for cause as specified in the accompanying administrative regulation. (Education Code 45113)

Procedures for Serious Disciplinary Proceedings

The Superintendent or designee shall develop disciplinary procedures for use when dismissal, suspension, demotion, involuntary reassignment, or other serious disciplinary action is contemplated against an employee. The procedures for such discipline shall include an opportunity for an employee for whom any such disciplinary action is recommended to meet with, or respond in writing to, a designated district official ("Skelly officer") who will determine whether the recommended discipline should proceed further or be modified or withdrawn.

After meeting with the employee or considering the employee's written response, if the Skelly officer determines that the recommended discipline should proceed, the Superintendent or designee shall send the employee a notice of the recommended disciplinary action, a statement of charges, and the results of the Skelly review process. The notice shall include a statement advising the employee of the right to request a Board hearing on the matter.

If the employee fails to request a hearing within the time specified in the notice, the employee is deemed to have waived the right to do so, and the Board may order the recommended disciplinary action into effect immediately.

If a timely request is submitted, a hearing shall be conducted by the Board. (Education Code 45113, 45312)

A classified employee who timely requests a hearing may only be suspended, demoted, or dismissed pending the outcome of the hearing in accordance with Education Code 45113, and as specified in the accompanying administrative regulation.

The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the

Board and the availability of legal counsel and witnesses. The employee shall be notified of the time and place of the hearing.

The hearing shall be held in closed session, unless the employee requests that the matter be heard in an open session meeting. (Government Code 54957)

The employee shall be entitled to appear personally, produce evidence, and be represented by legal counsel.

The Board may use the services of its legal counsel in ruling upon procedural questions, objections to evidence, and issues of law. The Board may review and consider the records of any prior personnel action proceedings against the employee in which a disciplinary action was ultimately sustained, and any records contained in the employee's personnel files and introduced into evidence at the hearing. The Board shall not be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made by the Board.

At any time before a matter is submitted to the Board for decision, the Superintendent or designee may, with the consent of the Board, serve on the employee and file with the Board an amended or supplemental recommendation of disciplinary action. If the amended or supplemental recommendation includes new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegations may be made orally at the hearing and shall be noted on the record.

Following the hearing or, if the employee has not requested a hearing, after reviewing the Superintendent or designee's recommendation for disciplinary action, the Board shall affirm, modify, or reject the recommended disciplinary action. The decision of the Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The decision of the Board shall be final.

Within 10 working days of the Board's final decision, a copy of the decision shall be delivered to the employee and/or designated representative personally or by registered mail.

Except for an allegation of egregious misconduct in which a minor is involved, the Board may delegate the authority to determine whether sufficient cause exists for disciplinary action to an impartial third-party hearing officer. When a matter is heard by a third-party hearing officer, the Board shall review the determination and adopt or reject the recommended decision. (Education Code 45113)

When any matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a witness who is a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. In such cases, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 35161	Board delegation of any powers or duties
Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence
Ed. Code 45101	Definitions; disciplinary action and cause
Ed. Code 45109	Fixing of duties
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45123	Employment after conviction of controlled substance offense

Ed. Code 45302	Demotion and removal from permanent classified service
Ed. Code 45303	Additional cause for suspension or dismissal of employee charge with mandatory or optional leave of absence offense
Ed. Code 45304	Compulsory leave of absence for classified persons
Veh. Code 1808.8	School bus drivers; dismissal for safety-related cause

Federal References

42 USC 12101-12213	Americans with Disabilities Act
U.S. Constitution	Amendment 1, Free exercise, free speech, and establishment clauses

Management Resources References

Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	California School Employees v. Livingston Union School District (2007) 149 Cal. App. 4th 391
Court Decision	CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150
Court Decision	Skelly v. California Personnel Board (1975) 15 Cal.3d 194
Website	Office of the Attorney General - https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==
Website	Office of Administrative Hearings - https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTih3V79tXg==
Website	Department of General Services, About Teacher Dismissal Case Type - https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14ljrl eA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==

Cross References

1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/GPX87YasvLIgrwrAjTkQ5g==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/yjVorBCGm2rPCjkELGVV5A==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dlGslshefvOqyWh8DLTuprGWw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVEedfwjAA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAksish8XdmxbODX9gY2A==
1312.3-E(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/vicclxcmyjqgK8RRHm2Nkg==
1312.3-E(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/xVUTW3cplusaalR0zsW6DCG1w==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/QVH379RjC0a1aO7l1TFHYg==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w==
3512	Equipment - https://simbli.eboardsolutions.com/SU/ezslshZHMnYpluscHnfpO2vztUslshg==

3512-E(1)	Equipment - https://simbli.eboardsolutions.com/SU/htpluswvNopsrGRvHnZmL57Q==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/YcXDCkQsxwpNcLpvl3ATIA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/PD0MCVslshDCYPHDWjcAvbVoQ==
3513.4	Drug And Alcohol Free Schools - https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/4wgxKe7phREuWgDJ51yRyg==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==
3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/2hYMl2YDYwUvplusQyNqN64RQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/xzE1kDD6MeebnuiCYEM5mw==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/l1J1QKjZow3q8v7pZhTCDQ==
3516.2	Bomb Threats - https://simbli.eboardsolutions.com/SU/7AOcOEDZOGIVxjQHw3eyQ==
3542	School Bus Drivers - https://simbli.eboardsolutions.com/SU/4QWcENQXnTQFBLepuszfCyvw==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==
4020	Drug And Alcohol-Free Workplace - https://simbli.eboardsolutions.com/SU/gq3plusa7wsEW6oMTnThmqKpg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/q5LQp0nyMo21IV4uEGCTeg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/zQYslshTD3a6MyslshXofBPTIXIQ==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/3Md2dslshuyFrpXYhjStKTrQw==
4040-E(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/oYQOxuA1TT9RvyRICN0slshqQ==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/slshnzMWdvaZpZNpZplusoEf8ILQ==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/plusx1slshGxTJQKJXLOKryPB8plusg==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/XxVcsvgXel4TKDtGnWVslshaAA==
4112.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/tAUiHG27ErkmEa4H0C0Hvg==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshc7i5jiVl8pLyA79vr9rhw==
4113.5	Working Remotely - https://simbli.eboardsolutions.com/SU/lplusUYB21DXQLwzl2vjW3Eg==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusdbQ4LuGjZA==
4119.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/cwaQhFQnPhGFvkogTSslshvoA==
4119.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/rOB42ElpiyuEXBil55CtVQ==

4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/RUG2Aozy5plusrWMBTJVdlsyg==
4119.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGsFSgPwQ==
4119.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/JEV8w6UMpXbhNFrsishMaMYIw==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFEPnGtM48l3kplusPslshl0slshSw==
4119.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/xhAslsh4UhGwmbKwkbLSlf4Q==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xyypEMfw==
4127	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/rdpzzJrsafxruBrElcbGnA==
4127	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/QZOYyuTYMNL2Ja28meyerEQ==
4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/kG34JHzi7hlemKdooJNm9g==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/TtH8mfb4Zwc222YN76OTdg==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/nCKbnl3vsF4vwC2CzN850A==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/8w7jXC5a7Dmj2QhsA1O4mg==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/URy09LOe63e3ejYa2WLVTQ==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/pCyFLiyDAxQFkxkHhUbSHFA==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/FNXlvGTuDgTcLGIWKDo75Q==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/Lldu39d9d8NTNOW1shZPzA==
4159	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/HoMI4ixzNoFrMhcAKsYU5Q==
4161	Leaves - https://simbli.eboardsolutions.com/SU/FEEXMgObslshqslshlKqtJJUX7vSg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/HD5z3OhqJ51829uMir9NEw==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/slshltwGTKOqyT4GXakWHcMg==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/KJ0YndqnU7HBTgOG6lY9g==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8LA==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/QgiTxWzNHPacaieY2R44UQ==

4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KOLkg==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/zlCQLKslshYYocj135d8hWslshpQ==
4212.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/Vslsh3d3Fi56anUur36SWAIOw==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/Kp3DemXWMRr4slshb8EnhyJPw==
4213.5	Working Remotely - https://simbli.eboardsolutions.com/SU/SPfSMb6tOUSdTISM41uslshvw==
4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/y3QVGjp7mUPym2Tw8APoplusA==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/qlnWNgN2LFslshDzTCLslsh592A==
4219.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/OBcyzA9IS2uF2sCkACIVsw==
4219.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/D3sslshZJNNbv4WlamsEWM4pQ==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplussQbA==
4219.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/slshdNieAO9ktknWH6a0ARf7w==
4219.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/73WaAoB7xVTilWdyg8jPUA==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/DzT84jcjiN31dA5odXslshEoA==
4219.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/5jMxddslshCGQnzzslshENYSWHwA==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLygwplusseQ5qTDILbw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRIUYbn3mcUYw==
4227	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/3ofwf9BJayE72I4RVoDplusplusQ==
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4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniO4gkGA==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/8ghHTioUIRupEkUU4HVYtdg==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/W5ExJpluss6yHnQMElqyCk9IQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXG5VtT8tew==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVVDL3OkzrA==
4257	Employee Safety - https://simbli.eboardsolutions.com/SU/NXiCt6XfmCK7qCqQ6765sQ==
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4258	Employee Security - https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==
4259	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/fRGxOc7Yplus8ZsrZ44lplusJCUQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vgIRIm84fA==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/4NdayG8LNJplusn9rWReq8arA==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/CgnDx1BIZbUtFWHVgyEOgA==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/GVplusn4gQA3IKplus4knVTn0OUw==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QFmawLNjVQ==
4312.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4pwx7VnbQITsEbQDQepluskA==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1UZ7Fg==
4313.5	Working Remotely - https://simbli.eboardsolutions.com/SU/XFD8zwSIIlNB0slshTd0FRHWCQ==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGMRW95yTHU1Q==
4319.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/XI9iCOEKKDimRslshJXsBtkkg==
4319.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/aomDgMkPUyslshbOT5oDJMKwQ==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==
4319.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/2FoehAAx4tnqYslshbHQvcJug==
4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/tclUJDJ5tC01jFJvlegqoA==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==
4319.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/TfmyZrlu6Sbfbf82Jo04jQ==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLxmSo6Ca3A==
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4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/TKcq760n9RZaplusNRYWW1VUQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUQ==
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4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/SsWihs2DRXblzgW5Aplus4xw==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/be0JrP9vB8YKcEI8kaV3gg==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/MfAhaHlgZdYUYNaeSYslsh2ow==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/F81vgNUe2qhM9N9pNBTQtA==
5145.71	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/rZPreTur6slsh2lqWSGKKtgXw==
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/iHslshFFU3cfEouI0o8ULZduA==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/WjFHslshd0qQ8WHJq9f7Kfh5Q==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/3bQ46reWKA4At9vT9uKSHg==
6162.54	Test Integrity/Test Preparation - https://simbli.eboardsolutions.com/SU/1uChFzb4I7hEf7qS6MfqAw==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkQFfduR9FE4g==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvirA==
9321-E(1)	Closed Session - https://simbli.eboardsolutions.com/SU/HugJnLcusrzLSVT90UPEcA==
9321-E(2)	Closed Session - https://simbli.eboardsolutions.com/SU/wSrEqCMiEHslshYFCluMQnxBg==

Regulation 4218: Dismissal/Suspension/Disciplinary Action

Status: ADOPTED

Original Adopted Date: 06/01/1994 | Last Revised Date: 03/01/2023 | Last Reviewed Date: 03/01/2023

Causes for Disciplinary Action

A permanent classified employee may be subject to suspension, demotion, involuntary reassignment, or dismissal for one or more of the following causes:

1. Immoral conduct, including, but not limited to, egregious misconduct that is the basis for a sex offense as defined in Education Code 44010, a controlled substance offense as defined in Education Code 44011, or child abuse and neglect as described in Penal Code 11165.2-11165.6
2. Conduct that constitutes a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c)
3. Unlawful discrimination, including harassment, against any student or other employee
4. Violation of or refusal to obey state or federal law or regulation, Board policy, or district or school procedure
5. Falsification of any information supplied to the district, including, but not limited to, information supplied on application forms, employment records, or any other school district records
6. Unsatisfactory performance
7. Unprofessional conduct
8. Dishonesty
9. Neglect of duty or absence without leave
10. Insubordination
11. Use of alcohol or a controlled substance while on duty or in such close time proximity thereto as to affect the employee's performance
12. Destruction or misuse of district property
13. Failure to fulfill any ongoing condition of employment including, but not limited to, maintenance of any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position
14. A physical or mental condition which precludes the employee from the proper performance of duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law
15. Retaliation against any person who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on or directly related to the job
16. Violation of Education Code 45303 or Government Code 1028 prohibiting the advocacy or teaching of communism
17. Any other misconduct which is of such nature that it causes discredit or injury to the district or the employee's position

No disciplinary action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the district. (Education Code 45113)

Initiation and Notification of Charges

The Superintendent or designee shall provide notice to the employee of a recommendation for discipline, which includes the charges and materials upon which the recommendation is based. The notification shall identify an impartial district official ("Skelly officer") with whom the employee may meet at a specified time and place or to whom the employee may provide a written response to the recommendation of discipline. After meeting with the employee or considering any response from the employee, the Skelly officer shall recommend to the Superintendent or designee whether to proceed with the recommendation for discipline.

The Superintendent or designee shall file any final recommendation for a disciplinary action in writing with the Governing Board. A copy of the recommendation shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address.

The notice shall, in ordinary and concise language, inform the employee of the specific charge(s) or cause(s) for the disciplinary action, the specific acts and omissions upon which the action is based, and, if applicable, the district rule or regulation that the employee has allegedly violated. In addition, the notice shall include the employee's right to a hearing on those charges, the time within which the hearing may be requested which shall be not less than five days after service of the notice to the employee, and a card or paper which the employee may sign and file to deny the charges and request a hearing. (Education Code 45113, 45116)

Request for Board Hearing

Within the time specified in the notice of the recommendation of disciplinary action, the employee may request a hearing on the charges by signing and filing the card or paper included with the notice. (Education Code 45113)

Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of the request for a hearing. The request shall be delivered to the office of the Superintendent or designee during normal work hours of that office. If mailed to the office of the Superintendent or designee, it must be received or postmarked no later than the time limit specified by the district. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any request for a hearing on the dismissal shall also constitute a request to hear the suspension order, and the necessity of the suspension order shall be an issue in the hearing.

Employment Status Pending a Disciplinary Hearing

A classified employee against whom a recommendation for disciplinary action has been issued may remain on active duty or may be placed on paid leave pending a hearing on the charges. The employee shall not be suspended without pay, suspended or demoted with a reduction in pay, or dismissed pending the outcome of a timely requested hearing, except as specified below. (Education Code 45113)

However, the disciplinary action may be imposed prior to the decision if the Board, or an impartial third-party hearing officer provided pursuant to a collective bargaining agreement, finds by a preponderance of the evidence that at the time discipline was imposed, the employee (1) engaged in criminal misconduct, (2) engaged in misconduct that presents a risk of harm to students, staff, or property, or (3) committed habitual violations of the district's policies or regulations. Such finding(s) must be made at the conclusion of the Skelly review process. (Education Code 45113)

In such cases where the disciplinary action is imposed prior to the decision, the employee shall be given written notice of the disciplinary action and the findings made at the conclusion of the Skelly review process. Such written notice shall be served upon the employee personally.

In addition, the district may cease paying the employee if a decision has not been rendered by an impartial third-party hearing officer, pursuant to a collective bargaining agreement, or the Board within 30 days of the date the hearing was requested. (Education Code 45113)

Compulsory Leave of Absence

Upon being informed by law enforcement that a classified employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes:

1. Any sex offense as defined in Education Code 44010
2. Violation or attempted violation of Penal Code 187, prohibiting murder or attempted murder
3. Any offense involving the unlawful sale, use, or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055, and 11056

The Superintendent or designee may place on an immediate compulsory leave of absence a classified employee who is charged with an "optional leave of absence offense," defined as a controlled substance offense specified in Education Code 44011 and Health and Safety Code 11357-11361, 11363, 11364, and 11370.1 except as it relates to marijuana, mescaline, peyote, or tetrahydrocannabinols.

An employee's compulsory leave for a mandatory or optional leave of absence offense may extend for not more than 10 days after the entry of judgment in the criminal proceedings. However, the compulsory leave may be extended if the Board gives notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless the employee demands a hearing on the dismissal.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 35161	Board delegation of any powers or duties
Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence
Ed. Code 45101	Definitions; disciplinary action and cause
Ed. Code 45109	Fixing of duties
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45123	Employment after conviction of controlled substance offense
Ed. Code 45302	Demotion and removal from permanent classified service
Ed. Code 45303	Additional cause for suspension or dismissal of employee charge with mandatory or optional leave of absence offense
Ed. Code 45304	Compulsory leave of absence for classified persons
Veh. Code 1808.8	School bus drivers; dismissal for safety-related cause

Federal References

	Description
42 USC 12101-12213	Americans with Disabilities Act
U.S. Constitution	Amendment 1, Free exercise, free speech, and establishment clauses

Management Resources References

	Description
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407

Court Decision	California School Employees v. Livingston Union School District (2007) 149 Cal. App. 4th 391
Court Decision	CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150
Court Decision	Skelly v. California Personnel Board (1975) 15 Cal.3d 194
Website	Office of the Attorney General - https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==
Website	Office of Administrative Hearings - https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTih3V79tXg==
Website	Department of General Services, About Teacher Dismissal Case Type - https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14lJlrLeA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==

Cross References

Description

1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/GPX87YasvLlgrwrAjTkQSG==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/yjVorBCGm2rPCjkELGVV5A==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dIGslshfvOqyWh8DLTuprGWw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVEedfwjAA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAkslsh8XdmxbODX9gY2A==
1312.3-E(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/vicclxcmyjagK8RRHm2Nkg==
1312.3-E(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/xVUTW3cplusaalR0zsW6DCG1w==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO7l1TFHYg==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w==
3512	Equipment - https://simbli.eboardsolutions.com/SU/eZslshZHMnYpluscHnfpO2vztUsishg==
3512-E(1)	Equipment - https://simbli.eboardsolutions.com/SU/htpluswvNopsrGRvHnZmL57Q==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/YcXDckQsxwpNcLpyl3ATIA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/PD0MCVslshDCYPHDWjcAvbVoQ==
3513.4	Drug And Alcohol Free Schools - https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/4wgxKe7phREuWgDJIS1yRxg==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==
3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/2hYMI2YDYwUvplusQyNqN64RQ==

3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/xzE1kDD6MeebnuiCYEM5mw==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/l1J1QKjZow3q8v7pZhTCDQ==
3516.2	Bomb Threats - https://simbli.eboardsolutions.com/SU/7AOcOEDZOGIVxjQHiw3eyQ==
3542	School Bus Drivers - https://simbli.eboardsolutions.com/SU/4QWcENQXnTQFBLpluszfCyyw==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/3mx5slsh5slshVUX9evNt7pb637w==
4020	Drug And Alcohol-Free Workplace - https://simbli.eboardsolutions.com/SU/gq3plusa7wsEW6oMTnThmqKpg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/q5LQp0nvMo21IV4uEGCTeg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/zQYslshTD3a6MyslshXofBPTiXlQ==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/3Md2dslshuyFrpXYhjStKTrQw==
4040-E(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/oYQOxuA1TT9RvyRICN0slshqQ==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/slshnzMWdvaZpZNPZplusoEf8ILQ==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/plusx1slshGxTJOKJXLOkrYP8gplushg==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/XxVcsvgXel4TKDtGnWVslshaAA==
4112.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/tAUiHG27ErkmEa4H0C0Hvg==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshc7i5jiVI8pLyA79vr9rhww==
4113.5	Working Remotely - https://simbli.eboardsolutions.com/SU/lplusUYB21IDXQLwzl2vjW3Fg==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusdbQ4LuGjZA==
4119.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/cwaQhFQnPhGFvkogTSslshvoA==
4119.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/rOB42ElpiyuEXBil5SCtVQ==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/RUG2Aozy5plusrWMBTJVdlsyg==
4119.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGsfSgPwQ==
4119.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/JEV8w6UMpXbhNFrslshMaMYLw==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCpNgtM48l3kplusPslshl0slshSw==
4119.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/xhAslsh4UhGwmbKwkbLSlsh4Q==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMivswqn3LcJJdgUB9slshA==

4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==
4127	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/rdpzzrJrsafxruBrElcbGnA==
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4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/kG34JHz7hlemKdooJNm9g==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/TtH8mfb4Zwc222YN76QTdg==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/nCKbnl3ysF4vwC2CzN850A==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==
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4157	Employee Safety - https://simbli.eboardsolutions.com/SU/URy09LOe63e3ejYa2WLVTQ==
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4159	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/HoMl4ixzNoFrMhcAKsYU5Q==
4161	Leaves - https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqUJUX7vSg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/HD5z3OhqJS1829uMir9NEw==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/slshltwGTKOogyT4GXakWHcMg==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/KJ0YndqnU7HBTTrG0G6lY9g==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/lxExNaSMhpQ8wsNQbau8LA==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/QgjTxWzNHPacaieY2R44UQ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KOLkg==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/zlCQLKslshYYocj135d8hWslshpQ==
4212.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/Vslsh3d3Fi56anUur36SWAIOw==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/Kp3DemXWMRr4slshb8EnhyJPw==
4213.5	Working Remotely - https://simbli.eboardsolutions.com/SU/SPfSMb6tOUSdTISM41uslshvw==
4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/y3QVGjp7mUPym2Tw8APoplusA==

4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/qInWNgn2LFslshDzTCLslsh592A==
4219.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/OBcyzA9IS2uF2sCkACIVsw==
4219.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/D3sslshZJNNbv4WlamsEWM4pQ==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplusQbA==
4219.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/slshdNieAO9ktknWH6a0ARf7w==
4219.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/73WaAoB7xVTiWdyg8jPUA==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/DzT84jcjiN31dA5odXslshEoA==
4219.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/5jMxddslshCGQnzzslshENYSWHwA==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLvgwplussQsqTDILbw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==
4227	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/3ofwf9BJayE72I4RVoDplusplusQ==
4227	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/gh6il9tkxViyly74pfsyvg==
4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniQ4gkGA==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/W5ExJpluss6yHnOMElqyCk9IQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVVDL3OkzA==
4257	Employee Safety - https://simbli.eboardsolutions.com/SU/NXiCt6XfmCK7qCqQ6765sQ==
4257	Employee Safety - https://simbli.eboardsolutions.com/SU/hlcSn6uvQmPslshjlsishio2S8eQ==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/xTiwiUQ7zP5pnvrwnkPcdw==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==
4259	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/fRGxOc7Yplus8ZsrZ44lplusICUQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3hOpaWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRlm84fA==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/4NdayG8LNjplusn9rWReq8arA==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/CgnDx1BIZbUtFWHVgyEOgA==

4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/GVplusn4gQA3IKplus4knVTn0OUw==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QFmawLNjVQ==
4312.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4pwx7VnbQITsEbQDQeplusbKA==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1UZ7Fg==
4313.5	Working Remotely - https://simbli.eboardsolutions.com/SU/XFD8zwSIIlNB0slshTd0FRHWCQ==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGMRW95yTHU1Q==
4319.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/XI9iCOEKKDimRslshJXsBtkkg==
4319.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/aomDgMkPUylslshbOT5oDJMKwQ==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7ig34plusA==
4319.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/2FoehAAx4tnqYslshbHQvcJug==
4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/tclULDJ5tC01jFJvlegqoA==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==
4319.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/TfmyZrlu6Sbfbf82Jo04jQ==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlXmSo6Ca3A==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==
4327	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/wF87ll1DiM4BuNlpmMp4jw==
4327	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/GfWrHbKXXiMo6D9sEVMuoQ==
4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/qK9cCPXhorJH0YcplusuQVXhQ==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/plusE0GMUC0mfjQbplusslshslsh4TDlslshQ==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMFbAX0vQ==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/D6S5MNvzJ7r40aZtHitwjw==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/N63EdiisS5zWvquqjVeTrw==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==
4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/TKcq760n9RZapplusNRYWW1VUQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==

4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCPLYUeeeBo4hULBQ==
4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/SsWihs2DRXblzgW5Aplus4xw==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/be0JrP9vB8YKcEI8kaV3gg==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/MfAhaHLgZdYUYNaeSYslsh2ow==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/F81vgNUe2qhM9N9pNBtQtA==
5145.71	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/rZPreTur6slsh2lqW5GKKtgXw==
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/iHslshFFU3cfEoul0o8ULZduA==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/WjFHslshd0qQ8WHJq9f7Kfh5Q==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==
6162.54	Test Integrity/Test Preparation - https://simbli.eboardsolutions.com/SU/1uChFzb4l7hEf7qS6MfqAw==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFfduR9FE4g==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QjOyqvira==
9321-E(1)	Closed Session - https://simbli.eboardsolutions.com/SU/HugJnLcusrzLSVT90UPEcA==
9321-E(2)	Closed Session - https://simbli.eboardsolutions.com/SU/wSrEqCMiEHslshYFCluMQnxBg==

Regulation 5113: Absences And Excuses

Status: ADOPTED

Original Adopted Date: 11/01/2011 | Last Revised Date: 03/01/2023 | Last Reviewed Date: 03/01/2023

Excused Absences

Subject to any applicable limitation, condition, or other requirement specified in law, a student's absence shall be excused for any of the following reasons:

1. Personal illness, including absence for the benefit of the student's mental or behavioral health. (Education Code 48205)
2. Quarantine under the direction of a county or city health officer. (Education Code 48205)
3. Medical, dental, optometrical, or chiropractic service or appointment. (Education Code 48205)
4. Attendance at funeral services for a member of the student's immediate family. (Education Code 48205)

Such absence shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state. (Education Code 48205)

5. Jury duty in the manner provided for by law. (Education Code 48205)
6. Illness or medical appointment of a child to whom the student is the custodial parent. (Education Code 48205)
7. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including, but not limited to: (Education Code 48205)
 - a. Appearance in court
 - b. Attendance at a funeral service
 - c. Observance of a religious holiday or ceremony
 - d. Attendance at religious retreats for no more than four hours per semester
 - e. Attendance at an employment conference
 - f. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization

8. Service as a member of a precinct board for an election pursuant to Elections Code 12302. (Education Code 48205)
9. To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code 49701, and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment. (Education Code 48205)

Such absence shall be granted for a period of time to be determined at the discretion of the Superintendent or designee. (Education Code 48205)

10. Attendance at the student's naturalization ceremony to become a United States citizen. (Education Code 48205)
11. Participation in a cultural ceremony or event which relates to the habits, practices, beliefs, and traditions of a certain group of people. (Education Code 48205)
12. For a middle school or high school student, engagement in a civic or political event, provided that the student notifies the school ahead of the absence. Unless otherwise permitted by the Superintendent or designee,

students shall be limited to one such school day-long absence per school year. (Education Code 48205)

13. Participation in religious exercises or to receive moral and religious instruction at the student's place of worship or other suitable place away from school property as designated by the religious group, church, or denomination. (Education Code 46014)

Absence for student participation in religious exercises or instruction shall not be considered an absence for the purpose of computing average daily attendance if the student attends at least the minimum school day as specified in AR 6112 - School Day, and is not excused from school for this purpose on more than four days per school month. (Education Code 46014)

14. Work in the entertainment or allied industry. (Education Code 48225.5)

Work for a student who holds a work permit authorizing work in the entertainment or allied industries for a period of not more than five consecutive days. For this purpose, student absence shall be excused for a maximum of up to five absences per school year. (Education Code 48225.5)

15. Participation with a nonprofit performing arts organization in a performance for a public school audience. (Education Code 48225.5)

A student may be excused for up to five such absences per school year provided that the student's parent/guardian provides a written explanation of such absence to the school. (Education Code 48225.5)

16. Other reasons authorized at the discretion of the principal or designee based on the student's specific circumstances. (Education Code 48205, 48260)

For the purpose of the absences described above, immediate family means the student's parent/guardian, brother or sister, grandparent, or any other relative living in the student's household. (Education Code 48205)

Method of Verification

Student absence to care for a child for whom the student is the custodial parent shall not require a physician's note. (Education Code 48205)

For other absences, the student shall, upon returning to school following the absence, present a satisfactory explanation, either in person or by written note, verifying the reason for the absence. Absences shall be verified by the student's parent/guardian, other person having charge or control of the student, or the student if age 18 or older. (Education Code 46012; 5 CCR 306)

When an absence is planned, the principal or designee shall be notified prior to the date of the absence when possible.

The following methods may be used to verify student absences:

1. Written note, fax, email, or voice mail from parent/guardian or parent representative.
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
 - a. Name of student
 - b. Name of parent/guardian or parent representative
 - c. Name of verifying employee
 - d. Date(s) of absence
 - e. Reason for absence
3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee shall document the verification and

include the information specified in Item #2 above.

4. Physician's verification.

- a. When excusing students for confidential medical services or verifying such appointments, district staff shall not ask the purpose of such appointments but may request a note from the medical office to confirm the time of the appointment.
- b. If a student shows a pattern of chronic absenteeism due to illness, district staff may require physician verification of any further student absences.

Parental Notifications

At the beginning of each school year, the Superintendent or designee shall:

1. Notify parents/guardians of the right to excuse a student from school in order to participate in religious exercises or to receive moral and religious instruction at their places of worship, or at other suitable places away from school property designated by a religious group, church, or denomination. (Education Code 46014, 48980)
2. Notify students in grades 7-12 and the parents/guardians of all students enrolled in the district that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian. (Education Code 46010.1)
3. Notify parents/guardians that a student shall not have a grade reduced or lose academic credit for any excused absence if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. Such notice shall include the full text of Education Code 48205. (Education Code 48980)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 306	Explanation of absence
5 CCR 420-421	Record of verification of absence due to illness and other causes
Ed. Code 1740	Employment of personnel to supervise attendance
Ed. Code 37201	School month
Ed. Code 37223	Weekend classes
Ed. Code 41601	Reports of average daily attendance
Ed. Code 42238-42250.1	Apportionments
Ed. Code 46000	Attendance records
Ed. Code 46010-46015	Absences
Ed. Code 46110-46120	Attendance in kindergarten and elementary schools
Ed. Code 46140-46148	Attendance in junior high and high schools
Ed. Code 48200-48208	Children ages 6-18; compulsory full-time attendance
Ed. Code 48210-48216	Exclusions from attendance
Ed. Code 48225.5	Work permit; excused absence; entertainment or allied industries; participation in not-for-profit performing arts organization
Ed. Code 48240-48246	Supervisors of attendance
Ed. Code 48260-48273	Truants
Ed. Code 48292	Filing complaint against parent

Ed. Code 48320-48324	School attendance review boards
Ed. Code 48340-48341	Improvement of student attendance
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49067	Unexcused absences as cause of failing grade
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Elec. Code 12302	Student participation on precinct boards
Fam. Code 6920-6930	Consent by minor for medical treatment
W&I Code 11253.5	Compulsory school attendance
W&I Code 601-601.5	Habitually truant minors

Management Resources References

Attorney General Opinion	66 Ops.Cal.Atty.Gen. 244 (1983)
Attorney General Opinion	87 Ops.Cal.Atty.Gen. 168 (2004)
Court Decision	American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307
CSBA Publication	Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

	Description
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/Q7giI8GDAxZA23W9BEbNBw==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/rdIFkXtkL04nPQ7EChV5kQ==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/x6NWrXQFV0TusDr7guOmSQ==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/UzirPzb2Tud8LJ2LDo5W5w==
4119.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/XbhPGFM4y4bvDSCbqwF4UA==
4219.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/VPdslshsJCVjWEhTzCiO28xvw==
4319.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/UrQheplusIPpgUnplusCM8MMvOEQ==
5000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/aErmQxYEG911I1XktFPUIw==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/sishzYh5WprycgUzw9TSVm9Eg==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/cj7plusOU0kdEV4mqyejaSgUg==
5112.1	Exemptions From Attendance - https://simbli.eboardsolutions.com/SU/LcLayQFf4thwL2slshaqp5KHA==
5112.1	Exemptions From Attendance - https://simbli.eboardsolutions.com/SU/WUntUVXmplusK9SN3jKo9sXAA==

5112.2	Exclusions From Attendance - https://simbli.eboardsolutions.com/SU/axS7Z27tkcofNhGn55cH0w==
5112.5	Open/Closed Campus - https://simbli.eboardsolutions.com/SU/tSpd0wKh4xe341PQVCYptw==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUEVOE9Vntg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/D2Llg7JcgumhuWnRLo2bAw==
5113.11	Attendance Supervision - https://simbli.eboardsolutions.com/SU/Lz97LnzWjMXSu91JfHK6HA==
5113.12	District School Attendance Review Board - https://simbli.eboardsolutions.com/SU/qbRf81NUUcKrmRJs7gD3TA==
5113.12	District School Attendance Review Board - https://simbli.eboardsolutions.com/SU/kHSyAh4YjNfYoJ1HXOkdmg==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/nEN5IPbgmplusPXhUNTnXJeuw==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/IKtdZAf0mXslsh9Lp2JlNpFAA==
5131	Conduct - https://simbli.eboardsolutions.com/SU/pBUFDJ0Eye0pz1R21VtiYQ==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/plusslshvcF2YZJxIFwsCfulcQVw==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/0lrMQ6nnuTuPpluslplusO4Wvu2g==
5141.21	Administering Medication And Monitoring Health Conditions - https://simbli.eboardsolutions.com/SU/rYDAJplusX8LiVjbHZQ7Ftjiw==
5141.21	Administering Medication And Monitoring Health Conditions - https://simbli.eboardsolutions.com/SU/x8WaM97KYyZDya9eslsho0ubg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/slshSHDzymYLN8DwMplltWdsg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/DdkxP6lo0oUT7dmBE1eK0g==
5141.33	Head Lice - https://simbli.eboardsolutions.com/SU/t2VFWN1DMqSUCo94uRslshcg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/BPOw0RFdLeDTvfQqVHSzBA==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/S75iQjneD6mjixsnoDBRjQ==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/SuvNxTtIUJ0Xfallui15AA==
5145.6-E(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/RdNSntUjWlcsJshJyFn1Yfqfw==
5146	Married/Pregnant/Parenting Students - https://simbli.eboardsolutions.com/SU/qwa5QZPWvxO1lfGa91eXwQ==
5147	Dropout Prevention - https://simbli.eboardsolutions.com/SU/nRgafK7e25QslshoATTaX0j5w==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/8BBilRHFPN4Ze3IDgijtlg==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/Q0ib1gK3KHGsHNlpTjql8A==
6111	School Calendar - https://simbli.eboardsolutions.com/SU/CplusGxnVZdQjif3rsishEslshKMosishZA==

6112	School Day - https://simbli.eboardsolutions.com/SU/05atqxQBa68mlQ84XP5vNw==
6112	School Day - https://simbli.eboardsolutions.com/SU/XRplus7M06NPTIz3YyiADAJMA==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/xmiffKplus2Rlp4T2lYM0eqUQ==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/sXom2WXcfT9MISkqKejZPg==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/TkiGKzMnAo9vQwZU56wqVw==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/Fr5qETtTn48ak1ITDSX9jg==
6154	Homework/Makeup Work - https://simbli.eboardsolutions.com/SU/VxoHZcFGUPDEfR07jf6Umg==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/Rqslsh4Fd5HLPwBBONpjsQGTg==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/2tRYy222MXLXnvV9vMP4w==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/QEsZgzQo3AFYxslshFz9HBr==
6173.2	Education Of Children Of Military Families - https://simbli.eboardsolutions.com/SU/thYVlliplusEhWfo0l2RHBMg==
6173.2	Education Of Children Of Military Families - https://simbli.eboardsolutions.com/SU/p9islshfffiWNXpwsKgKC41A==
6176	Weekend/Saturday Classes - https://simbli.eboardsolutions.com/SU/gT9qUoycslshwAqFdyaRaQF4w==
6177	Summer Learning Programs - https://simbli.eboardsolutions.com/SU/teeV5kkJryiahKMzNBplus8Tg==
6183	Home And Hospital Instruction - https://simbli.eboardsolutions.com/SU/splusGW8slshHtohMvCCGn2HgfrFA==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGbplusXBfB2lhozFRg==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/KkY8miqdW4plusznm6ryYow7Q==
6185	Community Day School - https://simbli.eboardsolutions.com/SU/m8dwsishTAyjm6k58NpbUxTJA==
6185	Community Day School - https://simbli.eboardsolutions.com/SU/4lhiHc7rwaMmB800XOZt3A==

Regulation 5131.41: Use Of Seclusion And Restraint

Status: ADOPTED

Original Adopted Date: 12/01/2018 | Last Revised Date: 03/01/2023 | Last Reviewed Date: 03/01/2023

District staff shall enforce standards of appropriate student conduct in order to provide a safe and secure environment for students and staff on campus but are prohibited from using seclusion and behavioral restraint to control student behavior except as authorized by law when the behavior poses a clear and present danger of serious physical harm to the student, other students, or others on campus, and that cannot be immediately prevented by a less restrictive response.

Definitions

Behavioral restraint includes mechanical restraint or physical restraint used as an intervention when a student presents an immediate danger to self or to others. Behavioral restraint does not include postural restraints or devices used to improve a student's mobility and independent functioning rather than to restrict movement. (Education Code 49005.1)

Mechanical restraint means the use of a device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include the use of devices as prescribed by an appropriate medical or related services professional, including, but not limited to, adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment; vehicle safety restraints during the transport of a student; restraints for medical immobilization; or orthopedically prescribed devices which permit a student to participate in activities without risk of harm. Mechanical restraint also does not include the use of devices by peace officers or security personnel for detention or for public safety purposes. (Education Code 49005.1)

Physical restraint means a personal restriction that immobilizes or reduces the ability of a student to move the torso, arms, legs, or head freely. Physical restraint does not include a physical escort in which a staff member temporarily touches or holds the student's hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location. Physical restraint also does not include the use of force by peace officers or security personnel for detention or for public safety purposes. (Education Code 49005.1)

Prone restraint means the application of a behavioral restraint on a student in a facedown position. (Education Code 49005.1)

Seclusion means the involuntary confinement of a student alone in a room or an area from which the student is physically prevented from leaving. Seclusion does not include a timeout involving the monitored separation of the student in an unlocked setting, which is implemented for the purpose of calming the student. (Education Code 49005.1)

Prohibitions

Seclusion and behavioral restraint of students shall not be used in any form as a means of coercion, discipline, convenience, or retaliation. (Education Code 49005.8)

In addition, staff shall not take any of the following actions: (Education Code 49005.2, 49005.8)

1. Administer a drug that is not a standard treatment for a student's medical or psychiatric condition in order to control the student's behavior or restrict the student's freedom of movement
2. Use locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use as a locked room
3. Use a physical restraint technique that obstructs a student's respiratory airway or impairs a student's breathing or respiratory capacity, including a technique in which a staff member places pressure on the student's back or places the staff member's body weight against the student's torso or back
4. Use a behavioral restraint technique that restricts breathing, including, but not limited to, the use of a pillow, blanket, carpet, mat, or other item to cover a student's face
5. Place a student in a facedown position with the student's hands held or restrained behind the student's back

6. Use a behavioral restraint for longer than is necessary to contain the behavior that poses a clear and present danger of serious physical harm to the student or others

Limited Use of Seclusion or Restraint

Staff shall avoid the use of seclusion and behavioral restraint of students whenever possible. Seclusion or behavioral restraint may be used only to control student behavior that poses a clear and present danger of serious physical harm to the student or others, which cannot be immediately prevented by a response that is less restrictive. (Education Code 49005.4, 49005.6, 49005.8)

When used, seclusion or restraint shall not be applied for longer than is necessary to contain the dangerous behavior. For any situation that requires a prolonged use of an emergency intervention, staff shall seek the assistance of the principal or law enforcement agency, as applicable to the situation. (Education Code 56521.1)

If a student is put in seclusion, the student shall be under constant, direct observation of a staff member. Such observation may be through a window or another barrier through which the staff member is able to make direct eye contact with the student, but shall not be made through indirect means such as a security camera or closed-circuit television. (Education Code 49005.8)

If a student is restrained, staff shall afford the student the least restrictive alternative and the maximum freedom of movement, and shall use the least number of restraint points, while ensuring the physical safety of the student and others. (Education Code 49005.8)

If a prone restraint technique is used on a student, a staff member shall observe the student for any signs of physical distress throughout the use of the restraint. Whenever possible, the staff member monitoring the student shall not be involved in restraining the student. (Education Code 49005.8)

Seclusion or restraint may only be applied to a student with disabilities in accordance with rules specified in AR 6159.4 Behavioral Interventions For Special Education Students. Staff may not apply seclusion or restraint to students with disabilities based on assumptions or stereotypes about disabilities or students with disabilities or for behavior that would not result in restraint or seclusion for students without disabilities.

The superintendent or designee shall provide training to staff in the safe and effective use of seclusion and restraint as appropriate.

Documentation of Seclusion and Restraint

Parents/guardians and, if appropriate, residential care providers shall be notified within one school day whenever an emergency intervention is used or serious property damage occurs. (Education Code 56521.1)

A behavior emergency report shall be completed and forwarded to the Superintendent or designee for review. This report shall include: (Education Code 56521.1)

1. The name and age of the student
2. The setting and location of the incident
3. The name of the staff or other persons involved
4. A description of the incident and the emergency intervention used
5. A statement of whether the student is currently engaged in a systematic behavior intervention plan
6. Details of any injuries sustained by the student or others, including staff, as a result of the incident

Reports

The Superintendent or designee shall annually collect data on the number of times that seclusion, mechanical

restraint, and physical restraint were used on students and the number of students subjected to such techniques. The data shall be disaggregated by race/ethnicity and gender, and reported for students with a Section 504 plan, students with an individualized education program, and all other students. This report shall be submitted to the California Department of Education no later than three months after the end of each school year, and shall be available as a public record pursuant to Government Code 6250-6270. (Education Code 49006)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
Ed. Code 49001	Prohibition of corporal punishment
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 56520-56524	Behavioral interventions
Ed. Code 56521.1	Emergency interventions when behavior poses threat to student or others
Ed. Code 56521.2	Prohibited interventions
Gov. Code 7920.000-7930.215	California Public Records Act

Federal References

	Description
20 USC 1400-1482	Individuals with Disabilities Education Act
29 USC 794	Rehabilitation Act of 1973; Section 504

Management Resources References

	Description
U.S. Department of Education Publication	Restraint and Seclusion: Resource Document, May 2012
U.S. Dept of Education, Office of Civil Rights	Davis Joint Unified School District Resolution Agreement, OCR No. 09-19-5001, December 7, 2022
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimosIsh3XhJKy4tplus7wplusA==

Cross References

	Description
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/Q7gil8GDAxZA23W9BEbNBw==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/rdIFkXtkL04nPQ7EChV5kQ==
5131	Conduct - https://simbli.eboardsolutions.com/SU/pBUFdJ0Eye0pz1R21VtHYQ==
5131.1	Bus Conduct - https://simbli.eboardsolutions.com/SU/zyoZr0SgrvNXhiYX9TWeVg==
5131.1	Bus Conduct - https://simbli.eboardsolutions.com/SU/4r9jCe2D8UyosnslshGRWDUcQ==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/piussIshvcF2YZJxIFwsCfulcOVw==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/0lrMQ6nnuTuPplusLplusQ4Wvu2g==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/VLsJ6xol8LYgHak7OMopGQ==

5131.7

Weapons And Dangerous Instruments -
<https://simbli.eboardsolutions.com/SU/slshPgj72hiwplusAtZ4k3VHkntg==>

5144

Discipline -
<https://simbli.eboardsolutions.com/SU/raFn00F3HGFVveXZ7SN4sA==>

5144

Discipline -
<https://simbli.eboardsolutions.com/SU/M26rRhwtMfcZ0FEQhR1MBg==>

Regulation 5144: Discipline

Status: ADOPTED

Original Adopted Date: 11/01/2012 | Last Revised Date: 03/01/2023 | Last Reviewed Date: 03/01/2023

Site-Level Rules

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

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any
5. For junior high and high schools, students enrolled in the school

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

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

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291.5)

Disciplinary Strategies

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

1. Discussion or conference between school staff, the student, and the student's parents/guardians
2. Referral of the student to the school counselor or other school support service personnel for case management and counseling
3. Convening of a study team, guidance team, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and the student's parents/guardians
4. When applicable, referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program or a Section 504 plan
5. Enrollment in a program for teaching prosocial behavior or anger management
6. Participation in a restorative justice program
7. A positive behavior support approach with tiered interventions that occur during the school day on campus
8. Participation in a social and emotional learning program that teaches students the ability to understand and manage emotions, develop caring and concern for others, make responsible decisions, establish positive relationships, and handle challenging situations capably

9. Participation in a program that is sensitive to the traumas experienced by students, focuses on students' behavioral health needs, and addresses those needs in a proactive manner
10. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups
11. Recess restriction as provided in the section below entitled "Recess Restriction"
12. Detention after school hours as provided in the section below entitled "Detention After School"
13. Community service as provided in the section below entitled "Community Service"
14. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities
15. Reassignment to an alternative educational environment
16. Suspension and expulsion in accordance with law, Board policy, and administrative regulation

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

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

When disciplining a student who has been identified for special education and related services, the procedures specified in Administrative Regulation 5144.2 - Suspension And Expulsion/Due Process (Students With Disabilities) shall be applied. If a student has not been identified as a student with a disability and the district suspects the behavior that resulted in discipline may be based in an unidentified disability, the district shall conduct an evaluation to determine if the student has a disability which requires an IEP or 504 plan. (U.S.C. 1412(a)(3))

Recess Restriction

Teachers may restrict a student's recess time only when they believe that this action is the most effective way to bring about improved behavior. When recess restriction involves the withholding of physical activity from a student, teachers shall try other disciplinary measures before imposing the restriction. Recess restriction shall be subject to the following conditions:

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

Detention After School

Students may be detained for disciplinary reasons for up to one hour after the close of the maximum school day, or until the departure of the school bus to which they have been assigned if applicable. (5 CCR 307, 353)

The student shall not be detained unless the principal or designee notifies the parent/guardian.

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

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

Community Service

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

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

Notice to Parents/Guardians and Students

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

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 307

5 CCR 353

Civ. Code 1714.1

Ed. Code 32280-32289.5

Ed. Code 35146

Ed. Code 35291-35291.5

Ed. Code 35291.5

Ed. Code 37223

Ed. Code 44807.5

Ed. Code 48900-48926

Ed. Code 48980-48985

Ed. Code 49005-49006.4

Ed. Code 49330-49335

Ed. Code 49550-49564.5

Ed. Code 52060-52077

Description

Participation in school activities until departure of bus

Detention after school

Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknepEduiYWusJFnU3r9Q==>

School safety plans

Closed sessions

Rules

School-adopted discipline rules

Weekend classes

Restriction from recess

Suspension and expulsion

Parent/Guardian notifications

Seclusion and restraint

Injurious objects

Meals for needy students

Local control and accountability plan

Federal References

20 USC 1400-1482

29 USC 794

42 USC 1751-1769j

42 USC 1773

Description

Individuals with Disabilities Education Act

Rehabilitation Act of 1973; Section 504

School Lunch Program

School Breakfast Program

Management Resources References

Description

California Dept of Education Program Advisories	Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000
CSBA Publication	The Case for Reducing Out-of-School Suspensions and Expulsions, Fact Sheet, April 2014
CSBA Publication	Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009
CSBA Publication	Recent Legislation on Discipline: AB 240, Fact Sheet, March 2015
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
U.S. Dept of Education, Office for Civil Rights	Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==
Website	Public Counsel - https://simbli.eboardsolutions.com/SU/7ptoaVvYMMjftyOqc8WzyQ==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

Description

0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/Q7gil8GDAxZA23W9BEbNBw==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/rdlFkXtkL04nPOQ7EChV5kQ==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/veDrWch4MmETypmNplusWpl4A==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/PbLTuOplus1cucax34urDgEfW==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/GPX87YasvLIgrwrAJTkQSg==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/yjVorBCGm2rPCjkELGVV5A==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAksish8XdmxbODX9gY2A==
1312.3-E(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/vicclxcmyjgk8RRHm2Nkg==
1312.3-E(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/xVUTW3cplusaalR0zsW6DCG1w==
1313	Civility - https://simbli.eboardsolutions.com/SU/cERNNnanyLpsishshpqrqyRyAw==
3512	Equipment - https://simbli.eboardsolutions.com/SU/ezslshZHMnYpluscHnfpQ2vztUsishg==

3512-E(1)	Equipment - https://simbli.eboardsolutions.com/SU/htmpuswvNopsrGRvHnZmL57Q==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/YcXDCkQsxpNcLpvl3ATIA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/PD0MCVslshDCYPHDWjcAvbVoQ==
3513.4	Drug And Alcohol Free Schools - https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/62Wk6GNjXu2zslshvGnBDFF7w==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/l25ep2Rc2ZQ264b5Lthy8A==
3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/2hYMI2YDYwUyplusQyNqN64RQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/xzE1kDD6MeebnuiCYEM5mw==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/l1J1QKjZow3q8v7pZhTCDQ==
3515.31	School Resource Officers - https://simbli.eboardsolutions.com/SU/arWmFD2oslsHQmqq8vu4PX7mw==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/HJyfnTrq3yI0UnDK53CpBA==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/ViR6wN5wOiTu0tZplus7Ly9Jw==
3543	Transportation Safety And Emergencies - https://simbli.eboardsolutions.com/SU/vq7chvYQWuUfjXm5vAF3bw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/IYMIYPYXEjEMhaRz6slshWJQ==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/FNXIvGTuDGtclGIWKDo75Q==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/LIdu39d9d8NTNOW1shZPzA==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/xTiwiJQ7zP5pnvrwnkPcdw==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvQhg==
5000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/aErmQxYEG9111XkTFPUiw==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/slshzYh5WprycgUzw9TSVm9Eg==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/cj7plusOU0kdEV4mqyejaSgUg==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/CvzKiInplusCH4n5fplusjplusl8ljA==
5112.1	Exemptions From Attendance - https://simbli.eboardsolutions.com/SU/LcLayQFf4thwL2slshaqp5KHA==

5112.1	Exemptions From Attendance - https://simbli.eboardsolutions.com/SU/WUntUVXmplusK9SN3jKo9sXAA==
5112.5	Open/Closed Campus - https://simbli.eboardsolutions.com/SU/!SpdOwKh4xe341PQVCYptw==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFVOE9Vntg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/D2LIg7JcgumhuWnRLo2bAw==
5116.2	Involuntary Student Transfers - https://simbli.eboardsolutions.com/SU/stzdlpslshnN4wtua16r3CEfA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/uVgslshwOu1SygQrQqplus8VkhAQ==
5127	Graduation Ceremonies And Activities - https://simbli.eboardsolutions.com/SU/PGFSmCUoVPc4YclFO2MISg==
5131	Conduct - https://simbli.eboardsolutions.com/SU/pBUFdJ0EyeOpz1R21VtIYQ==
5131.1	Bus Conduct - https://simbli.eboardsolutions.com/SU/zyoZr0SgrvNXhiYX9TWeVg==
5131.1	Bus Conduct - https://simbli.eboardsolutions.com/SU/4r9jCe2D8UyosnslshGRWDUcQ==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/Sw0juMy0rrGlgPDYIJ2Rvw==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/MwcrPaiVN3oQ15PFbAoQPA==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/plusslshvcF2YZJxIFwsCfulcOVw==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/0lrMQ6nnuTuPplusLplusO4Wvu2g==
5131.41	Use Of Seclusion And Restraint - https://simbli.eboardsolutions.com/SU/rKoFWslshSMFJtJui3fdmD8aA==
5131.5	Vandalism And Graffiti - https://simbli.eboardsolutions.com/SU/Hgb7V0EwOFkMvnfEHtBsishWA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/WDkn56oiRIRHg1DfVsZyxA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/7eplus9F20a143StxVcQXvoig==
5131.62	Tobacco - https://simbli.eboardsolutions.com/SU/aJ5kH2qyEG0vE2G37vU1sw==
5131.62	Tobacco - https://simbli.eboardsolutions.com/SU/19lp3NAy7KzO11ajp9og0w==
5131.63	Steroids - https://simbli.eboardsolutions.com/SU/ihoxSEmBEZNKQ70plusQMqpCw==
5131.63	Steroids - https://simbli.eboardsolutions.com/SU/6mA3cd0rwiqZ8RALwplusCJ0g==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/VLsJ6xol8LYgHak7OMopGQ==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/slshPgj72hiwplusAtZ4k3VHkntg==
5131.9	Academic Honesty - https://simbli.eboardsolutions.com/SU/orcQ8BepplusGTymhFFhsishoED2Q==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/B9HD448ol91HLEE38JkOvA==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/W81oZyMAXizsteV3a4DjpA==

5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/Ufqvo2274QHBL0iceWSBplusA==
5138	Conflict Resolution/Peer Mediation - https://simbli.eboardsolutions.com/SU/vYnT58jV6Sc5PaNDJcoXJg==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/bJAiplus4YTzTcWu0VMUkkdiQ==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/KHJ4Ryf9WsiRVpcslsheV7VGg==
5142	Safety - https://simbli.eboardsolutions.com/SU/7nif3h0e6gdJCmslshRtV72zA==
5142	Safety - https://simbli.eboardsolutions.com/SU/bUium2LRVRQFGiKYfplusLW7A==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/BPOw0RFdLeDTyfQqVHSzBA==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/S75iQjneD6mjixsnoDBRjQ==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/NftSUGk50Ud4g5uQUexZJA==
5144.4	Required Parental Attendance - https://simbli.eboardsolutions.com/SU/LajME9ACpdIqRDDMkT6VQW==
5144.4	Required Parental Attendance - https://simbli.eboardsolutions.com/SU/cQo4hklm8clB8vslsho3Q7MLA==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/Ibu6OGOoNPkptcFYicbKYg==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/ZGwh6CltgMZOn0Pymdnzng==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/be0JrP9vB8YKcEI8kaV3gg==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/SuvNxTtIUJ0Xfallui15AA==
5145.6-E(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/RdNSntUjWlclshJyFn1Yfqfw==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/MfAhaHLgZdYUYNaeSYslsh2ow==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/F81vgNUe2qhM9N9pNBTQtA==
5145.71	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/rZPreTur6slsh2lqWSGKKtgXw==
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/iHslshFFU3cfEoulQo8UIZduA==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/b5QjnmUpQBtgBNxpBLZKJw==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/SRCRvplus9wpuzSot3FQ8a2gw==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/TklGKzMnAo9vQwZU56wqVw==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/Fr5qETtTn48ak1ITDSX9jg==

6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==
6145.8	Assemblies And Special Events - https://simbli.eboardsolutions.com/SU/XUQ7c7HCexdvOTwhZOd4ww==
6153	School-Sponsored Trips - https://simbli.eboardsolutions.com/SU/7r4Q2oNQvl8g7LgklI0EVQ==
6153	School-Sponsored Trips - https://simbli.eboardsolutions.com/SU/94iq9ExjQyubmVXbZDVRyG==
6159.4	Behavioral Interventions For Special Education Students - https://simbli.eboardsolutions.com/SU/vvWadBTd0I5EqM9eM3Rxbw==
6162.54	Test Integrity/Test Preparation - https://simbli.eboardsolutions.com/SU/1uChFzb4I7hEf7qS6MfqAw==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/IYZqEAGgHSQ8NKf76jfTkW==
6163.4-E(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/xL8Kskyraw6PieC8rplusJpYg==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/QEsZgzQo3AFYxslshFZf9HBrg==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/XrnsishQIPaFW9wMoMV2IEKpg==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/UkLsYeA03YN6xcWenpZIVQ==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGhplusXBfB2IhozFRg==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/KkY8miqdW4plusznm6ryYow7Q==
6185	Community Day School - https://simbli.eboardsolutions.com/SU/m8dwsishTAyjm6k58NpbUxTJA==
6185	Community Day School - https://simbli.eboardsolutions.com/SU/4lhiHc7rwaMmB800XOZt3A==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QjQyqvirA==
9321-E(1)	Closed Session - https://simbli.eboardsolutions.com/SU/HugJnLcusrzLSVT90UPEcA==
9321-E(2)	Closed Session - https://simbli.eboardsolutions.com/SU/wSrEqCMiEHslshYFCluMQnxBg==

Regulation 5144.1: Suspension And Expulsion/Due Process

Status: ADOPTED

Original Adopted Date: 12/01/2014 | Last Revised Date: 03/01/2023 | Last Reviewed Date: 03/01/2023

Definitions

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

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

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

Notice of Regulations

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

Grounds for Suspension and Expulsion: Grades K-12

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows and in the sections "Additional Grounds for Suspension and Expulsion: Grades 4-12" and "Additional Grounds for Suspension and Expulsion: Grades 9-12" below:

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))
3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11059, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11059, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the same as a controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))
7. Stole or attempted to steal school property or private property (Education Code 48900(g))
8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except

that this restriction shall not prohibit a student from using or possessing prescription products (Education Code 48900(h))

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))
10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))
11. Knowingly received stolen school property or private property (Education Code 48900(l))
12. Possessed an imitation firearm (Education Code 48900(m))

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

13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 287, 288, 289, or former 288a, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))
14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))
15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))
16. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. (Education Code 48900(q))

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

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student(s) in fear of harm to self or property; cause the student to experience a substantially detrimental effect on physical or mental health; or cause the student to experience substantial interferences with academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code 48900(r))

Bullying includes any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in the section "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

Bullying also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

Electronic act means the creation or transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to: (Education Code 48900(r))

- a. A message, text, sound, video, or image

- b. A post on a social network Internet web site, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

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

Burn page means an internet web site created for the purpose of causing a reasonable student any of the effects of bullying described above. (Education Code 48900(r))

Credible impersonation means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that the student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated. (Education Code 48900(r))

False profile means a profile of a fictitious student or profile using the likeness or attributes of an actual student other than the student who created the false profile. (Education Code 48900(r))

An electronic act is not considered pervasive conduct solely on the basis that it has been transmitted to the internet or is currently posted on the internet. (Education Code 48900(r))

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))
19. Made terrorist threats against school officials and/or school property (Education Code 48900.7)

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

Additional Grounds for Suspension and Expulsion: Grades 4-12

A student in grades 4-12 shall be subject to suspension or recommendation for expulsion when it is determined that the student:

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

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

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

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

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

Additional Grounds for Suspension and Expulsion: Grades 9-12

Any student in grades 9-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

Suspension from Class by a Teacher

A teacher may suspend a student from class for the remainder of the day and the following day for any of the acts specified in Education Code 48900 and listed as Items #1-19 under "Grounds for Suspension and Expulsion: Grades K-12" above or for disruption or willful defiance at any grade level, including grades K-8. (Education Code 48910)

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

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

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

A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which the student was suspended. (Education Code 48910)

A teacher may also refer a student, for any of the acts specified above in Education Code 48900, to the principal or designee for consideration of a suspension from school. (Education Code 48910)

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

Suspension by Superintendent, Principal or Principal's Designee

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity away from school to have committed any of the acts listed in the Board policy under "Authority to Expel" for which a recommendation of expulsion is required. (Education Code 48915(c))

The Superintendent, principal, or designee may impose a suspension for a first offense if it is determined that the student violated any of Items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

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

Length of Suspension

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school or class, or continuation school or class for the purpose of adjustment, the student may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, including the other means of correction that were attempted before the suspension as required pursuant to Education Code 48900.5, and the evidence against the student, and shall be given the opportunity to present the student's version and evidence in the student's defense. (Education Code 48911)

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

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian, or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the Indian child's tribal social worker, and, if applicable, the county social worker, in person, by email, or by telephone. Whenever a student is suspended, the parent/guardian, or, if applicable, the foster youth's educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, the county social worker, shall also be notified in writing of the suspension. (Education Code 48911)

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

4. In addition, the notice may state the date and time when the student may return to school.
5. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may conduct a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

If school officials request to meet with the parent/guardian, a foster youth's educational rights holder, attorney, and county social worker, or an Indian child's tribal social worker, and, if applicable, the county social worker, the notice may state that the law requires such individuals to respond to the request without delay. However, the student shall not be penalized for the failure of the parent/guardian, a foster youth's educational rights holder, attorney, and county social worker, or an Indian child's tribal social worker, and, if applicable, the county social worker, to attend such a conference. The student may not be denied reinstatement solely

because such individuals failed to attend the conference. (Education Code 48911)

6. **Extension of Suspension:** If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed: (Education Code 48911)
 - a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.
 - b. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process.
 - c. If the student involved is a foster youth or Indian child, the Superintendent or designee shall notify the district's educational liaison of the need to invite the foster youth's educational rights holder, attorney and county social worker, or the Indian child's tribal social worker or, if applicable, the county social worker, to attend the meeting. (Education Code 48853.5, 48911, 48918.1)
 - d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code 48918.1)
 - e. In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct the behavior and keep the student in school.

Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," and "Additional Grounds for Suspension and Expulsion: Grades 9-12" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

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

The Board shall provide the student and parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

On-Campus Suspension

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

1. The on-campus suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student

during the suspension.

4. The student shall be responsible for contacting the student's teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian, or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or, if the student is an Indian child, the Indian child's tribal social worker and, if applicable, county social worker, in person, by email, or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

Superintendent or Principal's Authority to Recommend Expulsion

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

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11059, except for:
 - a. The first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
 - b. The student's possession of over-the-counter medication for use by the student for medical purposes
 - c. Medication prescribed for the student by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

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

Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

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

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

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

Stipulated Expulsion

After a determination that a student has committed an offense for which the student may be expelled, the Superintendent, principal, or designee shall offer the student, the student's parent/guardian, or, when applicable, other person holding the right to make educational decisions for the student, the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after written notice of the expulsion hearing pursuant to Education Code 48918 has been given.

The stipulation agreement shall be in writing and shall be signed by the student, the student's parent/guardian, or, when applicable, the person holding the right to make educational decisions for the student. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of the right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student, the student's parent/guardian, or, when applicable, the person holding the right to make educational decisions for the student, shall be effective upon approval by the Board.

Rights of Complaining Witness

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

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

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

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

Written Notice of the Expulsion Hearing

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

1. The date and place of the hearing
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment

This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

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

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

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

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

Additional Notice of Expulsion Hearing for Foster Youth, Homeless Students, and Indian Children

If the student facing expulsion is a foster student or Indian child, the Superintendent or designee shall also send notice of the hearing to the foster youth's educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, county social worker, at least 10 calendar days prior to the hearing. (Education Code 48918.1)

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 calendar days prior to the hearing. (Education Code 48918.1)

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public to the extent that privacy rights of other students are not violated. (Education Code 48918)
2. Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

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

3. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))
4. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be

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

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in Item #6 below. (Education Code 48918(i))

5. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," and "Additional Grounds for Suspension and Expulsion: Grades 9-12" above. (Education Code 48918(h))
6. Findings of fact shall be based solely on the evidence at the hearing. Although no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

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

7. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
 - a. Any complaining witness shall be given five days' notice before being called to testify.
 - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during the testimony.
 - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
 - d. The person presiding over the hearing may remove a support person who is disrupting the hearing.
 - e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
 - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
 - g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
 - i. The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
 - ii. At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which the complaining witness may leave the hearing room.

- iii. The person conducting the hearing may:

- A. Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
- B. Limit the time for taking the testimony of a complaining witness to normal school hours, if there is no good cause to take the testimony during other hours
- C. Permit one of the support persons to accompany the complaining witness to the witness stand

8. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from school, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. The Board may also appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918)

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

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by the student's parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

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

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code 48917, 48918)

Final Action by the Board

Whether the expulsion hearing is conducted in closed or open session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. (Education Code 48918(j))

The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any "mandatory recommendation and mandatory expulsion" act

listed in the section "Authority to Expel" in the accompanying Board policy, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

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

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

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

Written Notice to Expel

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

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," or "Additional Grounds for Suspension and Expulsion: Grades 9-12" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

Decision to Suspend Expulsion Order

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

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and willingness to follow a rehabilitation program

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

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)

2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," or "Additional Grounds for Suspension and Expulsion: Grades 9-12" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

Appeal

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

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

Notification to Law Enforcement Authorities

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

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

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

Placement During Expulsion

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

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the

program is offered at a community day school established at any of these

3. Not housed at the school site attended by the student at the time of suspension

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in Items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and Items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

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

Readmission After Expulsion

Prior to the date set by the Board for the student's readmission:

1. The Superintendent or designee shall hold a conference with the student's parent/guardian, or other person holding the right to make educational decisions for the student, and the student. At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and the student's parent/guardian or other person holding the right to make educational decisions for the student shall be asked to indicate in writing their willingness to comply with these regulations.
2. The Superintendent or designee shall transmit to the Board a recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the student's parent/guardian or other person holding the right to make educational decisions for the student, or adult student, it shall be honored to the extent that privacy rights of other students are not violated.
3. If the readmission is granted, the Superintendent or designee shall notify the student and the student's parent/guardian, or other person holding the right to make educational decisions for the student, by registered mail, of the Board's decision regarding readmission.
4. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
5. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.
6. The Board shall provide written notice to the expelled student and the student's parent/guardian, or other person holding the right to make educational decisions for the student, describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district.

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

Maintenance of Records

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

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

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

CCP. 1985-1997	Production of evidence; means of production - https://simbli.eboardsolutions.com/SU/T8d1wvorbapluWplusNqpxsaj0A==
Civ. Code 47	Privileged communication - https://simbli.eboardsolutions.com/SU/UaEr9ZLNpDYok3IsIshyDvE3w==
Civ. Code 48.8	Defamation liability - https://simbli.eboardsolutions.com/SU/YzebvHslsh0srfUgdEh3bvmQQ==
Ed. Code 17292.5	Program for expelled students; facilities
Ed. Code 1981-1983	Enrollment of students in community school
Ed. Code 212.5	Sexual harassment
Ed. Code 233	Hate violence
Ed. Code 32260-32262	Interagency School Safety Demonstration Act of 1985
Ed. Code 35145	Open board meetings
Ed. Code 35146	Closed sessions regarding suspensions
Ed. Code 35291	Rules for government and discipline of schools
Ed. Code 35291.5	Rules and procedures on school discipline
Ed. Code 48645.5	Former juvenile court school students; enrollment
Ed. Code 48660-48666	Community day schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48900-48927	Suspension and expulsion
Ed. Code 48950	Speech and other communication
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49073-49079	Privacy of student records
Ed. Code 52052	Numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 64000-64001	Consolidated application
Ed. Code 8489-8489.1	Prohibition against expulsion of preschool student
Gov. Code 11455.20	Informal hearing procedures
Gov. Code 54950-54963	The Ralph M. Brown Act
H&S Code 11014.5	Drug paraphernalia
H&S Code 11053-11059	Controlled substances; standards and schedules
Lab. Code 230.7	Employee time off to appear in school on behalf of a child
Pen. Code 240	Assault defined
Pen. Code 241.2	Assault fines
Pen. Code 242	Battery defined
Pen. Code 243.2	Battery on school property
Pen. Code 243.4	Sexual battery
Pen. Code 245	Assault with deadly weapon

Pen. Code 245.6

Pen. Code 261

Pen. Code 266c

Pen. Code 286

Pen. Code 287

Pen. Code 288

Pen. Code 289

Pen. Code 31

Pen. Code 417.27

Pen. Code 422.55

Pen. Code 422.6

Pen. Code 422.7

Pen. Code 422.75

Pen. Code 626.10

Pen. Code 626.2

Pen. Code 626.9

Pen. Code 868.5

W&I Code 224.1

W&I Code 729.6

Federal References

18 USC 921

20 USC 1415(K)

20 USC 7961

42 USC 11431-11435

Management Resources References

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

U.S. DOE, Office for Civil Rights Publication

Hazing

Rape defined

Unlawful sexual intercourse

Sodomy defined

Oral Copulation

Lewd or lascivious acts with child under age 14

Penetration of genital or anal openings

Principal of a crime; defined

Laser pointers

Definition of hate crime

Crimes; harassment

Aggravating factors for punishment

Enhanced penalties for hate crimes

Dirks, daggers, knives, razors, or stun guns

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

Gun-Free School Zone Act of 1995

Supporting person; attendance during testimony of witness

Indian child; definition

Counseling

Description

Definitions; firearms and ammunition

Students with disabilities; placement in alternative educational setting

Gun-Free Schools Act

Education of homeless children and youths

Description

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

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

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

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

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

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

Garcia v. Los Angeles Board of Education (1981) 123 Cal. App. 3d 807

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

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

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

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

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==
Website	U.S. Department of Education, Office of Safe and Healthy Students - https://simbli.eboardsolutions.com/SU/F0ZA2t2fGjItWb49UuDxaPA==
Website	California Attorney General's Office - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==

Cross References

	Description
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/Q7gil8GDAxZA23W9BEbNBw==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/rdIFkXtkL04nPQ7EChV5kQ==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/veDrWch4MmETypmNplusWpI4A==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/PhLTuOplus1cucax34urDgEfW==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/GPX87YasyLIgrwrAjTkQSg==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/yjVvBCGm2rPCjkELGVV5A==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpybttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAkslsh8XdmxbODX9gY2A==
1312.3-E(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/vicclxcmyjqgK8RRHm2Nkg==
1312.3-E(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/xVUTW3cplusaalR0zsW6DCG1w==
1313	Civility - https://simbli.eboardsolutions.com/SU/cERNNraryLpslshslshpqrqyRyAw==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/YcXDCKQsxpNcLpvl3ATIA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/PDQMCVslshDCYPHDWJcAvbVoQ==
3513.4	Drug And Alcohol Free Schools - https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/62Wk6GNjXu2zslshvGnBDFF7w==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/l25ep2Rc2ZQ264b5Lthy8A==
3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/2hYMI2YDYwUyplusQyNqN64RQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/xzE1kDD6MeebnuiCYEM5mw==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/l1J1QKjZow3q8v7pZhTCDQ==

3515.31	School Resource Officers - https://simbli.eboardsolutions.com/SU/arWmFD2oslsHQMqq8yu4PX7mw==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/HJyfNTrq3yl0UnDK53CpBA==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/ViR6wN5wOiTu0tZplus7Ly9Jw==
3516.2	Bomb Threats - https://simbli.eboardsolutions.com/SU/7AOcOEDZOGIVxjQHiw3eyQ==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/FNXlvGTuDgTcLGIWKDo75Q==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/Lldu39d9d8NTNOW1shZPzA==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==
5000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/aErmQxYEG9111XkTFPUiw==
5112.1	Exemptions From Attendance - https://simbli.eboardsolutions.com/SU/LcLayQFf4thwL2slshaqp5KHA==
5112.1	Exemptions From Attendance - https://simbli.eboardsolutions.com/SU/WUuntUVXmplusK9SN3jKo9sXAA==
5112.5	Open/Closed Campus - https://simbli.eboardsolutions.com/SU/tSpd0wKh4xe341PQVCYptw==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/NpL4pbG68rX4JtK5UIBplus2Q==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/uc0Mjiclepplusl3CTnMaZJhQ==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFVQE9Vntg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/D21lg7JcgumhuWnRL0bAw==
5113.11	Attendance Supervision - https://simbli.eboardsolutions.com/SU/Lz97LnzWjMXSu91JfHK6HA==
5116.2	Involuntary Student Transfers - https://simbli.eboardsolutions.com/SU/stzdlpslshnN4wtua16r3CEfA==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/be8UuRQ5tYpPBjYfPslshJOslshgg==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/YpwmrnK3MFpslshPeaNfGkpoQ==
5119	Students Expelled From Other Districts - https://simbli.eboardsolutions.com/SU/o0k6dEwir2plusDFGyAs7Wslsh0Q==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VkhAQ==

5125.2	Withholding Grades, Diploma Or Transcripts - https://simbli.eboardsolutions.com/SU/NJ9Z2gAgJ2ETo56oMd09lg==
5131	Conduct - https://simbli.eboardsolutions.com/SU/pBUFdJ0Eye0pz1R21VtIYQ==
5131.1	Bus Conduct - https://simbli.eboardsolutions.com/SU/zyoZr0SgrvNXhiYX9TWeVg==
5131.1	Bus Conduct - https://simbli.eboardsolutions.com/SU/4r9jCe2D8UyosnslshGRWDUcQ==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/Sw0juMy0rrGlgPDYiJ2Rvw==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/MwcrPaiVN3oQ15PFbAoQPA==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/plusslshvcF2YZJxlFwsCfulcOVw==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/0lrMQ6nnuTuPplusLplusO4Wvu2g==
5131.5	Vandalism And Graffiti - https://simbli.eboardsolutions.com/SU/Hgb7V0EwOFkMvnfEHtBslshWA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/WDkn56oiRIRHg1DfVsZyxA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/7eplus9F20a143StxVcQXvoig==
5131.62	Tobacco - https://simbli.eboardsolutions.com/SU/aJ5kH2qyEG0vE2G37vU1sw==
5131.62	Tobacco - https://simbli.eboardsolutions.com/SU/19lp3NAy7KzO11ajp9og0w==
5131.63	Steroids - https://simbli.eboardsolutions.com/SU/ihoxSEmBEZNKQ70plusQMcpCw==
5131.63	Steroids - https://simbli.eboardsolutions.com/SU/6mA3cd0rwiqZ8RALwplusCJ0g==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/VLsJ6xol8LYgHak7QMopGQ==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/slshPgj72hiwplusAtZ4k3VHkntg==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/Ufqvo2274QHBLOiceWSBplusA==
5138	Conflict Resolution/Peer Mediation - https://simbli.eboardsolutions.com/SU/vYnT58jV6Sc5PaNDJcoXJg==
5142	Safety - https://simbli.eboardsolutions.com/SU/7nif3h0e6gdJCmslshRtV72zA==
5142	Safety - https://simbli.eboardsolutions.com/SU/bUium2LRVRQFGiKYfplusLW7A==
5144	Discipline - https://simbli.eboardsolutions.com/SU/raFn00F3HGFVveXZ7SN4sA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/M26rRhwtMFcZ0FEQbR1MBg==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/NftSUGk50Ud4g5uQUexZjA==
5144.4	Required Parental Attendance - https://simbli.eboardsolutions.com/SU/LajME9ACpdiQrDDMkt6VQw==
5144.4	Required Parental Attendance - https://simbli.eboardsolutions.com/SU/cOo4hklm8clB8vslsho3Q7MLA==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/kUSWh8nIAjshlshplusgHF91pEC6g==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/eRCTslsh00EzMKPz3u284uZoQ==

5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/lbu6OGOoNPkptcFYicbKYg==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/ZGwh6CltgMZOnQPvmdnzng==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/be0JrP9vB8YKcEI8kaV3gg==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/SuvNxTtIUJ0XfalLuj15AA==
5145.6-E(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/RdNSntUjWlcsishJyFn1Yfqfw==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/MfAhaHLgZdYUYNaeSYslsh2ow==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/F81vgNUe2qhM9N9pNBTQtA==
5145.71	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/rZPreTur6slsh2lqWSGKKtgXw==
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/iHslshFFU3cfEoul0o8ULZduA==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/RoY7foslshVVCuCn7ASBE4vKg==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/plusslsh1w9wNjgSxojasMdRRAOg==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/TkiGKzMnAo9vQwZU56wqVw==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/Fr5qETtTn48ak1ITDSX9jg==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==
6145.5	Student Organizations And Equal Access - https://simbli.eboardsolutions.com/SU/0qp5CDCPz8M9qc7jKUhzag==
6145.5	Student Organizations And Equal Access - https://simbli.eboardsolutions.com/SU/tkCu7yQSUwQ7chWkDREDlg==
6145.8	Assemblies And Special Events - https://simbli.eboardsolutions.com/SU/XUQ7c7HCexdvOTwhZOd4ww==
6153	School-Sponsored Trips - https://simbli.eboardsolutions.com/SU/7r4Q2oNQvl8g7Lgkll0EVQ==
6153	School-Sponsored Trips - https://simbli.eboardsolutions.com/SU/94iq9ExjQyubmVXbZDVrYg==
6154	Homework/Makeup Work - https://simbli.eboardsolutions.com/SU/VxoHZcFGUPDEfR07jt6Umg==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/Rqslsh4Fd5HLPwBBONpjsQGTg==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/2tRYy222MXLXnvV9vrMP4w==

6161.2	Damaged Or Lost Instructional Materials - https://simbli.eboardsolutions.com/SU/pzjgEGaCof7djCAI2snnsQ==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/JYZqEAGgHSQ8NKf76jfTkW==
6163.4-E(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/xL8Kskyraw6PieC8rplusJpYg==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/6plusOTTGd6ABIAeBaW0zV0Xg==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/CGPb7slshjqY1I1isv4hclqQ==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/SBoNplusBJj6iORBiim4CgVaw==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/22plusZOHjy6HWBgK8mxgQgvw==
6173-E(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/Mg2VskPwKRiMR5slshcluDuUQ==
6173-E(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/Qziu5plusQ24Cwf3qrg2lwW1A==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/FhWqtvgluEC44NZ6fEILQA==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/plus02X7aplusL6BbQWZJpZVboVQ==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGhplusXBfB2lhozFRg==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/KkY8miqdW4plusznm6ryYow7Q==
6185	Community Day School - https://simbli.eboardsolutions.com/SU/m8dwsishTAyjm6k58NpbUxTJA==
6185	Community Day School - https://simbli.eboardsolutions.com/SU/4lhiHc7rwaMmB800XOZt3A==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBsishkYpCeLkOFfduR9FE4g==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiQyqvira==
9321-E(1)	Closed Session - https://simbli.eboardsolutions.com/SU/HugJnLcusrzLSVT90UPEca==
9321-E(2)	Closed Session - https://simbli.eboardsolutions.com/SU/wSrEqCMiEHslshYFCluMQnxBg==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/rPzCGxop9pluspluscD3iWn6mhcw==

Regulation 5144.2: Suspension And Expulsion/Due Process (Students With Disabilities)

Status: ADOPTED

Original Adopted Date: 11/01/2006 | **Last Revised Date:** 03/01/2023 | **Last Reviewed Date:** 03/01/2023

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this administrative regulation.

Suspension or expulsion of a student with disabilities shall be in accordance with Board Policy 5144.1 - Suspension and Expulsion/Due Process and this administrative regulation.

When a student with disabilities exhibits behavior which impedes the student's own learning or that of others, the student's individualized education program (IEP) team shall consider positive behavioral interventions and supports, and other strategies, to address the behavior. (Education Code 56521.2; 20 USC 1414)

Suspension

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 cumulative school days in a school year as long as the pattern of suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530)

The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from the student's current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under either of the following circumstances: (34 CFR 300.536)

1. The removal is for more than 10 consecutive school days
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
 - a. The series of removals total more than 10 school days in a school year
 - b. The student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals
 - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another

If a student's removal is determined to be a change of placement as specified in Items #1-2 above, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in the student's IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to the student or the student's parent/guardian when, as a result of a suspension, the student is excluded from school bus transportation. (Education Code 48915.5)

The principal or designee shall monitor the number of days, including portions of days, in which a student with an IEP has been suspended during the school year.

Interim Alternative Educational Placement Due to Dangerous Behavior

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by the student's IEP team. (20 USC 1415(k)(1)(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from the student's current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow the student to participate in the general education curriculum and to progress toward meeting the goals set out in the IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

Manifestation Determination

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the district's code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. If the student is a foster youth, the notice shall be given to the student's educational rights holder, attorney, and county social worker, and, if the student is an Indian child, the student's tribal social worker and, if applicable, county social worker. (Education Code 48853.5; 20 USC 1415(k)(1)(H); 34 CFR 300.530)
2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

If the student is a foster youth or Indian child, the foster youth's educational rights holder, attorney, or county social worker, or the Indian child's tribal social worker and, if applicable, county social worker, shall be invited to participate in the manifestation determination review. (Education Code 48915.5)

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

- a. Caused by or had a direct and substantial relationship to the student's disability
- b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of the student's disability. (20 USC 1415(k)(1)(E);

34 CFR 300.530)

3. **Determination that Behavior is a Manifestation of the Student's Disability:** When the student's conduct has been determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which the student was removed, unless the parent/guardian and Superintendent or designee agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

4. **Determination that Behavior is Not a Manifestation of the Student's Disability:** When it has been determined that the student's conduct was not a manifestation of the disability, the student may be disciplined in accordance with the procedures for students without disabilities. However, the student's IEP team shall determine services necessary to enable the student to participate in the general education curriculum in another setting and to allow the student to progress toward meeting the goals set out in the IEP. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

Due Process Appeals

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances), 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), the parent/guardian may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

Readmission

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

Decision Not to Enforce Expulsion Order

The Governing Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code 48917)

Notification to Law Enforcement Authorities

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that the student's information or records will not be disclosed to any other person without the prior written consent of the student's parent/guardian. (Education Code 49076)

Report to County Superintendent of Schools

The Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. (Education Code 48203)

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless assert any of the protections under IDEA, if the district had knowledge of the student's disability. (20 USC 1415(k)(5); 34 CFR 300.534)

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311
3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student

However, the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed the student to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the district determined that the student was not an individual with a disability. (20 USC 1415(k)(5); 34 CFR 300.534)

When the district is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35146

Ed. Code 35291

Ed. Code 48203

Ed. Code 48853.5

Ed. Code 48900-48925

Ed. Code 49076

Ed. Code 56000

Description

Closed sessions regarding suspensions

Rules of governing board

Reports of severance of attendance of disabled students

Foster youth and Indian child's representatives' right to receive notices

Suspension and expulsion

Access to student records

Special education; legislative findings and declarations

Ed. Code 56320	Educational needs; requirements
Ed. Code 56321	Development or revision of individualized education program
Ed. Code 56329	Independent educational assessment
Ed. Code 56340-56347	Individualized education program teams
Ed. Code 56505	State hearing
Ed. Code 56521.2	Behavioral interventions
Pen. Code 245	Assault with deadly weapon
Pen. Code 626.10	Dirks, daggers, knives, razors, or stun guns
Pen. Code 626.2	Entry upon campus after written notice of suspension or dismissal without permission
Pen. Code 626.9	Gun-Free School Zone Act of 1995

Federal References

18 USC 1365	Serious bodily injury
18 USC 930	Weapons
20 USC 1412	State eligibility
20 USC 1414	Evaluations, eligibility determinations, individualized education programs, and educational placements
20 USC 1415	Procedural safeguards
21 USC 812	Schedule of controlled substances
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 104.35	Evaluation and placement
34 CFR 104.36	Procedural safeguards
34 CFR 300.1-300.818	Assistance to states for the education of students with disabilities
34 CFR 300.530-300.537	Discipline procedures

Management Resources References

	Description
Court Decision	Honig v. Doe (1988) 484 U.S. 305
Court Decision	M.P. v. Governing Board of Grossmont Union High School District (1994) 858 F.Supp. 1044
Court Decision	Parents of Student W. v. Puyallup School District (1994 9th Cir.) 31 F.3d 1489
Court Decision	Schaffer v. Weast (2005) 546 U.S. 49
Federal Register	Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
Ofc of Special Education & Rehabilitative Svcs Pub	Letter Commenting on Hearing Officer Authority to Determine whether Conduct is a Violation of Student Code of Conduct, July 2012
Ofc of Special Education & Rehabilitative Svcs Pub	Dear Colleague Letter on Supporting the Needs of Students with Disabilities, July 2022
Ofc of Special Education & Rehabilitative Svcs Pub	Dear Colleague Letter on Supporting the Needs of Students with Disabilities, July 2022
Ofc of Special Education & Rehabilitative Svcs Pub	Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions, July 2022
Ofc of Special Education & Rehabilitative Svcs Pub	Positive, Proactive Approaches to Supporting Children with Disabilities: A Guide for Stakeholders, July 2022

Office of Administrative Hearings

Parent v. Fairfield-Suisun Unified School District (2012) Case No. 2012030917

U.S. Dept of Education Office for Civil Rights Pub

Fact Sheet: Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022

U.S. Dept of Education Office for Civil Rights Pub

Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022

Website

CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxK6R5akQ==>

Website

U.S. Department of Education, Office of Special Education and Rehabilitative Services - <https://simbli.eboardsolutions.com/SU/qLQcle1gncukY8IMLvozRw==>

Website

California Department of Education, Special Education - <https://simbli.eboardsolutions.com/SU/wbtzINw8puwslshjTsrnVmBCA==>

Website

U.S. Department of Education, Office for Civil Rights - <https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==>

Cross References

Description

0430

Comprehensive Local Plan For Special Education - <https://simbli.eboardsolutions.com/SU/rgKlgacI3XOsIshoplusJl3KpLhw==>

0430

Comprehensive Local Plan For Special Education - <https://simbli.eboardsolutions.com/SU/sjv2t7rloeaRRZopluscw5c4w==>

0450

Comprehensive Safety Plan - <https://simbli.eboardsolutions.com/SU/Q7gil8GDAXZA23W9BEbNBw==>

0450

Comprehensive Safety Plan - <https://simbli.eboardsolutions.com/SU/rdlFkXtkL04nPQ7EChV5kQ==>

0460

Local Control And Accountability Plan - <https://simbli.eboardsolutions.com/SU/veDrWch4MmETypmNplusWpl4A==>

0460

Local Control And Accountability Plan - <https://simbli.eboardsolutions.com/SU/PbLTuOplus1cucax34urDgEfww==>

3513.4

Drug And Alcohol Free Schools - <https://simbli.eboardsolutions.com/SU/cyiOKslshMplusW4HsIsHslshWMh5sSZ1w==>

3541.2

Transportation For Students With Disabilities - <https://simbli.eboardsolutions.com/SU/sIshxvzUpFU7JJURslshN7eBljSQ==>

4118

Dismissal/Suspension/Disciplinary Action - <https://simbli.eboardsolutions.com/SU/1feQnJxnTqXT1BhIvWdeWA==>

4118

Dismissal/Suspension/Disciplinary Action - <https://simbli.eboardsolutions.com/SU/L6i9RwB51LbplusbnI35tH3Bg==>

4158

Employee Security - <https://simbli.eboardsolutions.com/SU/FNXlvGTuDgTcLGIWKDo75Q==>

4158

Employee Security - <https://simbli.eboardsolutions.com/SU/LIdu39d9d8NTNOW1shZPzA==>

4258

Employee Security - <https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==>

4258

Employee Security - <https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDEFSTUwAmg==>

4358

Employee Security - <https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtsIshdMQ==>

4358

Employee Security - <https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==>

5113.11	Attendance Supervision - https://simbli.eboardsolutions.com/SU/Lz97LnzWjMXSu91JfHK6HA==
5116.2	Involuntary Student Transfers - https://simbli.eboardsolutions.com/SU/stzdlpslshnN4wtua16r3CEfA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VkhAQ==
5131	Conduct - https://simbli.eboardsolutions.com/SU/pBUFdJ0EyeOpz1R21VtIYQ==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/Sw0juMy0rrGlgPDYiJ2Rvw==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/MwcrPaiVN3oQ15PFbAoQPA==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/plusslshvcF2YZJxlFwsCfulcQVw==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/0lrMQ6nnuTuPplusLplusO4Wvu2g==
5131.62	Tobacco - https://simbli.eboardsolutions.com/SU/aJ5kH2qyEG0vE2G37vU1sw==
5131.62	Tobacco - https://simbli.eboardsolutions.com/SU/19lp3NAy7KzO11ajp9og0w==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/VLsJ6xol8LYgHak7OMopGQ==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/slshPgj72hiwplusAtZ4k3VHkntg==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/Ufqvo2274QHBL0iceWSBplusA==
5138	Conflict Resolution/Peer Mediation - https://simbli.eboardsolutions.com/SU/vYnT58jV6Sc5PaNDJcoXJg==
5144	Discipline - https://simbli.eboardsolutions.com/SU/raFn00F3HGfVveXZ7SN4sA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/M26rRhwtMfcZ0FEQhR1MBg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/BPOw0RFdLeDTvfQqVHSzBA==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/S75iQjneD6mjxsnoDBRJQ==
5144.4	Required Parental Attendance - https://simbli.eboardsolutions.com/SU/LajME9ACpdiQrDDMkT6VQw==
5144.4	Required Parental Attendance - https://simbli.eboardsolutions.com/SU/cOo4hklm8clB8vslsho3Q7MLA==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/lbu6OGOoNPkptcFYicbKYg==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/ZGwh6CitgMZOn0Pvmdnzng==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/be0JrP9vB8YKcEI8kaV3gg==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/SuvNxTtIUJ0Xfallui15AA==
5145.6-E(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/RdNSntUjWlclshJyFn1Yfqfw==

5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/MfAhaHLgZdYUYNaeSYslsh2ow==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/F81vgNUe2qhM9N9pNBTQtA==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==
6120	Response To Instruction And Intervention - https://simbli.eboardsolutions.com/SU/YopBQ2VrklsMGNYQPvMr6w==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/TkiGKzMnAo9vQwZU56wqVw==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/Fr5qETtTn48ak1ITDSX9jg==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUiLWOYqgA==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/IBIWJmfAPQOe3xnVhUQNYg==
6159.1	Procedural Safeguards And Complaints For Special Education - https://simbli.eboardsolutions.com/SU/S0PIFWQ0dcwNeAZdN9bmYQ==
6159.1	Procedural Safeguards And Complaints For Special Education - https://simbli.eboardsolutions.com/SU/3gc3YUKeG1b3e7zDpoTL3Q==
6159.3	Appointment Of Surrogate Parent For Special Education Students - https://simbli.eboardsolutions.com/SU/kwKWaBk8WZGBdRWcmfUQoA==
6159.3	Appointment Of Surrogate Parent For Special Education Students - https://simbli.eboardsolutions.com/SU/WsbHcd1QIVwHGqMal6QN9g==
6159.4	Behavioral Interventions For Special Education Students - https://simbli.eboardsolutions.com/SU/vvWaDbTd0l5EqM9eM3Rxbw==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/JYZqEAGgHSQ8NKf76jftkw==
6163.4-E(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/xL8Kskyrw6PieC8rplusJpYg==
6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/ffCNssls0JPpJGdyfYF23Dg==
6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/rsstgVL8YWDzm2Ni7PU9jg==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/XrnsIsHQIPaFW9wMoMV2IEKpg==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/UklsYeA03YN6xcWenpZIVQ==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/6plusOTTGd6ABIAeBaW0zV0xg==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/CGPb7slshjqJY111sv4hclqQ==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/SBqNplusBJj6lORBiim4CgVaw==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/22plusZOHjy6HWBgK8mxgQgvw==

6173-E(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/Mg2VskPwKRiMR5slshcluDuuQ==
6173-E(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/Oziu5plusO24Cwf3qrg2lwW1A==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/FhWqtvgluEC44NZ6fEILQA==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/plus02X7aplusL6BbQWZJpZVboVQ==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGbpplusXBfB2ihozFRg==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/KkY8miqdW4plusznm6ryYow7Q==
6185	Community Day School - https://simbli.eboardsolutions.com/SU/m8dwsishTAyjm6k58NpbUxTJA==
6185	Community Day School - https://simbli.eboardsolutions.com/SU/4lhiHc7rwaMmB800XOZt3A==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QjQyqvirA==
9321-E(1)	Closed Session - https://simbli.eboardsolutions.com/SU/HugJnLcusrzLSVT90UPEcA==
9321-E(2)	Closed Session - https://simbli.eboardsolutions.com/SU/wSrEqCMiEHslshYFCIuMQnxBg==

Regulation 6115: Ceremonies And Observances

Status: ADOPTED

Original Adopted Date: 11/01/1999 | Last Revised Date: 03/01/2023 | Last Reviewed Date: 03/01/2023

Holidays

District schools shall be closed on the following holidays: (Education Code 37220)

New Year's Day - January 1

Dr. Martin Luther King, Jr. Day - Third Monday in January or the Monday or Friday of the week in which January 15 occurs

Lincoln Day - The Monday or Friday of the week in which February 12 occurs

Washington Day - Third Monday in February

Memorial Day - Last Monday in May

Juneteenth National Independence Day- June 19

Independence Day - July 4

Labor Day - First Monday in September

Veterans Day - November 11

Thanksgiving Day - The Thursday in November designated by the President

Christmas Day - December 25

In addition, schools shall be closed on: (Education Code 37220)

1. Any day appointed by the Governor as a holiday or as a special or limited holiday on which the Governor provides that schools shall close
2. Any day appointed by the President as a holiday, including by executive order or by signing into law legislation that creates a nationwide federal holiday
3. Any other day designated as a holiday by the Governing Board and/or negotiated with employee organizations

Holidays which fall on a Sunday shall be observed the following Monday. Holidays which fall on a Saturday shall be observed the preceding Friday. If any of the above holidays occurs under federal law on a date different from that indicated above, the Governing Board may close the schools on the date recognized by federal law instead of on the date above. (Education Code 37220)

Commemorative Exercises

District schools shall hold exercises in accordance with law to commemorate the following special days: (Education Code 37220, 37221, 45460)

Dr. Martin Luther King, Jr. Day - The Friday before the day schools are closed for this holiday

Abraham Lincoln's Birthday - The school day before the day schools are closed for this holiday

Susan B. Anthony Day - February 15

George Washington's Birthday - The Friday preceding the third Monday in February

Black American Day - March 5

Conservation, Bird, and Arbor Day - March 7

Classified Employee Week - Third week in May

U.S. Constitution and Citizenship Day - On or near September 17

Commemorative exercises shall be integrated into the regular educational program to the extent feasible.

Patriotic Exercises

Each school shall conduct patriotic exercises daily, which may include the Pledge of Allegiance to the Flag of the United States and/or instruction that promotes understanding of the concepts of "pledge," "allegiance," "republic," and "indivisible" and understanding of the importance of the pledge as an expression of patriotism, love of country, and pride in the United States. (Education Code 52720, 52730)

At elementary schools, such exercises shall be conducted at the beginning of each school day. (Education Code 52720)

At secondary schools, such exercises shall be conducted during the homeroom period.

A student may choose not to participate in the flag salute or Pledge of Allegiance for personal reasons.

Display of Flag

The flag of the United States and the flag of California shall be displayed during business hours at the entrance or on the grounds of every district school and on or near the district office. At all times, the national flag shall be placed in the position of first honor. (Government Code 431, 436; 4 USC 6)

When displayed on a building or on a flagstaff in the open, the national flag shall be displayed only from sunrise to sunset unless properly illuminated during the hours of darkness. The flag should not be displayed during inclement weather unless an all-weather flag is used. (4 USC 6)

The national flag shall fly at half-staff on the following occasions: (4 USC 7)

1. For 30 days from the death of the President or a former President
2. For 10 days from the death of the Vice President, the Chief Justice or a retired Chief Justice, or the Speaker of the House of Representatives
3. From the day of death until interment of an Associate Justice of the Supreme Court, a secretary of an executive or military department, former Vice President, or the Governor of a state
4. On the day of death and the following day for a Member of Congress
5. On Memorial Day, until noon only
6. On Peace Officers Memorial Day (May 15), unless it falls on Armed Forces Day
7. Upon a proclamation from the Governor in the event of the death of a present or former official of the state government or a member of the Armed Forces from the state who has died while serving on active duty
8. On other occasions by order of the President and in accordance with presidential instructions or orders

for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 37220-37222.21

Ed. Code 44015.1

Ed. Code 45203

Ed. Code 45460

Ed. Code 52720-52730

Gov. Code 3540-3549.3

Gov. Code 430-439

Description

Holidays and commemorative events

Week of the School Administrator

Paid holidays

Classified School Employee Week

Patriotic exercises and instruction

Public education employer-employee relations

Display of flags

Federal References

36 USC 106

4 USC 6

4 USC 7

Description

Constitution Day and Citizenship Day

Time and occasion for display of flag

Position and manner of display of flag

Management Resources References

Court Decision

Court Decision

Website

Website

Website

Description

Newdow v. Rio Linda Union School District (9th Cir. 2010) 597 F.3d 1007

West Virginia State Board of Education et al. v. Barnette et al. (1943) 319 U.S. 624

CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

California Department of Education, History/Social Science Instructional Materials - <https://simbli.eboardsolutions.com/SU/mmKB0bZ6paV8oCNRgx6UVw==>

CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Cross References

1330

1330

1330-E(1)

4156.2

4256.2

4356.2

6111

6117

6141.2

6141.2

Description

Use Of School Facilities - <https://simbli.eboardsolutions.com/SU/domunC7PDqvTrydi2Yklw==>

Use Of School Facilities - <https://simbli.eboardsolutions.com/SU/7Tgino0nOgehbMslsh6oxD7Hg==>

Use Of School Facilities - <https://simbli.eboardsolutions.com/SU/FTxq7G3SicIvaYp8UplusEfZQ==>

Awards And Recognition - <https://simbli.eboardsolutions.com/SU/Eslsh2Yv3GF9CHT6U0xWrXXlg==>

Awards And Recognition - <https://simbli.eboardsolutions.com/SU/0veWKpl63dxC9Cwp05o6hw==>

Awards And Recognition - <https://simbli.eboardsolutions.com/SU/cXvJbvLMfFpplpzdglMA3g==>

School Calendar - <https://simbli.eboardsolutions.com/SU/CplusGxnVZdQjf3rslshEslshKMosIshZA==>

Year-Round Schedules - <https://simbli.eboardsolutions.com/SU/PGJ0eo0EaMcrbETUgSfnfg==>

Recognition Of Religious Beliefs And Customs - <https://simbli.eboardsolutions.com/SU/xmiffKplus2Rlp4T2IYM0eqUQ==>

Recognition Of Religious Beliefs And Customs - <https://simbli.eboardsolutions.com/SU/sXom2WXcfT9MISkqKejZPg==>

6142.3

Civic Education -

<https://simbli.eboardsolutions.com/SU/dUY6XHltTKQ5slshFds18pGtA==>

6142.4

Service Learning/Community Service Classes -

<https://simbli.eboardsolutions.com/SU/iVnd1RslshrYn5G7DW0f2PmUw==>

6142.94

History-Social Science Instruction -

<https://simbli.eboardsolutions.com/SU/8w9q6NcK71lbTU94Rqcm7g==>

6144

Controversial Issues -

<https://simbli.eboardsolutions.com/SU/invX9aRIBPzTph8GygfK9w==>

6145.8

Assemblies And Special Events -

<https://simbli.eboardsolutions.com/SU/XUQ7c7HCexdvOTwhZOd4ww==>

Policy 6173: Education For Homeless Children

Status: ADOPTED

Original Adopted Date: 07/01/2005 | Last Revised Date: 03/01/2023 | Last Reviewed Date: 03/01/2023

The Governing Board believes that the identification of students experiencing homelessness is critical to improving the educational outcomes of such students and ensuring that students experiencing homelessness have access to the same free and appropriate public education provided to other students within the district. The district shall provide students experiencing homelessness with access to education and other services necessary for such students to meet the same challenging academic standards as other students.

When there are at least 15 students experiencing homelessness in the district or a district school, the district's local control and accountability plan (LCAP) shall include goals and specific actions to improve student achievement and other outcomes of students experiencing homelessness. (Education Code 52052, 52060, 52064)

The Superintendent or designee shall review district policies at least once every three years and recommend updates to ensure removal of any barriers to the education of homeless students and unaccompanied youth. Any such review shall address identification, enrollment, and retention of such students, including those barriers that are due to absences or outstanding fees or fines. (Education Code 48851.3, 42 USC 11432)

The Superintendent or designee shall designate an appropriate staff person to serve as a liaison for homeless children and youths. The district liaison for homeless students shall fulfill the duties specified in 42 USC 11432 to assist in identifying and supporting students experiencing homelessness to succeed in school, and as specified in Education Code 48851.3 related to trainings for district staff providing assistance to students experiencing homelessness.

The Superintendent or designee shall ensure that each district school identifies all students experiencing homelessness and unaccompanied youths enrolled at the school. (Education Code 48851)

To ensure easy identification of students experiencing homelessness, the Superintendent or designee shall annually provide and administer a housing questionnaire developed by the California Department of Education (CDE) to all parents/guardians of students and all unaccompanied youths. (Education Code 48851)

If the primary language of a student's parent/guardian or an unaccompanied youth is not English, either the housing questionnaire shall be made available in the primary language of the student's parent/guardian or the unaccompanied youth pursuant to Education Code 48985, or an appropriate translation of the housing questionnaire shall be provided upon request of a student's parent/guardian or an unaccompanied youth. (Education Code 48851)

The Superintendent or designee shall report to CDE the number of students experiencing homelessness, including unaccompanied youths, enrolled in the district as identified from the housing questionnaire described above. (Education Code 48851)

In addition, the Superintendent or designee shall ensure that the district liaison's contact information and other information on homelessness, including, but not limited to, information regarding the educational rights and resources available to persons experiencing homelessness, are posted on the district and school web sites as specified in the accompanying administrative regulation. (Education Code 48852.6)

The Superintendent or designee shall ensure that placement decisions for students experiencing homelessness are based on the student's best interest as defined in law and administrative regulation.

Each student experiencing homelessness shall be provided services that are comparable to services offered to other students in the school, including, but not limited to, transportation, educational programs for which the student meets the eligibility criteria (such as federal Title I services or similar state or local programs, programs for students with disabilities, and educational programs for English learners), career and technical education programs, programs for gifted and talented students, and school nutrition programs. (Education Code 48850; 42 USC 11432)

Students experiencing homelessness shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way. However, the Superintendent or designee may separate students experiencing homelessness on school grounds as necessary for short periods of time for health and safety emergencies or to provide temporary, special, and supplementary services to meet their unique needs. (42 USC 11432, 11433)

The Superintendent or designee shall ensure that information and/or materials for students experiencing homelessness are provided in a manner and form understandable to the student's parents/guardians and to unaccompanied youths.

Information about the living situation of a student experiencing homelessness shall be considered part of a student's educational record, subject to the Family Educational Rights and Privacy Act, shall not be deemed to be directory information as defined in 20 USC 1232g, and shall not be released without written consent. (42 USC 11432)

The Superintendent or designee shall coordinate with other agencies and entities to ensure that students experiencing homelessness are promptly identified, ensure that students experiencing homelessness have access to and are in reasonable proximity to available education and related support services, and raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness. Toward these ends, the Superintendent or designee shall collaborate with local social services agencies, other agencies or entities providing services to students experiencing homelessness, and, if applicable, transitional housing facilities. In addition, the Superintendent or designee shall coordinate transportation, transfer of school records, and other interdistrict activities with other local educational agencies. As necessary, the Superintendent or designee shall coordinate, within the district and with other involved local educational agencies, services for students experiencing homelessness and services for students with disabilities. (42 USC 11432)

At least annually, the district liaison and other appropriate staff shall participate in professional development and other technical assistance activities to assist them in identifying and meeting the needs of students experiencing homelessness. Such professional development and technical assistance shall include, but are not limited to, training on the district's homeless education program policies, definitions of terms related to homelessness, recognition of signs that students are experiencing or are at risk of experiencing homelessness, the steps that should be taken once a potentially homeless student is identified, and how to connect students experiencing homelessness with appropriate housing and service providers. (Education Code 48851.3, 48852.5; 42 USC 11432)

At least annually, the Superintendent or designee shall report to the Board on the identification of and outcomes for students experiencing homelessness, which may include, but are not limited to, the housing questionnaire responses, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, suspension/expulsion rates, and other outcomes related to any goals and specific actions identified in the LCAP. Based on the evaluation data, the district shall revise its strategies as needed to more effectively identify and support the education of students experiencing homelessness.

Annually, the Superintendent or designee shall report to CDE, in accordance with Education Code 51225.1, the number of students experiencing homelessness graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670

Ed. Code 39807.5

Ed. Code 48850

Ed. Code 48850-48859

Description

Uniform complaint procedures

Payment of transportation costs by parents

Academic achievement of students in foster care and homeless children

Education of foster youth and homeless students

Ed. Code 48851	Identification of homeless children and youths and unaccompanied youths; housing questionnaire
Ed. Code 48851.3	Homeless education program policies; liaison responsibilities
Ed. Code 48851.5	Local educational agency liaison for homeless children and youths
Ed. Code 48852.3	Monitoring for compliance with chapter
Ed. Code 48852.5	Notice of educational rights of homeless students
Ed. Code 48852.6	Information regarding homelessness
Ed. Code 48852.7	Education of homeless students; immediate enrollment
Ed. Code 48859	Definitions
Ed. Code 48915.5	Recommended expulsion; foster youth with disabilities
Ed. Code 48918.1	Notice of recommended expulsion
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 51225.1-51225.3	Graduation requirements
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan

Federal References

20 USC 1087vv	Free Application for Federal Student Aid; definitions
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 6311	State plan
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12705	Cranston-Gonzalez National Affordable Housing Act; state and local strategies

Management Resources References

California Child Welfare Council Publication	Description Partial Credit Model Policy and Practice Recommendations, September 2013
California Department of Education Publication	Federal Program Monitoring Instrument
California Department of Education Publication	Homeless Education Dispute Resolution Process, March 2020
National Center for Homeless Education Publication	Homeless Liaison Toolkit, 2020
U.S. Department of Education Guidance	Education for Homeless Children and Youths Program, Non-Regulatory Guidance, August 2018
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California State University - https://simbli.eboardsolutions.com/SU/HWPZz3HzIVpluslQvyt9IfVuA==
Website	University of California - https://simbli.eboardsolutions.com/SU/ePW6bfb8qWHxo5C46jpluswqw==
Website	California Department of Education, Homeless Children and Youth Education - https://simbli.eboardsolutions.com/SU/PJfdEy2JFWVslacXpluseoqlA==
Website	National Center for Homeless Education at SERVE - https://simbli.eboardsolutions.com/SU/bhykhoxPF5JgwF1cDVEZha==
Website	National Homelessness Law Center - https://simbli.eboardsolutions.com/SU/bfdbHwxWmqEm0vluLG5daw==

Website	U.S. Department of Education - Education for Homeless Children and Youths Grants for State and Local Activities - https://simbli.eboardsolutions.com/SU/hejlsish9el7BC8rRkMVLthGg==
Website	California Community Colleges - https://simbli.eboardsolutions.com/SU/fu5WNHiEP7hJlaE4gwN73Q==
Website	California Interscholastic Federation - https://simbli.eboardsolutions.com/SU/QthhhDMKplusJ3akAI8GRP72g==
Website	California Child Welfare Council - https://simbli.eboardsolutions.com/SU/8BOINMN9mtFkcAjmEhYQgA==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0415	Equity - https://simbli.eboardsolutions.com/SU/ZGZhz17ATfHJBPO13Jplus7cw==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/veDrWch4MmETypmNplusWpl4A==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/PbLTuOplus1cucax34urDgEfw==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==
0500	Accountability - https://simbli.eboardsolutions.com/SU/PDWiti8tFaGKnqJbgZ4Q3g==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/Zqs0lbYX5FOKNZRBtrSjA==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/ZFoW4ZKHcT3nfqLxRTR1fw==
1113-E(1)	District And School Web Sites - https://simbli.eboardsolutions.com/SU/i5TLslsh83D1nplusoytHTIsM6ew==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAkslsh8XdmxbODX9gY2A==
1312.3-E(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/vicclxcmyjqgK8RRHm2Nkg==
1312.3-E(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/xVUTW3cplusaalR0zsW6DCG1w==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/vJHizKctUNwljEfGnHx4CA==
3250	Transportation Fees - https://simbli.eboardsolutions.com/SU/3AEP1MPROXPhcbkJRE8xQg==
3250	Transportation Fees - https://simbli.eboardsolutions.com/SU/AsxK6aPJlMvpoGYu8o0C9Q==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/LQXLI6xDhZNdYY6QxTclJw==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/8Q8jlqxlo00V6T6aNXVplus3A==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/HJyfNTrq3ylQUnDK53CpBA==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/ViR6wN5wOiTu0tZplus7Ly9Jw==

3541	Transportation Routes And Services - https://simbli.eboardsolutions.com/SU/x9xslshKxLvYXXvWxrplus6eUEMg==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/l4jF0jxd0To1A6OIQagmqg==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/Y01UYQzBbtdljM51C9plusZpA==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/N7wbmnm9H944SplusVnwg4l9g==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/5MEfuuu2ZJemVftwplusskZYw==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshysfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/IYMIfYPYXEiEMhaRz6slshWJQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocLSPi6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/FAuFrJnlbcVy3kgsTslshNU6g==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBWQq0A11slsh9KahGJYr69A==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/3BIIbFE9slshf2AInlIsFw7ag==
5111	Admission - https://simbli.eboardsolutions.com/SU/anOITqnoRUahom8fk0HKg==
5111	Admission - https://simbli.eboardsolutions.com/SU/kL6uH8pluspCplusLjBxFB1jSXpw==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/lAL6e5elvtWslKJ80r5lYg==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/VliddiUvh6orgSjaY4wvt7Q==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFVQe9Vntg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/D2LIg7JcgumhuWnRLo2bAw==
5113.11	Attendance Supervision - https://simbli.eboardsolutions.com/SU/Lz97LnzWjMXSu91JfHK6HA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrQqplus8VkhAQ==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/jYtwXJDslshkuKNsmoetBdSzQ==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/A00pFFSMUslshDODL2a9HlbtQ==

5125.1-E(1)	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/Tao35oyzwQv8535Hs4L1fQ==
5125.2	Withholding Grades, Diploma Or Transcripts - https://simbli.eboardsolutions.com/SU/NJ9Z2gAgJ2ETo56oMd09lg==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/B9HD448oI91HLEE38JkOvA==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/W81oZyMAXizsteV3a4DjpA==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/slshSHDzymYLN8DwMplltWdsg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/DdkxP6lo0oUT7dmBE1eK0g==
5141.26	Tuberculosis Testing - https://simbli.eboardsolutions.com/SU/i1U!qKL4dMNCvjfWlsQslsh3A==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/Whslsh3slshDAkvapt4AefESXBvQ==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/xlV11kQJSpluf7slshAnBIYUjPA==
5141.32	Health Screening For School Entry - https://simbli.eboardsolutions.com/SU/hEaw6ayxLn5XjXFnM5V5w==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/KxDBTjskEdiUR2Gj3BFRPw==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/0vHj1CrosCLEPopplusArHjplusg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/BPOw0RFdLeDTvfQqVHSzBA==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/S75iQjneD6mjixsnoDBRjQ==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/NftSUGk50Ud4g5uQUexZJA==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/SuvNxTtIUJ0Xfallui15AA==
5145.6-E(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/RdNSntUjWlclshJyFn1Yfqfw==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/b5QjnmUpQBtgBNxpBLZKJw==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/SRCRvplus9wpuzSot3FQ8a2gw==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/RoY7foslshVVCuCn7ASBE4vKg==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/plusslsh1w9wNjgSxojasMdRRAOg==
6011	Academic Standards - https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEslshLEej7PvA==
6120	Response To Instruction And Intervention - https://simbli.eboardsolutions.com/SU/YopBQ2VrklsMGNYQPvMr6w==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/zJXVIX5MALJLUeETQnbQA==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/bUCwdpAJjX5ggLMG3GsxDA==

6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/TkiGKzMnAo9vQwZU56wqVw==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/Fr5qETtTn48ak1ITDSX9jg==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==
6146.1	High School Graduation Requirements - https://simbli.eboardsolutions.com/SU/YsBxplusxf217GaPv8zxP4Q1Q==
6146.3	Reciprocity Of Academic Credit - https://simbli.eboardsolutions.com/SU/rdkgdyDZ2KnybslshisshopFL8Q==
6146.3	Reciprocity Of Academic Credit - https://simbli.eboardsolutions.com/SU/xXvuy2muzpaSVMrtWFWi3A==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPuiLWOYqgA==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/IBlWJmfAP00e3xnVhUQNYg==
6159.1	Procedural Safeguards And Complaints For Special Education - https://simbli.eboardsolutions.com/SU/SQPIFWQ0dcwNeAZdN9bmYQ==
6159.1	Procedural Safeguards And Complaints For Special Education - https://simbli.eboardsolutions.com/SU/3gc3YUKeG1b3e7zDpoTL3Q==
6159.3	Appointment Of Surrogate Parent For Special Education Students - https://simbli.eboardsolutions.com/SU/kwKWaBk8WZGBdRWcmfUQoA==
6159.3	Appointment Of Surrogate Parent For Special Education Students - https://simbli.eboardsolutions.com/SU/WsbHcd1QtVwHGqMal6QN9g==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKH040A==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/oZbkKwYtcu0mkplusF9H7PNfQ==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/QEsZgzQo3AFYxslshFZf9HBrg==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/XrnsishQlPaFW9wMoMV2IEKpg==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/UklSYeA03YN6xcWenpZIVQ==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/p4BMACj6yFUh6jSJgfA2gA==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/Dbh9ejHsdfmzm1699QEQQ==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/wTl8EVvu0t0484S390RuGw==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/G268l3K6kr8FEbTmbKV2A==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/FhWqtvgluEC44NZ6fEILQA==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/plus02X7aplusL6BbQWZlpZVboVQ==
6174	Education For English Learners - https://simbli.eboardsolutions.com/SU/OkmHFwl6VWLksdxXorXt9Q==

6174

Education For English Learners -

<https://simbli.eboardsolutions.com/SU/f8BIQLVWS3pu1GqJeOV2ug==>

6177

Summer Learning Programs -

<https://simbli.eboardsolutions.com/SU/teeV5kkJryiahKMzNBplus8Tg==>

6178

Career Technical Education -

<https://simbli.eboardsolutions.com/SU/2rbbha1T98IHWiOTkslshUErg==>

6178

Career Technical Education -

<https://simbli.eboardsolutions.com/SU/S4qxTuQvqZW507diDlxw9g==>

6179

Supplemental Instruction -

<https://simbli.eboardsolutions.com/SU/zi8aQRQAs4kCAuX1Bu2Mslshg==>

6190

Evaluation Of The Instructional Program -

<https://simbli.eboardsolutions.com/SU/okRYD9py3tHKzr20XkWFZg==>

Regulation 6173: Education For Homeless Children

Status: ADOPTED

Original Adopted Date: 12/01/2014 | Last Revised Date: 03/01/2023 | Last Reviewed Date: 03/01/2023

Definitions

Homeless students or students experiencing homelessness means students who lack a fixed, regular, and adequate nighttime residence and includes: (Education Code 48859; 42 USC 11434a)

1. Students who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals
2. Students who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings
3. Students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
4. Migratory children who qualify as homeless because they are living in conditions described in items #1-3 above

Unaccompanied youth includes a homeless child or youth not in the physical custody of a parent or guardian. (Education Code 48859; 42 USC 11434a)

School of origin means the school that the student experiencing homelessness attended when permanently housed or the school in which the student was last enrolled, including a preschool. If the school the student experiencing homelessness attended when permanently housed is different from the school in which the student was last enrolled, or if there is some other school that the student attended within the preceding 15 months and with which the student is connected, the district liaison for homeless students, in consultation with and with the agreement of the student experiencing homelessness and the person holding the right to make educational decisions for the student, shall determine which school is, in the best interests of the student experiencing homelessness, deemed the school of origin. (Education Code 48852.7; 42 USC 11432)

Best interest means that, in making educational and school placement decisions for a student experiencing homelessness, consideration is given to, among other factors, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the student's access to academic resources, services, and extracurricular and enrichment activities that are available to all district students. (Education Code 48850, 48853; 42 USC 11432)

District Liaison

The Superintendent designates the following staff person as the district liaison for homeless students: (42 USC 11432)

Superintendent / Principal
(title or position)
3125 Branciforte OR Santa Cruz CA
(address)
moleward@huesd.com
(email address)
831-429-1456
(phone number)

The district's liaison for homeless students shall: (Education Code 48851.3, 48851.5, 48852.5; 42 USC 11432)

1. Ensure that students experiencing homelessness are identified by school personnel through outreach and

coordination activities with other entities and agencies

2. Ensure that students experiencing homelessness are enrolled in, and have a full and equal opportunity to succeed in, district schools
3. Ensure that families and students experiencing homelessness have access to and receive educational services for which they are eligible, including services through Head Start and Early Head Start programs, early intervention services under Part C of the federal Individuals with Disabilities Education Act, and other preschool programs administered by the district
4. Ensure that families and students experiencing homelessness receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services
5. Inform parents/guardians of the educational and related opportunities available to their children and ensure that they are provided with meaningful opportunities to participate in the education of their children
6. Disseminate public notice of the educational rights of students experiencing homelessness in locations frequented by parents/guardians of students experiencing homelessness and by unaccompanied youth, including schools, shelters, public libraries, and hunger relief agencies (soup kitchens). The rights shall be presented in a manner and form understandable to the parents/guardians of homeless students and unaccompanied youth.
7. Mediate enrollment disputes in accordance with law and the section "Resolving Enrollment Disputes" below
8. Fully inform parents/guardians of students experiencing homelessness and unaccompanied youth of all transportation services, including transportation to the school of origin, and assist them in accessing transportation to the school of choice
9. Offer annual training related to the district's homeless education program policies to school personnel who provide services to students experiencing homelessness, including principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel, to ensure that such employees are informed of available training, professional development, and other support, and the services provided by the district liaison for homeless students
10. Ensure that unaccompanied youth are enrolled in school, have opportunities to meet the same challenging state academic standards established for other students, and are informed of their status as independent students under 20 USC 1087vv and that they may receive assistance from the district liaison to receive verification of their independent student status for purposes of applying for federal student aid pursuant to 20 USC 1090
11. Coordinate and collaborate with state coordinators and community and school personnel responsible for the provision of education and related services to students experiencing homelessness, including the collection and provision of comprehensive data to the state coordinator as required by law

In addition, when notified pursuant to Education Code 48918.1, the district liaison shall assist, facilitate, or represent a student experiencing homelessness who is undergoing a disciplinary proceeding that could result in the student's expulsion. When notified pursuant to Education Code 48915.5, the district liaison shall participate in an individualized education program (IEP) team meeting to make a manifestation determination regarding the behavior of a student with a disability.

The Superintendent or designee shall inform students experiencing homelessness, their parents/guardians, school personnel, service providers, and advocates working with homeless families of the duties of the district's liaison. The Superintendent or designee shall also provide the name and contact information of the district's liaison to the California Department of Education (CDE) for publishing on CDE's web site. (42 USC 11432)

Enrollment

The district shall make placement decisions for students experiencing homelessness based on the student's best interest. (Education Code 48850; 42 USC 11432)

In determining a student's best interest, a student experiencing homelessness shall, to the extent feasible, be placed in the school of origin, unless the student's parent/guardian or the unaccompanied youth requests otherwise. (Education Code 48852.7; 42 USC 11432)

When determining the best interest of any student experiencing homelessness, the district shall give priority to the request of the student's parent/guardian, or in the case of an unaccompanied youth, the request of the student. The student's educational stability and opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress and other student-centered factors related to the student's best interest, including the impact of mobility on the student's achievement, education, health, and safety, shall also be considered. (Education Code 48850; 42 USC 11432)

Such factors may include, but are not limited to, the age of the student, the distance of the commute and the impact it may have on the student's education, personal safety issues, the student's need for special instruction, the length of anticipated stay in the temporary shelter or other temporary location, likely area of future housing, school placement of siblings, and the time remaining in the school year.

However, placement decisions shall not be based on whether a student experiencing homelessness lives with the student's homeless parent/guardian or has been temporarily placed elsewhere. (42 USC 11432)

In the case of an unaccompanied youth, the district liaison shall assist in placement or enrollment decisions, give priority to the views of the student, and provide notice to the student of the right to appeal. (42 USC 11432)

Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school of choice. The student shall be enrolled even if the student: (Education Code 48850, 48852.7; 42 USC 11432)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended
2. Does not have clothing normally required by the school, such as school uniforms
3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and records of immunization and other required health records
4. Has missed application or enrollment deadlines during any period of homelessness

The principal or designee shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other required health records, the principal or designee shall immediately refer the parent/guardian to the district liaison for homeless students. The district liaison shall assist the parent/guardian, or the student if the student is an unaccompanied youth, in obtaining the necessary immunizations, screenings, or records for the student. (42 USC 11432)

If the student is placed at a school other than the school of origin or the school requested by the student's parent/guardian or the student, if an unaccompanied youth, the Superintendent or designee shall provide the parent/guardian or the unaccompanied youth with a written explanation of the reasons for the decision, including why placement in the student's school of origin or requested school is not in the student's best interest, along with a statement regarding the right to appeal the placement decision. The written explanation shall be in a manner and form understandable to such parent/guardian or unaccompanied youth. (42 USC 11432)

At the point of any change or subsequent change in the residence of a student experiencing homelessness, the student may continue attending the student's school of origin for the duration of the homelessness. (Education Code 48852.7; 42 USC 11432)

To ensure that the student experiencing homelessness has the benefit of matriculating with the student's peers in accordance with the established feeder patterns, the following shall apply: (Education Code 48852.7; 42 USC 11432)

1. If the student is transitioning between grade levels, the student shall be allowed to continue in the same attendance area

2. If the student is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, the student shall be allowed to continue to the school designated for matriculation in that district

If the student's housing status changes before the end of the school year so that the student is no longer experiencing homelessness, the student shall be allowed to stay in the school of origin: (Education Code 48852.7)

1. Through the duration of the school year if the student is in grades K-8
2. Through graduation if the student is in high school

Resolving Enrollment Disputes

If a dispute arises over student eligibility, school selection, or enrollment in a particular school, the matter shall be referred to the district liaison, who shall carry out the dispute resolution process as expeditiously as possible. (42 USC 11432)

The parent/guardian or unaccompanied youth shall be provided with a written explanation of any decisions related to eligibility, school selection, or enrollment and of the right of the parent/guardian or unaccompanied youth to appeal such decisions. (42 USC 11432)

The written explanation shall include:

1. A description of the action proposed or refused by the district
2. An explanation of why the action is proposed or refused
3. A description of any other options the district considered and the reasons that any other options were rejected
4. A description of any other factors relevant to the district's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources
5. Appropriate timelines to ensure any relevant deadlines are not missed
6. Contact information for the district liaison and state coordinator, and a brief description of those roles

The written explanation shall be complete, as brief as possible, simply stated, and provided in language that the parent/guardian or student can understand.

The district liaison may use an informal process as an alternative to formal dispute resolution procedures, provided that the parents/guardians or unaccompanied youth have access to the more formal process if informal resolution is not successful in resolving the matter.

In working with a student's parents/guardians or unaccompanied youth to resolve an enrollment dispute, the district liaison shall:

1. Inform the student's parents/guardians or unaccompanied youth that written and/or oral documentation to support their position may be provided
2. Inform the student's parents/guardians or unaccompanied youth that they may seek the assistance of social services, advocates, and/or service providers in having the dispute resolved
3. Provide a simple form that they may use and turn in to the school to initiate the dispute resolution process
4. Provide a copy of the dispute form they submit for their records
5. Provide the outcome of the dispute for their records

When a student's parent/guardian or an unaccompanied youth involved in the enrollment dispute is an English learner, Items #1-5 shall be provided either in the native language of the parent/guardian or unaccompanied youth or through an interpreter. Any additional support needed because of a disability of that parent/guardian or unaccompanied youth shall be made available without a charge.

If a parent/guardian or unaccompanied youth disagrees with the district liaison's enrollment decision, the decision may be appealed to the Superintendent. The Superintendent shall make a determination within five working days.

If the parent/guardian chooses to appeal the district's placement decision, the district liaison shall forward all written documentation and related paperwork to the liaison for homeless students at the county office of education.

Pending final resolution of the dispute, including all available appeals, the student shall be immediately enrolled in the school in which enrollment is sought and shall be allowed to attend classes and participate fully in school activities. (42 USC 11432, 11434a)

Transportation

The district shall provide transportation for a student experiencing homelessness to and from the student's school of origin when the student is residing within the district and the parent/guardian, or the district liaison in the case of an unaccompanied youth, requests that such transportation be provided. If the student moves outside of district boundaries, but continues to attend the student's school of origin within this district, the Superintendent or designee shall consult with the superintendent of the district in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation. (42 USC 11432)

Any fees that the district charges for home-to-school transportation and other transportation as expressly provided by law shall be waived for students experiencing homelessness. (Education Code 39807.5)

The district shall not be obligated to provide transportation to students who continue attending their school of origin after they secure permanent housing, unless the formerly homeless student has an IEP that includes transportation as a necessary related service for the student. (Education Code 48852.7)

Transfer of Coursework and Credits

When a student experiencing homelessness transfers into a district school, the district will receive an official transcript from the transferring school or district which reflects full and partial credits and grades earned by the student and includes: (Education Code 51225.2)

1. A determination of the days of enrollment and/or seat time, if applicable, for all full and partial credits earned based on any measure of full or partial coursework being satisfactorily completed

Partial coursework satisfactorily completed includes any portion of an individual course, even if the student did not complete the entire course

2. Separate listings for credits and grades earned at each school and local educational agency so it is clear where credits and grades were earned
3. A complete record of the student's seat time, including both period attendance and days of enrollment

The district shall transfer the credits and grades from the transferring school's transcript onto an official district transcript in the same manner as described in Item #2, above. (Education Code 51225.2)

If the Principal or designee has knowledge that the transcript from the transferring school may not include certain credits or grades, the Principal or designee shall contact the prior school within two business days to request that the full or partial credits be issued, which shall then be issued and provided by the prior school within two business days of the request. (Education Code 51225.2)

The district shall accept and issue full credit for any coursework that the student has satisfactorily completed while attending another public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school. (Education Code 51225.2)

If the entire course was completed, the district shall not require the student to retake the course. (Education Code 51225.2)

If the entire course was not completed at the previous school, the student shall be issued partial credit for the coursework completed and shall be required to take the uncompleted portion of the course. However, the district may require the student to retake the portion of the course completed if, in consultation with the holder of educational rights for the student, the district finds that the student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a student in any particular course, the student shall be enrolled in the same or equivalent course, if applicable, so that the student may continue and complete the entire course. (Education Code 51225.2)

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject. Partial credits and grades earned by a student shall be included on the student's official transcript within two business days of the district's notification of the student's transfer, as required under Education Code 49069.5.

In no event shall the district prevent a student experiencing homelessness from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

Applicability of Graduation Requirements

To obtain a high school diploma, a student experiencing homelessness shall complete all courses required by Education Code 51225.3 and fulfill any additional graduation requirements established by the Governing Board.

However, when a student experiencing homelessness who has completed the second year of high school transfers into the district from another school district or transfers between high schools within the district, the student shall be exempted from all district-established coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of the fourth year of high school. Within 30 calendar days of the student's transfer, the Superintendent or designee shall notify the student, the person holding the right to make educational decisions for the student, and the district liaison for homeless students of the availability of the exemption and whether the student qualifies. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student is no longer homeless. (Education Code 51225.1)

To determine whether a student is in the third or fourth year of high school, the district shall use either the number of credits the student has earned as of the date of the transfer, the length of school enrollment, or, for a student with significant gaps in school attendance, the student's age as compared to the average age of students in the third or fourth year of high school, whichever qualifies the student for the exemption. (Education Code 51225.1)

If a student experiencing homelessness was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the person holding the right to make educational decisions for the student may request the exemption and the Superintendent or designee shall exempt the student within 30 days of the request. A student may request the exemption even if the student is no longer a student experiencing homelessness. (Education Code 51225.1)

When the Superintendent or designee determines that a student who transferred into a district school is reasonably able to complete district-established graduation requirements by the end of the student's fourth year of high school, the student shall not be exempted from those requirements. Within 30 calendar days of the following academic year, the student shall be reevaluated based on the student's course completion status at the time, to determine if the

student continues to be reasonably able to complete the district-established graduation requirements in time to graduate by the end of the student's fourth year of high school. Written notice as to whether the student then qualifies for exemption shall be provided to the student, the person holding the right to make educational decisions for the student, and if applicable, to the student's social worker or probation officer. (Education Code 51225.1)

If, upon reevaluation, it is determined that the student experiencing homelessness is not reasonably able to complete the district-established graduation requirements in time to graduate from high school by the end of the student's fourth year of high school, the Superintendent or designee shall provide the student with the option to receive an exemption from district-established graduation requirements or stay in school for a fifth year to complete the district-established graduation requirements upon agreement with the student, or if under 18 years of age, the person holding the right to make educational decisions for the student, and provide notifications in accordance with Education Code 51225.1. (Education Code 51225.1)

When a student experiencing homelessness is exempted from district-established graduation requirements, the Superintendent or designee shall consult with the student and the person holding the right to make educational decisions for the student about the following: (Education Code 51225.1)

1. Discussion of how any requirements that are waived may affect the student's postsecondary education or vocation plans, including the ability to gain admission to a postsecondary educational institution
2. Discussion and information about other options available to the student, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges
3. Consideration of the student's academic data and any other information relevant to making an informed decision on whether to accept the exemption

The district shall not require or request a student experiencing homelessness to transfer schools in order to qualify for an exemption and shall not grant any request made by a student experiencing homelessness, the person holding the right to make educational decisions for the student, or the district liaison on behalf of the student, for a transfer solely to qualify for an exemption. (Education Code 51225.1)

The Superintendent or designee shall not require a student experiencing homelessness who is eligible for an exemption from district-established graduation requirements, and would otherwise be entitled to remain in attendance at the school, to accept the exemption or be denied enrollment in, or the ability to complete, courses for which the student is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether such courses are required for statewide graduation requirements. (Education Code 51225.1)

If a student experiencing homelessness is exempted from district-established graduation requirements, the exemption shall not be revoked. Additionally, the exemption shall continue to apply after the student is no longer experiencing homelessness or if the student transfers to another school, including a charter school, or school district. (Education Code 51225.1)

The Superintendent or designee shall not require or request a student experiencing homelessness who is exempted from district-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, to graduate before the end of the student's fourth year of high school. (Education Code 51225.1)

Upon making a finding that a student experiencing homelessness is reasonably able to complete district-established graduation requirements within the fifth year of high school, the Superintendent or designee shall: (Education Code 51225.1)

1. Consult with the student and, if under 18 years of age, the person holding the right to make educational decisions for the student, of the option to remain in school for a fifth year to complete the district-established graduation requirements and how that will affect the student's ability to gain admission to a postsecondary educational institution

2. Consult with and provide information to the student about transfer opportunities available through the California Community Colleges
3. Upon agreement with the student or with the person holding the right to make educational decisions for the student if under 18 years of age, permit the student to stay in school for a fifth year to complete the district-established graduation requirements
4. Consult with the student or with the person holding the right to make educational decisions for the student of the option to remain in the student's school of origin

When a student experiencing homelessness who has completed the second year of high school transfers into the district from another school district or transfers between high schools within the district, and is not reasonably able to complete the district-established graduation requirements within the student's fifth year of high school but is reasonably able to complete the statewide coursework requirements within the fifth year of high school, the student shall be exempted from all district-established graduation requirements and be provided with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, the Superintendent or designee shall consult with the student and the person holding the right to make educational decisions for the student, regarding the following: (Education Code 51225.1)

1. The student's option to remain in school for a fifth year to complete statewide coursework requirements
2. The effect of waiving the district-established requirements and remaining in school for a fifth year on the student's postsecondary education or vocation plans, including the ability to gain admission to an institution of higher education
3. Other options available to the student, including, but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges
4. The student's academic data and any other information relevant to making an informed decision on whether to accept the exemption and option to remain in school for a fifth year to complete the statewide coursework requirements

Eligibility for Extracurricular Activities

A student experiencing homelessness who enrolls in any district school shall have access to extracurricular and enrichment activities that are available to all students in the school, including but not limited to, interscholastic sports administered by the California Interscholastic Federation. (Education Code 48850)

Notification, Complaints, and Posting Requirements

Information regarding the educational rights of students experiencing homelessness, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)

Any complaint that the district has not complied with requirements regarding the education of students experiencing homelessness, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures.

The Superintendent or designee shall ensure that a list of the district's liaison(s) and the contact information for such liaison(s), as well as specific information on homelessness, including, but not limited to, information regarding the educational rights and resources available to students experiencing homelessness, are posted on the district's web site. (Education Code 48852.6)

Each district school that has a web site shall also post the contact information for the district liaison and the name and contact information of any employee or other person under contract with the school who assists the district liaison in completing the liaison's duties pursuant to 42 USC 11432. (Education Code 48852.6)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670

Ed. Code 39807.5

Ed. Code 48850

Ed. Code 48850-48859

Ed. Code 48851

Ed. Code 48851.3

Ed. Code 48851.5

Ed. Code 48852.3

Ed. Code 48852.5

Ed. Code 48852.6

Ed. Code 48852.7

Ed. Code 48859

Ed. Code 48915.5

Ed. Code 48918.1

Ed. Code 48985

Ed. Code 51225.1-51225.3

Ed. Code 52052

Ed. Code 52060-52077

Description

Uniform complaint procedures

Payment of transportation costs by parents

Academic achievement of students in foster care and homeless children

Education of foster youth and homeless students

Identification of homeless children and youths and unaccompanied youths; housing questionnaire

Homeless education program policies; liaison responsibilities

Local educational agency liaison for homeless children and youths

Monitoring for compliance with chapter

Notice of educational rights of homeless students

Information regarding homelessness

Education of homeless students; immediate enrollment

Definitions

Recommended expulsion; foster youth with disabilities

Notice of recommended expulsion

Notices to parents in language other than English

Graduation requirements

Accountability; numerically significant student subgroups

Local control and accountability plan

Federal References

20 USC 1087vv

20 USC 1232g

20 USC 1400-1482

20 USC 6311

42 USC 11431-11435

42 USC 12705

Description

Free Application for Federal Student Aid; definitions

Family Educational Rights and Privacy Act (FERPA) of 1974

Individuals with Disabilities Education Act

State plan

McKinney-Vento Homeless Assistance Act

Cranston-Gonzalez National Affordable Housing Act; state and local strategies

Management Resources References

California Child Welfare Council Publication

California Department of Education Publication

California Department of Education Publication

National Center for Homeless Education Publication

U.S. Department of Education Guidance

Website

Website

Description

Partial Credit Model Policy and Practice Recommendations, September 2013

Federal Program Monitoring Instrument

Homeless Education Dispute Resolution Process, March 2020

Homeless Liaison Toolkit, 2020

Education for Homeless Children and Youths Program, Non-Regulatory Guidance, August 2018

CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

California State University - <https://simbli.eboardsolutions.com/SU/HWPZz3HzIvpluslQvvt9IfVuA==>

Website	University of California - https://simbli.eboardsolutions.com/SU/ePW6bf8qWHxo5C46jpluswqw==
Website	California Department of Education, Homeless Children and Youth Education - https://simbli.eboardsolutions.com/SU/PJfdEy2JFWVslacXpluseoqlA==
Website	National Center for Homeless Education at SERVE - https://simbli.eboardsolutions.com/SU/bhykh0zPF5JgwF1cDVEZhA==
Website	National Homelessness Law Center - https://simbli.eboardsolutions.com/SU/bfdbHwxWmqEm0vluLG5daw==
Website	U.S. Department of Education - Education for Homeless Children and Youths Grants for State and Local Activities - https://simbli.eboardsolutions.com/SU/hejlsish9el7BC8rRkMVLthGg==
Website	California Community Colleges - https://simbli.eboardsolutions.com/SU/fu5WNHiEP7hJlaE4gwN73Q==
Website	California Interscholastic Federation - https://simbli.eboardsolutions.com/SU/QthhhDMKplusJ3akAI8GRP72g==
Website	California Child Welfare Council - https://simbli.eboardsolutions.com/SU/8BOINMN9mtFkcAjmEbYQgA==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0415	Equity - https://simbli.eboardsolutions.com/SU/ZGZh217ATfHJBQP13Jplus7cw==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/veDrWch4MmETypmNplusWpl4A==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/PhLTuQplus1cucax34urDgEfw==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==
0500	Accountability - https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKKnqJbgZ4Q3g==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/Zqs0lbYX5FOKNZRBtrSjA==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/ZEoW4ZKHcT3nfqLxRTR1fw==
1113-E(1)	District And School Web Sites - https://simbli.eboardsolutions.com/SU/i5TLsish83D1nplusoytHTIsM6ew==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAKslsh8XdmxbODX9gY2A==
1312.3-E(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/vicclxcmyjqgK8RRHm2Nkg==
1312.3-E(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/xVUTW3cplusaalR0zsW6DCG1w==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/vJHizKCUUnwjiE1GnHx4CA==
3250	Transportation Fees - https://simbli.eboardsolutions.com/SU/3AEP1MPROXPhcbkJRE8xQg==
3250	Transportation Fees - https://simbli.eboardsolutions.com/SU/AsxK6aPJIMvpoGYu8o0C9Q==

3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/LQXLI6xDhZNdYY6QxTcljw==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/8Q8jlqlxo00V6T6aNXVplus3A==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/HJyfNTTrq3yl0UnDK53CpBA==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/ViR6wN5wOiTu0tZplus7Ly9Jw==
3541	Transportation Routes And Services - https://simbli.eboardsolutions.com/SU/x9xslshKxLvYXXvWxrplus6eUEMg==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/I4jF0jxd0To1A6OlQagmqg==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/Y01UYQzBbtdljM51C9plusZpA==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/N7wbmm9H944SplusVnwg4l9g==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/5MEfuuu2ZJemVftwplusskZYw==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvsw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluwjzg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/IYMIYYPYXEiEMhaRz6slshWJQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRLduplushLitByDflajDntw==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/FAuFrJnlbcVy3kgsTslshNU6g==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQlh4XnDnSONduY7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/3BII8FE9slshf2AInllsFw7ag==
5111	Admission - https://simbli.eboardsolutions.com/SU/anQITqnoRUahom8fk0HKg==
5111	Admission - https://simbli.eboardsolutions.com/SU/kl6uH8pluspCplusLjBXFB1jSXpw==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/lAL6e5elvtWslKJ80r5lYg==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/VlddiUvh6orgSjaY4wvt7Q==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFVQE9Vntg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/D2Llg7JcgumhuWnRL02bAw==
5113.11	Attendance Supervision - https://simbli.eboardsolutions.com/SU/Lz97LnzWjMXSu91JfHK6HA==

5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/uVgslshwQu15ygQrOqplus8VvkHAQ==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/jYtwXJDslshkuKNsmoet8dSzQ==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/A00pFFSMUslshDODI2a9HlbtQ==
5125.1-E(1)	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/Tao35oyzwQv8535Hs4L1fQ==
5125.2	Withholding Grades, Diploma Or Transcripts - https://simbli.eboardsolutions.com/SU/NJ9Z2gAgJ2ETo56oMd09lg==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/B9HD448oI91HLEF38JkOvA==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/W81oZyMAXizsteV3a4DjpA==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/slshSHDzymYLN8DwMplltWdsg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/DdkxP6lo0oUT7dmBE1eK0g==
5141.26	Tuberculosis Testing - https://simbli.eboardsolutions.com/SU/i1UqKL4dMncvJfWIsQslsh3A==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/Whslsh3slshDAkvapt4AefESXBvQ==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/xIV11kQJSpluf7slshAnBIYIIPA==
5141.32	Health Screening For School Entry - https://simbli.eboardsolutions.com/SU/hEaw6ayxLna5XjXfEnM5V5w==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/KxDBTjskEdlUR2Gj38FRPw==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/0vHj1CrosCLEPoplusArHjplusg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/BPOw0RFdLeDTvfQqVHSzBA==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/S75iQjneD6mjixsnoDBRjQ==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/NftSUGk50Ud4g5uQUexZjA==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/SuvNxTtIUJ0Xfallui15AA==
5145.6-E(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/RdNSntUjWlcsishJyFn1Yfqfw==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/b5QjnmUpQBtgBNxpBLZKJw==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/SRCRvpius9wpuzSot3FQ8a2gw==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/RoY7fosishVVCuCN7ASBE4vKg==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/plussish1w9wNJgSxojasMdRRAOg==

6011	Academic Standards - https://simbli.eboardsolutions.com/SU/Tplus1ybplusF7QGkEslshLEej7PvA==
6120	Response To Instruction And Intervention - https://simbli.eboardsolutions.com/SU/YopBQ2VrklsMGNYQPvMr6w==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/zJXVIX5MALUJUsETQnbQA==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/bUCwdpAJjX5ggLMG3GsxDA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/TkiGKzMnAo9vQwZU56wqVw==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/Fr5qETtTn48ak1ITDSX9jg==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/WjFHslshdOqO8WHJq9f7Kfh5Q==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==
6146.1	High School Graduation Requirements - https://simbli.eboardsolutions.com/SU/YsBxplusxf217GaPv8zxP4O1Q==
6146.3	Reciprocity Of Academic Credit - https://simbli.eboardsolutions.com/SU/rdkgdyDZ2KnybslshslshopFL8Q==
6146.3	Reciprocity Of Academic Credit - https://simbli.eboardsolutions.com/SU/xXvuy2muzpaSVMrtWFWi3A==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPuiLWOYqgA==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/IBlWJmfAP00e3xnVhUQNYg==
6159.1	Procedural Safeguards And Complaints For Special Education - https://simbli.eboardsolutions.com/SU/SOPIFWQ0dcwNeAZdN9bmYQ==
6159.1	Procedural Safeguards And Complaints For Special Education - https://simbli.eboardsolutions.com/SU/3gc3YUKeG1b3e7zDpoTL3Q==
6159.3	Appointment Of Surrogate Parent For Special Education Students - https://simbli.eboardsolutions.com/SU/kwKWaBk8WZGBdRWcmfUQoA==
6159.3	Appointment Of Surrogate Parent For Special Education Students - https://simbli.eboardsolutions.com/SU/WsbHcd1QtVwHGqMal6QN9g==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKH040A==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/oZbkKwYtcu0mkplusF9H7PNfQ==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/QEsZgzQo3AFYxslhFZf9HBrg==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/XrnsishQlPaFW9wMoMV2IEKpg==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/UkLsYeA03YN6xcWenpZIVQ==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/p4BMACj6yFUh6jSJgfA2gA==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/Dbh9ejHszdfmzm1699QEQQ==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/wTl8EVvu0t0484S390RuGw==

6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/G268l3K6kr8FEbTmbKV2A==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/FhWqtvgluEC44NZ6fEILQA==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/plus02X7apL6BbQWZJpZVboVQ==
6174	Education For English Learners - https://simbli.eboardsolutions.com/SU/OkmHFwl6VWLksdxXorXt9Q==
6174	Education For English Learners - https://simbli.eboardsolutions.com/SU/f8BiQLVWS3pu1GqleOV2ug==
6177	Summer Learning Programs - https://simbli.eboardsolutions.com/SU/teeV5kkJryiahKMzNBplus8Tg==
6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/2rbbha1T98lHWiOTkslshUErg==
6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/S4qxTuQvqZW507diDlxw9g==
6179	Supplemental Instruction - https://simbli.eboardsolutions.com/SU/zi8aQRQAs4kCAuX1Bu2Mslshg==
6190	Evaluation Of The Instructional Program - https://simbli.eboardsolutions.com/SU/okRYD9py3tHKzr20XkWFZg==

Policy 6173.1: Education For Foster Youth

Status: ADOPTED

Original Adopted Date: 03/01/2008 | Last Revised Date: 03/01/2023 | Last Reviewed Date: 03/01/2023

The Governing Board recognizes that foster youth may face significant barriers to achieving academic success due to their family circumstances, disruption to their educational program, and their emotional, social, and other health needs that may be addressed with the provision of a safe, positive learning environment that is free from discrimination and harassment and that promotes students' self-esteem and academic achievement.

The Superintendent or designee shall provide foster youth with full access to the district's educational program and implement strategies necessary for the improvement of the academic achievement of foster youth as identified in the district's local control and accountability plan (LCAP). The Superintendent or designee shall also develop strategies to build a foster youth's feeling of connectedness with school, including, but not limited to, strategies that promote positive discipline and conflict resolution, the development of resiliency and interpersonal skills, and the involvement of foster parents, group home administrators, and/or other caretakers in school programs and activities.

The Superintendent or designee shall ensure that placement decisions for foster youth are based on the students' best interests as defined in law and as specified in the accompanying administrative regulation. To that end, the Superintendent or designee shall designate a staff person as the district liaison for foster youth to help facilitate the enrollment, placement, and transfer of foster youth.

The Superintendent or designee and district liaison shall ensure that all appropriate staff, including, but not limited to, each principal, school registrar, and attendance clerk, receive training on the enrollment, placement, and transfer of foster youth and other related rights.

To address the needs of foster youth and help ensure the maximum utilization of available funds, the Superintendent or designee shall collaborate with local agencies and officials including, but not limited to, the county placing agency, social services, probation officers, and juvenile court officers. The Superintendent or designee shall explore the feasibility of entering into agreements with these groups to coordinate services and protect the rights of foster youth.

At least annually and in accordance with the established timelines, the Superintendent or designee shall report to the Board on the outcomes for foster youth regarding the goals and specific actions identified in the LCAP, including, but not limited to, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, and suspension/expulsion rates. As necessary, evaluation data shall be used to determine and recommend revisions to the LCAP for improving or increasing services for foster youth.

Annually, the Superintendent or designee shall report to the California Department of Education, in accordance with Education Code 51225.1, the number of foster youth graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 4600-4670

Uniform complaint procedures

Ed. Code 39807.5

Payment of transportation costs by parents/guardians; waiver for foster youth

Ed. Code 42238.01-42238.07

Local control funding formula

Ed. Code 42920-42926

Foster children educational services

Ed. Code 48645-48647

Juvenile court schools

Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48915.5	Recommended expulsion; foster youth with disabilities
Ed. Code 48918.1	Notice of recommended expulsion
Ed. Code 49061	Definitions; directory information
Ed. Code 49069.5	Students in foster care; grades and credits
Ed. Code 49076	Access to student records
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 56055	Rights of foster parents pertaining to foster youth's education
H&S Code 120341	Foster youth; school placement and immunization records
H&S Code 1522.41	Training and certification of group home administrators
W&I Code 16000-16014	Foster care placement
W&I Code 300	Minors subject to jurisdiction
W&I Code 309	Investigation and release of child
W&I Code 317	Appointment of legal counsel
W&I Code 361	Limitations on parental control
W&I Code 366.27	Educational decision by relative providing living arrangements
W&I Code 602	Minors violating law; ward of court
W&I Code 726	Limitations on parental control
W&I Code 727	Order of care; ward of court

Federal References

20 USC 1415	Procedural safeguards
20 USC 6311	State plan
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 670-679b	Federal assistance for foster care programs

Management Resources References

Alliance for Children's Rights Publication	Foster Youth Education Toolkit, December 2016
California Child Welfare Council Publication	Partial Credit Model Policy and Practice Recommendations, September 2013
California Foster Youth Education Task Force Publication	California Foster Youth Education Law Fact Sheets, January 2021
Cities, Counties and Schools Partnership Publication	Our Children: Emancipating Foster Youth, A Community Action Guide
CSBA Publication	Our Foster Youth: What School Boards Can Do, May 2016
CSBA Publication	Foster Youth: Supports for Success, Governance Brief, May 2016
U.S. Department of Education Publication	Ensuring Educational Stability for Children in Foster Care, Non-Regulatory Guidance, June 2016
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==
Website	Alliance for Children's Rights - https://simbli.eboardsolutions.com/SU/AsIshID5FbeFAQXuxysIshDHYfTg==

Website	Foster Ed - https://simbli.eboardsolutions.com/SU/36IC5WMizFGQ20OYRkL2Lw==
Website	National Center for Youth Law - https://simbli.eboardsolutions.com/SU/rWqbVi1x2WCuGlcphMslsh2yQ==
Website	California Department of Education, Foster Youth Services - https://simbli.eboardsolutions.com/SU/R0UWcbkrRcgV9asNslshPZxnQ==
Website	California Department of Social Services, Foster Youth Ombudsman Office - https://simbli.eboardsolutions.com/SU/L9RgolMbh4Z3K9vdKEUJ0A==
Website	California Foster Youth Education Task Force - https://simbli.eboardsolutions.com/SU/XrG7Kxmibs5cwWnsme2Pcg==
Website	California Youth Connection - https://simbli.eboardsolutions.com/SU/aT1cPCjxh5QKjXBbA1VSpIusQ==
Website	Cities Counties and Schools Partnership - https://simbli.eboardsolutions.com/SU/vkMU6AgLdg2x1CfasX4n3w==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Child Welfare Council - https://simbli.eboardsolutions.com/SU/8BOINMN9mtFkcAjmEbYOgA==

Cross References

0200	Goals For The School District - https://simbli.eboardsolutions.com/SU/9j9OoJApXGvO9isl1lyD8g==
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0415	Equity - https://simbli.eboardsolutions.com/SU/ZGZhz17ATfHJBPOQ13Jplus7cw==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/Q7gil8GDAxZA23W9BEbNBw==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/rdIFkXtkL04nPO7EChV5kQ==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/veDrWch4MmETypmNplusWpl4A==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/PbLTuOplus1cucax34urDgEfw==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5K12ziA==
0500	Accountability - https://simbli.eboardsolutions.com/SU/PDWiti8tFaGKnqJbgZ4Q3g==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpzYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAksh8XdmxbODX9gY2A==
1312.3-E(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/vicclxcmyjqgK8RRHm2Nkg==
1312.3-E(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/xVUTW3cplusaalR0zsW6DCG1w==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/vJHizKcUNwJfGnHx4CA==
3100	Budget - https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNjUUb1FQ==

3100	Budget - https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw==
3250	Transportation Fees - https://simbli.eboardsolutions.com/SU/3AEP1MPROXPhcbkJRE8xQg==
3250	Transportation Fees - https://simbli.eboardsolutions.com/SU/AsxK6aPJIMypoGYu8o0C9Q==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/LQXLI6xDhZNdYY6QxTclJw==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/8Q8jlqxl00V6T6aNXVplus3A==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/HJyfnTrq3yl0UnDK53CpBA==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/ViR6wN5wOiTu0tZplus7Ly9Jw==
3540	Transportation - https://simbli.eboardsolutions.com/SU/WsEcrsw1Er3slshov5xxld5xA==
3541	Transportation Routes And Services - https://simbli.eboardsolutions.com/SU/x9xsishKxLyYXXvWxrplus6eUEMg==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/N7wbmnm9H944SplusVnwq4l9g==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/5MEfuuu2ZJemVftwplusskZYw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/IYMIIfYPYXEiEMhaRz6slshWJQ==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/FAuFrJnlbcVy3kgsTslshNU6g==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/3BIIIBFE9slshf2AlnllsFw7ag==
5111	Admission - https://simbli.eboardsolutions.com/SU/anOITqnoRUahtom8fk0HKg==
5111	Admission - https://simbli.eboardsolutions.com/SU/kL6uH8pluspCplusLjBXFB1jSXpw==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/IAL6e5elvtWslKJ80r5lYg==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/VlddiUvh6orgSjaY4wvt7Q==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUEVOE9Vntg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/D2LIg7JcgumhuWnRLo2bAw==
5113.11	Attendance Supervision - https://simbli.eboardsolutions.com/SU/Lz97LnzWjMXSu91JfHK6HA==
5116.1	Intradistrict Open Enrollment - https://simbli.eboardsolutions.com/SU/d1Mc4bRclktSpluszH3lJyCw==
5116.1	Intradistrict Open Enrollment - https://simbli.eboardsolutions.com/SU/rvdq3uaJjEsMqYOlfftOcQ==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/be8UrO5tYpPBjYfPsishJQslshgg==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/YpwmrnK3MFpsishPeaNFgkpoQ==

5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/nEN5IPbgmpluPXhUNTnXJeuw==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/lKtdZAf0mXsish9Lp2JINpFAA==
5123	Promotion/Acceleration/Retention - https://simbli.eboardsolutions.com/SU/XsishULwDF51O6snseMXV7plus0g==
5123	Promotion/Acceleration/Retention - https://simbli.eboardsolutions.com/SU/i6Ui8m0wR1VPGjsishfiBUgIA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/jw4xw3nB7slshn7ptplustrREa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VkhAQ==
5125.2	Withholding Grades, Diploma Or Transcripts - https://simbli.eboardsolutions.com/SU/NJ9Z2gAgJ2ETo56oMd09lg==
5131	Conduct - https://simbli.eboardsolutions.com/SU/pBUFdJ0Eye0pz1R21VtIYQ==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/Sw0juMy0rrGlgPDYiJ2Rvw==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/MwcrPaiVN3oQ15PFbAoQPA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/WDkn56oiRIRHg1DfVsZyxA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/7eplus9F20al43StxVcQXvoig==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/B9HD448oi91HLEE38JkQvA==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/W81oZyMAXizsteV3a4DjpA==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/Ufqvo2274QHBL0iceWSBplusA==
5138	Conflict Resolution/Peer Mediation - https://simbli.eboardsolutions.com/SU/vYnT58jV6Sc5PaNDJcoXJg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/slshSHDzymYLN8DwMplltWdsg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/DdkxP6lo0oUT7dmBE1eK0g==
5141.26	Tuberculosis Testing - https://simbli.eboardsolutions.com/SU/i1UlqKL4dMNCvjfWlsQslsh3A==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/Whslsh3slshDAkvapt4AefESXBvQ==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/xIV11kQJSpIusf7slshAnBIYIIPA==
5141.32	Health Screening For School Entry - https://simbli.eboardsolutions.com/SU/hEaw6ayxLn5XjXFnM5V5w==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/KxDBTjskEdiUR2Gj3BFRPw==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/0vHj1CrosCLePopplusArHjplusg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/BPOw0RFdLeDTyfQqVHSzBA==

5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/S75iQjneD6mjixsnoDBRjQ==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/NftSUGk50Ud4g5uQUexZjA==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==
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5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/SuvNxTtIUJ0Xfallui15AA==
5145.6-E(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/RdNSntUjWlcsishJyFn1Yfqfw==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==
5147	Dropout Prevention - https://simbli.eboardsolutions.com/SU/nRgafK7e25QslshoATTaX0j5w==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/b5QjnmUpQBtgBNxpBLZKJw==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/SRCRvplus9wpuzSot3FQ8a2gw==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/RoY7fosishVVCuCn7ASBE4vKg==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/plussish1w9wNJgSxoiasMdRRAOg==
6000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zHSg==
6011	Academic Standards - https://simbli.eboardsolutions.com/SU/Tplusl1ybpplusF7QGkEslshLEej7PvA==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/8BBILRHFNP4Ze3lDgijtlg==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/Q0ib1gK3KHGsHNlpTjql8A==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/TkiGKzMnAo9vQwZU56wqVw==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/Fr5qETtTn48ak1ITDSX9jg==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==
6146.1	High School Graduation Requirements - https://simbli.eboardsolutions.com/SU/YsBxplusxf217GaPv8zxP4O1Q==
6146.3	Reciprocity Of Academic Credit - https://simbli.eboardsolutions.com/SU/rdkgdyDZ2KnybslshishshopFL8Q==
6146.3	Reciprocity Of Academic Credit - https://simbli.eboardsolutions.com/SU/xXvuy2muzpaSVMrtWFWi3A==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/nRtckBP3haQcPUiLWOYqgA==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/IBIWJmfAP00e3xnVhUQNYg==

6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education - https://simbli.eboardsolutions.com/SU/ueu2nVzHClsqlsh5Oplus8osvjg==
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education - https://simbli.eboardsolutions.com/SU/8tj64Eb0rA04NXwDCLkGbQ==
6159.3	Appointment Of Surrogate Parent For Special Education Students - https://simbli.eboardsolutions.com/SU/kwKWaBk8WZGBdRWcmfUQoA==
6159.3	Appointment Of Surrogate Parent For Special Education Students - https://simbli.eboardsolutions.com/SU/WsbHcd1QtVwHGqMal6QN9g==
6159.4	Behavioral Interventions For Special Education Students - https://simbli.eboardsolutions.com/SU/vvWaDbTd0l5EqM9eM3Rxbw==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKH040A==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/oZbkKwYtcu0mkplusF9H7PNfQ==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/QEsZgzQo3AFYxslshFZf9HBrG==
6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/ffCNsslsH0JPpJGdyfYF23Dg==
6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/rsstgVl8YWDzm2Ni7PU9jg==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/6plusOTTGd6ABIAeBaW0zV0xg==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/CGPb7slshjQJY1l1isv4hclQ==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/wTl8EVvu0t0484S390RuGw==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/G268l3K6kr8FFbTmbKV2A==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/SBoNplusBJj6lORBiim4CgVaw==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/22plusZQHjy6HWBgK8mxgOgvw==
6173-E(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/Mg2VskPwKRiMR5slshcluDuuQ==
6173-E(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/Oziu5plusO24Cwf3qrg2lwW1A==
6174	Education For English Learners - https://simbli.eboardsolutions.com/SU/OkmHFwl6VWLksdxXorXt9Q==
6174	Education For English Learners - https://simbli.eboardsolutions.com/SU/f8BiOLVWS3pu1GqJeOV2ug==
6177	Summer Learning Programs - https://simbli.eboardsolutions.com/SU/teeV5kkjryiahKMzNBplus8Tg==
6179	Supplemental Instruction - https://simbli.eboardsolutions.com/SU/zi8aQRQAs4kCAuX1Bu2Mslshg==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGbplusXBfB2lhozFRg==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/KkY8miqdW4plusznm6ryYow7Q==
6190	Evaluation Of The Instructional Program - https://simbli.eboardsolutions.com/SU/okRYD9py3tHKZr20XkWFZg==

9320

Meetings And Notices -

<https://simbli.eboardsolutions.com/SU/Wllp67WloJxMnAZ5sziudQ==>

Regulation 6173.1: Education For Foster Youth

Status: ADOPTED

Original Adopted Date: 12/01/2013 | Last Revised Date: 03/01/2023 | Last Reviewed Date: 03/01/2023

Definitions

Foster youth, foster child, or student in foster care means any of the following: (Education Code 42238.01, 48853.5)

1. A child who is the subject of a petition filed pursuant to Welfare and Institutions Code 300, whether or not the child has been removed from the child's home by the juvenile court pursuant to Welfare and Institutions Code 319 or 361
2. A child who is the subject of a petition filed pursuant to Welfare and Institutions Code 602, whether or not the child has been removed from the child's home
3. A child who is the subject of a petition filed pursuant to Welfare and Institutions Code 602, has been removed from the child's home by the juvenile court pursuant to Welfare and Institutions Code 727, and is in foster care as defined by Welfare and Institutions Code 727.4(d)
4. A nonminor who is under the transition jurisdiction of a juvenile court, as described in Welfare and Institutions Code 450, and satisfies the criteria specified in Education Code 42238.01
5. A child who has been removed from the youth's home pursuant to Welfare and Institutions Code 309
6. A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court pursuant to the court's jurisdiction in accordance with the tribe's law
7. A child who is the subject of a voluntary placement agreement, as defined in Welfare and Institutions Code 11400(p)

Person holding the right to make educational decisions means a responsible adult appointed by a court pursuant to Welfare and Institutions Code 361 or 726.

School of origin means the school that the foster youth attended when permanently housed or the school in which the foster youth was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which the foster youth was last enrolled, or if there is another school that the foster youth attended with which the foster youth is connected and that the foster youth attended within the preceding 15 months, the district liaison, in consultation with, and with the agreement of, the foster youth and the person holding the right to make educational decisions for the foster youth shall determine, in the best interests of the foster youth, the school that shall be deemed the school of origin. (Education Code 48853.5)

Best interests of a foster youth means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, the proximity to the school at the time of placement, appropriateness of the educational setting, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the foster youth's access to academic resources, services, and extracurricular and enrichment activities that are available to all district students. (Education Code 48850, 48853; 20 USC 6311)

District Liaison

The Superintendent designates the following position as the district's liaison for foster youth: (Education Code 48853.5)

Superintendent/Principal
(position or title)
3125 Francisco St
(address) San Jose CA 95065

831-429-1456
(phone number)
mstewart@huesd.com
(email)

The liaison for foster youth shall:

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care (Education Code 48853.5)
2. Ensure proper transfer of credits, records, and grades when students in foster care transfer from one school to another or from one district to another (Education Code 48645.5, 48853.5)

When a student in foster care is enrolling in a district school, the liaison shall contact, within two business days of the student's request for enrollment, the school last attended by the student to obtain all academic and other records. When a foster youth is transferring to a new school, the liaison shall provide the student's records to the new school within two business days of receiving the new school's request. (Education Code 48853.5)

3. Notify a foster youth's educational rights holder, attorney, and county social worker when a foster youth is undergoing any expulsion or other disciplinary proceeding including a manifestation determination for a foster youth who is a student with a disability, prior to a change in the foster youth's placement. (Education Code 48853.5, 48911, 48915.5, 48918.1)
4. As needed, make appropriate referrals to ensure that students in foster care receive necessary special education services and services under Section 504 of the federal Rehabilitation Act of 1973
5. As needed, ensure that students in foster care receive appropriate school-based services, such as counseling and health services, supplemental instruction, and after-school services
6. Develop protocols and procedures for creating awareness for district staff, including principals, school registrars, and attendance clerks, of the requirements for the proper enrollment, placement, and transfer of foster youth
7. Collaborate with the county office of education, county placing agency, county child welfare agency, county probation department, juvenile court, and other appropriate agencies to help coordinate instruction, counseling, tutoring, mentoring vocational training, and other related services for the district's foster youth
8. Monitor the educational progress of foster youth and provide reports to the Superintendent or designee and the Governing Board based on indicators identified in the district's local control and accountability plan

The Superintendent or designee shall regularly monitor the liaison's caseload, as well as additional duties outside of the foster youth program, to ensure that adequate time and resources are provided to meet the needs of foster youth in the district.

Enrollment

A student placed in a licensed children's institution or foster family home within the district shall attend programs operated by the district unless one of the following circumstances applies: (Education Code 48853, 48853.5)

1. The student has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency or in another local educational agency
2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best interests of the student to be placed in another education program and submits a written statement to the district indicating that determination and an awareness of the following:
 - a. The student has a right to attend a regular public school in the least restrictive environment
 - b. The alternate education program is a special education program, if applicable

- c. The decision to unilaterally remove the student from the district school and to place the student in an alternate education program may not be financed by the district
 - d. Any attempt to seek reimbursement for the alternate education program may be at the expense of the parent/guardian or other person holding the right to make educational decisions for the student
3. At the initial placement or any subsequent change in placement, the student exercises the right to continue in the school of origin, as defined above. In any such circumstance, the following shall apply:
- a. The student may continue in the school of origin for the duration of the court's jurisdiction
 - b. If the court's jurisdiction over a grade K-8 student is terminated prior to the end of a school year, the student may continue in the school of origin for the remainder of the school year
 - c. If the court's jurisdiction is terminated while the student is in high school, the student may continue in the school of origin through graduation
 - d. If the student is transitioning between school grade levels, the student shall be allowed to continue in the district in the same attendance area to provide the student the benefit of matriculating with the student's peers in accordance with the established feeder patterns of school in the district. A student who is transitioning to a middle school or high school shall be allowed to enroll in the school designated for matriculation in another school district.

The role of the liaison shall be advisory with respect to placement decisions and determination of the school of origin. (Education Code 48853.5)

The district liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the foster youth, recommend that the foster youth's right to attend the school of origin be waived and the foster youth be enrolled in any school that students living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best interests. (Education Code 48853.5)

Prior to making any recommendation to move a foster youth from the school of origin, the liaison shall provide the foster youth and the person holding the right to make educational decisions for the youth with a written explanation of the basis for the recommendation and how the recommendation serves the youth's best interests. (Education Code 48853.5)

If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agrees that the best interests of the foster youth would be served by a transfer to a school other than the school of origin, the principal or designee of the new school shall immediately enroll the foster youth, regardless of whether the foster youth: (Education Code 48853.5)

- 1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended
- 2. Does not have clothing normally required by the school, such as school uniforms
- 3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and medical records, including, but not limited to, immunization records or other documentation

If the foster youth or a person holding the right to make educational decisions for the foster youth disagrees with the liaison's enrollment recommendation, an appeal may be filed with the Superintendent. The Superintendent shall make a determination within 30 calendar days of receipt of the appeal. Within 30 calendar days of receipt of the Superintendent's decision, the foster youth or the person holding the right to make educational decisions for the foster youth may appeal that decision to the Board. The Board shall consider the issue at its next regularly scheduled meeting. The Board's decision shall be final.

If any dispute arises regarding the request of a foster youth to remain in the school of origin, the foster youth has the right to remain in the school of origin pending resolution of the dispute. (Education Code 48853.5)

Transportation

The Superintendent or designee shall collaborate with the local child welfare agency to determine how transportation will be provided, arranged, and funded in a cost-effective manner to enable a foster youth to remain in the school of origin, for the duration of the time spent in foster care, when it is in the foster youth's best interest to do so. Such transportation costs may be paid by either the child welfare agency or the district, or shared by both. (20 USC 6312)

Any fees that the district charges for home-to-school transportation and other transportation as expressly provided by law shall be waived for foster youth. (Education Code 39807.5)

Effect of Absences on Grades

The grades of a student in foster care shall not be lowered for any absence from school that is due to either of the following circumstances: (Education Code 49069.5)

1. A decision by a court or placement agency to change the student's placement, in which case the grades shall be calculated as of the date the student left school
2. A verified court appearance or related court-ordered activity

Transfer of Coursework and Credits

When a foster youth transfers into a district school, the district will receive an official transcript from the transferring school or district which reflects full and partial credits and grades earned by the foster youth and includes: (Education Code 51225.2)

1. A determination of the days of enrollment and/or seat time, if applicable for all full and partial credits earned based on any measure of full or partial coursework being satisfactorily completed

Partial coursework satisfactorily completed includes any portion of an individual course, even if the student did not complete the entire course
2. Separate listings for credits and grades earned at each school and local educational agency so it is clear where credits and grades were earned
3. A complete record of the student's seat time, including both period attendance and days of enrollment

The district shall transfer the credits and grades from the transferring school's transcript onto an official district transcript in the same manner as described in Item #2, above. (Education Code 51225.2)

If the Principal or designee has knowledge that the transcript from the transferring school may not include certain credits or grades, the Principal or designee shall contact the prior school within two business days to request that the full or partial credits be issued, which shall then be issued and provided by the prior school within two business days of the request. (Education Code 51225.2)

The district shall accept and issue full or partial credit for any coursework that the foster youth has satisfactorily completed while attending another public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school or agency. (Education Code 51225.2)

If the entire course was completed, the district shall not require the foster youth to retake the course. (Education Code 51225.2)

If the entire course was not completed at the previous school, the foster youth shall be issued partial credit for the coursework completed and shall be required to take the uncompleted portion of the course. However, the district may require the foster youth to retake the portion of the course completed if, in consultation with the holder of educational rights for the foster youth, the district finds that the foster youth is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a foster youth in any particular course, the foster youth shall be enrolled in the same or equivalent course, if applicable, to enable the

completion of the entire course. (Education Code 51225.2)

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject. Partial credits and grades earned by a student shall be included on the student's official transcript within two business days of the district's notification of the student's transfer, as required under Education Code 49069.5.

In no event shall the district prevent a foster youth from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

Applicability of Graduation Requirements

To obtain a high school diploma, a foster youth shall complete all courses required by Education Code 51225.3 and fulfill any additional graduation requirements prescribed by the Board.

However, when a foster youth who has completed the second year of high school transfers into the district from another school district or transfers between high schools within the district, the foster youth shall be exempted from all district-established coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of the fourth year of high school. Within 30 calendar days of the foster youth's transfer, the Superintendent or designee shall notify the foster youth, the person holding the right to make educational decisions for the foster youth, and the foster youth's social worker of the availability of the exemption and whether the foster youth qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student is no longer a foster youth. (Education Code 51225.1)

To determine whether a foster youth is in the third or fourth year of high school, the district shall use either the number of credits the foster youth has earned as of the date of the transfer, the length of school enrollment, or for a foster youth with significant gaps in school attendance, the foster youth's age as compared to the average age of students in the third or fourth year of high school, whichever qualifies the foster youth for the exemption. (Education Code 51225.1)

If a foster youth was not properly notified of an exemption, declined the exemption, or was not previously exempted, the foster youth or the person holding the right to make educational decisions for the foster youth may request the exemption and the Superintendent or designee shall exempt the foster youth within 30 days of the request. A student who at one time qualified for the exemption may request the exemption even if the student is no longer eligible. (Education Code 51225.1)

When the Superintendent or designee determines that a foster youth who transferred into a district school is reasonably able to complete district-established graduation requirements by the end of the foster youth's fourth year of high school, the foster youth shall not be exempted from those requirements. Within 30 calendar days of the following academic year, the foster youth shall be reevaluated based on the foster youth's course completion status at the time, to determine if the student continues to be reasonably able to complete the district-established graduation requirements in time to graduate by the end of the foster youth's fourth year of high school. Written notice as to whether the foster youth then qualifies for the exemption shall be provided to the foster youth, the person holding the right to make educational decisions for the foster youth, and if applicable, to the foster youth's social worker or probation officer. (Education Code 51225.1)

If, upon reevaluation, it is determined that the foster youth is not reasonably able to complete the district-established graduation requirements in time to graduate from high school by the end of the foster youth's fourth year of high school, the Superintendent or designee shall provide the foster youth with the option to receive an exemption from district-established graduation requirements or stay in school for a fifth year to complete the district-established graduation requirements upon agreement with the foster youth, or if under 18 years of age, the person holding the right to make educational decisions for the foster youth, and provide notifications in accordance with Education Code 51225.1. (Education Code 51225.1)

When a foster youth is exempted from district-established graduation requirements, the Superintendent or designee shall consult with the foster youth and the person holding the right to make educational decisions for the foster youth about the following: (Education Code 51225.1.)

1. Discussion of how any requirements that are waived may affect the foster youth's postsecondary education or vocation plans, including the ability to gain admission to a postsecondary educational institution
2. Discussion and information about other options available to the student, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges
3. Consideration of the foster youth's academic data and any other information relevant to making an informed decision on whether to accept the exemption

The district shall not require or request a foster youth to transfer schools in order to qualify for an exemption and shall not grant any request made by a foster youth or any person acting on behalf of a foster youth for a transfer solely to qualify the foster youth for an exemption. (Education Code 51225.1)

The Superintendent or designee shall not require a foster youth who is eligible for an exemption from district-established graduation requirements, and would otherwise be entitled to remain in attendance at the school, to accept the exemption or be denied enrollment in, or the ability to complete, courses for which the foster youth is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether such courses are required for statewide graduation requirements. (Education Code 51225.1)

If a foster youth is exempted from district-established graduation requirements the exemption shall not be revoked. Additionally, the exemption shall continue to apply after the termination of the court's jurisdiction over the student while still enrolled in school or if the foster youth transfers to another school or school district. (Education Code 51225.1)

The Superintendent or designee shall not require or request a foster youth who is exempted from district-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, to graduate before the end of the foster youth's fourth year of high school. (Education Code 51225.1)

Upon making a finding that a foster youth is reasonably able to complete district-established graduation requirements within the fifth year of high school, the Superintendent or designee shall: (Education Code 51225.1)

1. Consult with the foster youth and the person holding the right to make educational decisions for the foster youth of the option to remain in school for a fifth year to complete the district-established graduation requirements and how that will affect the foster youth's ability to gain admission to a postsecondary educational institution
2. Consult with and provide information to the foster youth about transfer opportunities available through the California Community Colleges
3. Upon agreement with the foster youth or, if under 18 years of age, the person holding the right to make educational decisions for the foster youth, permit the foster youth to stay in school for a fifth year to complete the district-established graduation requirements
4. Consult with the foster youth and the person holding the right to make educational decisions for the foster youth of the option to remain in the foster youth's school of origin

When a foster youth who has completed the second year of high school transfers into the district from another school district or transfers between high schools within the district, and is not reasonably able to complete the district-established graduation requirements within the foster youth's fifth year of high school but is reasonably able

to complete the statewide coursework requirements within the fifth year of high school, the foster youth shall be exempted from all district-established graduation requirements and provided with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, the Superintendent or designee shall consult with the foster youth and the person holding the right to make educational decisions for the foster youth, regarding the following: (Education Code 51225.1)

1. The foster youth's option to remain in school for a fifth year to complete statewide coursework requirements
2. The effect of waiving the district-established requirements and remaining in school for a fifth year on the foster youth's postsecondary education or vocation plans, including the ability to gain admission to an institution of higher education
3. Other options available to the foster youth, including but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges
4. The foster youth's academic data and any other information relevant to making an informed decision on whether to accept the exemption and option to remain in school for a fifth year to complete the statewide coursework requirements

Eligibility for Extracurricular Activities

A foster youth whose residence changes pursuant to a court order or decision of a child welfare worker shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

Notification and Complaints

Information regarding the educational rights of foster youth shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

Any complaint alleging that the district has not complied with requirements regarding the education of foster youth may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. If the district finds merit in a complaint, the district shall provide a remedy to the affected student. A complainant not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE) and shall receive a written decision regarding the appeal within 60 days of CDE's receipt of the appeal. If CDE finds merit in an appeal, the district shall provide a remedy to the affected student. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670

Ed. Code 39807.5

Ed. Code 42238.01-42238.07

Ed. Code 42920-42926

Ed. Code 48645-48647

Ed. Code 48850-48859

Ed. Code 48915.5

Ed. Code 48918.1

Ed. Code 49061

Description

Uniform complaint procedures

Payment of transportation costs by parents/guardians; waiver for foster youth

Local control funding formula

Foster children educational services

Juvenile court schools

Education of foster youth and homeless students

Recommended expulsion; foster youth with disabilities

Notice of recommended expulsion

Definitions; directory information

Ed. Code 49069.5	Students in foster care; grades and credits
Ed. Code 49076	Access to student records
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 56055	Rights of foster parents pertaining to foster youth's education
H&S Code 120341	Foster youth; school placement and immunization records
H&S Code 1522.41	Training and certification of group home administrators
W&I Code 16000-16014	Foster care placement
W&I Code 300	Minors subject to jurisdiction
W&I Code 309	Investigation and release of child
W&I Code 317	Appointment of legal counsel
W&I Code 361	Limitations on parental control
W&I Code 366.27	Educational decision by relative providing living arrangements
W&I Code 602	Minors violating law; ward of court
W&I Code 726	Limitations on parental control
W&I Code 727	Order of care; ward of court

Federal References

20 USC 1415	Procedural safeguards
20 USC 6311	State plan
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 670-679b	Federal assistance for foster care programs

Description

Management Resources References

Alliance for Children's Rights Publication	Foster Youth Education Toolkit, December 2016
California Child Welfare Council Publication	Partial Credit Model Policy and Practice Recommendations, September 2013
California Foster Youth Education Task Force Pub	California Foster Youth Education Law Fact Sheets, January 2021
Cities, Counties and Schools Partnership Pub.	Our Children: Emancipating Foster Youth, A Community Action Guide
CSBA Publication	Our Foster Youth: What School Boards Can Do, May 2016
CSBA Publication	Foster Youth: Supports for Success, Governance Brief, May 2016
U.S. Department of Education Publication	Ensuring Educational Stability for Children in Foster Care, Non-Regulatory Guidance, June 2016
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==
Website	Alliance for Children's Rights - https://simbli.eboardsolutions.com/SU/AsIsHID5FheFAQXuxysIsHdHYfTg==
Website	Foster Ed - https://simbli.eboardsolutions.com/SU/36IC5WMizFGQ20OYRkL2Lw==
Website	National Center for Youth Law - https://simbli.eboardsolutions.com/SU/rWqbVi1x2WCuGlcphMsIsH2yQ==

Description

Website	California Department of Education, Foster Youth Services - https://simbli.eboardsolutions.com/SU/ROUWcbkrRcgV9asNslshPZxnQ==
Website	California Department of Social Services, Foster Youth Ombudsman Office - https://simbli.eboardsolutions.com/SU/L9RgolMbh4Z3K9vdKFUJ0A==
Website	California Foster Youth Education Task Force - https://simbli.eboardsolutions.com/SU/XrG7Kxmibs5cwWnsme2Pcg==
Website	California Youth Connection - https://simbli.eboardsolutions.com/SU/aT1cPCjxh5QKjXBbA1VSplusQ==
Website	Cities Counties and Schools Partnership - https://simbli.eboardsolutions.com/SU/vkMU6AgLdg2x1CfasX4n3w==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Child Welfare Council - https://simbli.eboardsolutions.com/SU/8BOINMN9mtFkcAjmEbYQgA==

Cross References

	Description
0200	Goals For The School District - https://simbli.eboardsolutions.com/SU/9j90oJApXGvO9isl1lyD8g==
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZi8FBO9dQ==
0415	Equity - https://simbli.eboardsolutions.com/SU/ZGZhz17ATfHJBPO13Jplus7cw==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/Q7gil8GDAxZA23W9BEbNBw==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/rdlFkXtkL04nPO7EChV5kQ==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/veDrWch4MmETypmNplusWpl4A==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/PbLTuOplus1cucax34urDgEfw==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==
0500	Accountability - https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAkslsh8XdmxbODX9gY2A==
1312.3-E(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/vicclxcmyjqgK8RRHm2Nkg==
1312.3-E(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/xVUTW3cplusaalR0zsW6DCG1w==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/vJHizKctUNwJfEgNhx4CA==
3100	Budget - https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNjtUb1EQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw==
3250	Transportation Fees - https://simbli.eboardsolutions.com/SU/3AEP1MPROXPhcbkJRE8xQg==

3250	Transportation Fees - https://simbli.eboardsolutions.com/SU/AsxK6aPJlMvpoGYu8o0C9Q==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/LQXLl6xDhZNdYY6QxTcLjw==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/8Q8jlqxlo00V6T6aNXVplus3A==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/HJyfNTrq3ylQUnDK53CpBA==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/ViR6wN5wOiTu0tZplus7Ly9Jw==
3540	Transportation - https://simbli.eboardsolutions.com/SU/WsEcrsw1Er3slshov5xxld5xA==
3541	Transportation Routes And Services - https://simbli.eboardsolutions.com/SU/x9xslshKxLvYXXvWxrplus6eUEMg==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/N7wbmm9H944SplusVnwq4l9g==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/5MEfuuu2ZJemVftwplusskZYw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/IYMIfYPYXEiEMhaRz6slshWJQ==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/FAuFrJnlbcVy3kgsTslshNU6g==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/3BIIBFE9slshf2AInlIsFw7ag==
5111	Admission - https://simbli.eboardsolutions.com/SU/anOITqnoRUahom8fk0HKg==
5111	Admission - https://simbli.eboardsolutions.com/SU/kL6uH8pluspCplusLj8XFB1jSXpw==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/IAL6e5elvtWslKJ80r5IYg==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/VlddiUvh6orgSjaY4wvt7Q==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFVOE9Vntg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/D2LIg7JcgumhuWnRL02bAw==
5113.11	Attendance Supervision - https://simbli.eboardsolutions.com/SU/Lz97LnzWjMXSu91JfHK6HA==
5116.1	Intradistrict Open Enrollment - https://simbli.eboardsolutions.com/SU/d1Mc4bRclktSpluzH3lJyCw==
5116.1	Intradistrict Open Enrollment - https://simbli.eboardsolutions.com/SU/rvdq3uaJlEsMqYOlfftOcQ==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/be8UrQ5tYpPBjYfPslshJQslshgg==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/YpwmrnK3MEpslshPeaNfGkpoQ==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/nEN5IPbgmplusPXhUNTnXJeuw==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/IKtdZAfOmXslsh9Lp2JlNpFAA==

5123	Promotion/Acceleration/Retention - https://simbli.eboardsolutions.com/SU/XslshULwDF51Q6snseMXV7plusOg==
5123	Promotion/Acceleration/Retention - https://simbli.eboardsolutions.com/SU/i6Ui8m0wR1VPGjslshfiBUglA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VkhAQ==
5125.2	Withholding Grades, Diploma Or Transcripts - https://simbli.eboardsolutions.com/SU/NJ9Z2gAgJ2ETo56oMd09lg==
5131	Conduct - https://simbli.eboardsolutions.com/SU/pBUFdJ0EyeOpz1R21VtIYQ==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/Sw0juMy0rrGlgPDYiJ2Rvw==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/MwcrPaiVN3oQ15PFbAoQPA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/WDkn56oiRIRHg1DfVsZyxA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/7eplus9F20al43StxVcQXvoig==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/B9HD448oI91HLEE38JkQvA==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/WB1oZyMAXisteV3a4DjpA==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/Ufqvo2274QHBL0iceWSBplusA==
5138	Conflict Resolution/Peer Mediation - https://simbli.eboardsolutions.com/SU/vYnT58jV6Sc5PaNDJcoXJg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/slshSHDzymYLN8DwMplltWdsg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/DdkxP6lo0oUT7dmBE1eK0g==
5141.26	Tuberculosis Testing - https://simbli.eboardsolutions.com/SU/i1UJqKL4dMncvJfWIsQslsh3A==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/Whslsh3slshDAkvapt4AefESXBvQ==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/xIV11kQJSpulf7slshAnBIYUJA==
5141.32	Health Screening For School Entry - https://simbli.eboardsolutions.com/SU/hEaw6ayxLna5XjXFnM5V5w==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/KxDBTjskEdlUR2Gj3BFRPw==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/0vHj1CrosCLEPopplusArHjplusg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/BPOw0RFdLeDTyfQqVHSzBA==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/S75iQjneD6mjixsnoDBRjQ==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/NftSUGk50Ud4g5uQUexZjA==

5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/be0JrP9vB8YKcE18kaV3gg==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/SuvNxTtIUJ0Xfallui15AA==
5145.6-E(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/RdNSntUjWlcsIshJyFn1Yfqfw==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==
5147	Dropout Prevention - https://simbli.eboardsolutions.com/SU/nRgafK7e25QslshoATTaX0j5w==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/b5QjnmUpQBtgBNxpBLZKJw==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/SRCRvplus9wpuzSot3FQ8a2gw==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/RoY7fosIshVVCuCn7ASBE4vKg==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/plussIsh1w9wNjgSxoJasMdRRAOg==
6000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zHSg==
6011	Academic Standards - https://simbli.eboardsolutions.com/SU/Tplus1yplusF7QGkEslshLEej7PvA==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/8BBILRHFPN4Ze3Dgijtlg==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/Q0ib1gK3KHGsHNlpTjql8A==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/TkiGKzMnAo9vQwZU56wqYw==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/Fr5qETtTn48ak1ITDSX9jg==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==
6146.1	High School Graduation Requirements - https://simbli.eboardsolutions.com/SU/YsBxplusxf217GaPv8zxP4O1Q==
6146.3	Reciprocity Of Academic Credit - https://simbli.eboardsolutions.com/SU/rdkgdyDZ2KnybsIshishopFL8Q==
6146.3	Reciprocity Of Academic Credit - https://simbli.eboardsolutions.com/SU/xXvuy2muzpaSVMrtWFWi3A==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUilWOYqgA==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/IBIWJmfAP00e3xnVhUQNYg==
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education - https://simbli.eboardsolutions.com/SU/ueu2nVzHCIsqslsh5Oplus8osvjg==
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education - https://simbli.eboardsolutions.com/SU/8tj64Eb0rA04NXwDCLkGbQ==

6159.3	Appointment Of Surrogate Parent For Special Education Students - https://simbli.eboardsolutions.com/SU/kwKWaBk8WZGBdRWcmfUQoA==
6159.3	Appointment Of Surrogate Parent For Special Education Students - https://simbli.eboardsolutions.com/SU/WsbHcd1QtVwHGqMal6QN9g==
6159.4	Behavioral Interventions For Special Education Students - https://simbli.eboardsolutions.com/SU/vvWadBTd0l5EqM9eM3Rxbw==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKH040A==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/oZbkKwYtcuQmkplusF9H7PNfQ==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/QEsZgzQo3AFYxslshFZf9HBrg==
6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/ffCNsslsh0JPpJGdyfYF23Dg==
6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/rsstgVL8YWDzm2Ni7PU9jg==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/6plusOTTGd6ABIAeBaW0zV0xg==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/CGPb7slshjqJY1l1isv4hclqQ==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/wTl8EVvu0t0484S390RuGw==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/G268l3K6kr8FEbTmbKV2A==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/SBoNplusBJl6lORBiim4CgVaw==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/22plusZOHjy6HWBgK8mxgQgvw==
6173-E(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/Mg2VskPwKRIMR5slshcluDuuQ==
6173-E(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/Oziu5plusQ24Cwf3qrg2lwW1A==
6174	Education For English Learners - https://simbli.eboardsolutions.com/SU/QkmHFwl6VWLksdxXorXt9Q==
6174	Education For English Learners - https://simbli.eboardsolutions.com/SU/f8BtOLVWS3pu1GqJeOV2ug==
6177	Summer Learning Programs - https://simbli.eboardsolutions.com/SU/teeV5kkJryiahKMzNBplus8Tg==
6179	Supplemental Instruction - https://simbli.eboardsolutions.com/SU/zi8aQRQAs4kCAuX1Bu2Mslshg==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGbplusXBfB2lhozFRg==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/KkY8miqdW4plusznm6ryYow7Q==
6190	Evaluation Of The Instructional Program - https://simbli.eboardsolutions.com/SU/okRYD9py3tHKzr20XkWFZg==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/Wllp67WloJxMnAZ5szjudQ==

Policy 6177: Summer Learning Programs

Status: ADOPTED

Original Adopted Date: 04/01/2013 | Last Revised Date: 03/01/2023 | Last Reviewed Date: 03/01/2023

The Governing Board recognizes that an extended break from the instructional program may result in significant learning loss, especially among disadvantaged and low-achieving students, and desires to provide opportunities during the summer for students to practice essential skills, make academic progress, and develop social, emotional, and physical needs and interests through hands-on engaging learning experiences.

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

Summer School

OPTION 1 (District is not required to offer summer school)

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

OPTION 1 ENDS HERE

OPTION 2 (District is required to offer summer school pursuant to Education Code 46120)

The Superintendent or designee shall establish summer school classes pursuant to Education Code 46120.

OPTION 2 ENDS HERE

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

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

1. Need course credits in order to graduate from high school before the beginning of the next school year
2. Have been retained or are at risk of being retained at their grade level
3. Demonstrate academic deficiencies in core curriculum areas
4. Are in targeted student groups identified in the district's LCAP as needing increased or improved services to succeed in the educational program
5. Are in grades transitional kindergarten (TK)-6 and are required to be offered or provided access to Expanded Learning Opportunities Programs pursuant to Education Code 46120 and BP/AR 5184.2 - Before/After School Programs

OPTION 1: (First-come first-served)

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

OPTION 1 ENDS HERE

OPTION 2: (Lottery)

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

OPTION 2 ENDS HERE

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

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

The Superintendent or designee shall annually report to the Board on summer school enrollment in the current year and previous year for the program as a whole and disaggregated by grade level, school that the students attend during the regular school year, and student population. In addition, the Superintendent or designee may report on the extent to which students successfully achieved the outcomes established for the program.

Additional Summer Learning Opportunities

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

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

1. Providing information to students and parents/guardians about summer reading programs scheduled to be conducted by public libraries or community organizations
2. Collaborating with the local parks and recreation agency and/or community organizations to provide day camps, sports programs, or other opportunities for physical education and activity
3. Collaborating with workforce development agencies, businesses, and community organizations to provide summer job training opportunities that include an academic component
4. Encouraging reading in the home, such as providing lists of recommended reading to students and parents/guardians, establishing a target number of books or pages, and providing prizes for achievement of reading goals
5. Assigning summer vacation homework in core curricular subject(s) for extra credit
6. Conducting occasional, interactive "fun days" during the summer to provide activities related to art, music, science, technology, mathematics, environmental science, multicultural education, debate, or other subject
7. Arranging opportunities for community service

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 11470-11472

5 CCR 3043

Ed. Code 37252-37254.1

Ed. Code 39837

Ed. Code 41505-41508

Description

Summer school

Extended school year; special education students

Supplemental instruction

Transportation to summer employment program

Pupil Retention Block Grant

Ed. Code 41976.5	Summer school programs; substantially disabled persons or graduating high school seniors
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 48070-48070.5	Promotion and retention
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51220	Course of study for grades 7-12
Ed. Code 51730-51732	Powers of governing boards (authorization for elementary summer school classes); admissions of adults and minors
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 54444.3	Summer program for migrant students
Ed. Code 56345	Individualized education program contents
Ed. Code 58700-58702	Credit towards summer school apportionments for tutoring and homework assistance
Ed. Code 58806	Summer school apportionments
Ed. Code 8482-8484.6	After School Education and Safety Program
Ed. Code 8484.7-8484.9	21st Century Community Learning Centers

Federal References

20 USC 6311-6322
20 USC 7171-7176

Description

Improving basic programs for disadvantaged students
21st Century Community Learning Centers

Management Resources References

CSBA Publication

CSBA Publication

National Summer Learning Association Publication New Vision for Summer School, 2010

National Summer Learning Association Publication Healthy Summers for Kids: Turning Risk into Opportunity, May 2012

Rand Corporation Publication

Website

Website

Website

Website

Website

Website

Website

Description

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

Summer Learning and Wellness Resource Guide

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

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

National Summer Learning Association -
<https://simbli.eboardsolutions.com/SU/1qebS3jZVJubG7EsFKQ1OQ==>

RAND Corporation -
<https://simbli.eboardsolutions.com/SU/keuKnCCcf4szhfVObRxo1w==>

Summer Matters -
<https://simbli.eboardsolutions.com/SU/mKplus6jOsA7Zi0faCnDf9M3w==>

Partnership for Children and Youth -
<https://simbli.eboardsolutions.com/SU/bolflRuzs4PI63kJl3082w==>

California Department of Education -
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkkK2FPsDsQBnMIENxGg==>

Cross References

0200

Description

Goals For The School District -
<https://simbli.eboardsolutions.com/SU/9j90oJApXGvO9isl1yD8g==>

0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/veDrWch4MmETypmNplusWpl4A==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/PbLTuOplus1cucax34urDgEfw==
1330.1	Joint Use Agreements - https://simbli.eboardsolutions.com/SU/ICknfKG9C2OPUHECZeBFuw==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/vJHizKctUNwljEfGnHx4CA==
1700	Relations Between Private Industry And The Schools - https://simbli.eboardsolutions.com/SU/bj3fslsh3cI7eKslshyWTi7plusHVkQ==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/LQXLI6xDhZNdYY6QxTcljw==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/8Q8jlqxlo00V6T6aNXVplus3A==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/wzUihV3gK9PplusFxGH4lt0Ew==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/byXci7oy4EQvJziZsatkag==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/N7wbmn9H9445plusVnwq4l9g==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/5MEfuuu2ZJemVftwplusskZYw==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/CvzKilnplusCH4n5fplusjplusl8ljA==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/NpL4pbG68rX4JtK5UIBplus2Q==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/uc0Mjicleplusl3CTnMaZJhQ==
5113.2	Work Permits - https://simbli.eboardsolutions.com/SU/LlplusEgDe8hDVsmSplusf0Minfw==
5113.2	Work Permits - https://simbli.eboardsolutions.com/SU/2En6wnlSEgf5fkSp6tsW2Q==
5123	Promotion/Acceleration/Retention - https://simbli.eboardsolutions.com/SU/Xs!shUlWDF51O6snseMXV7plus0g==
5123	Promotion/Acceleration/Retention - https://simbli.eboardsolutions.com/SU/i6Ui8m0wR1VPGjslshfjBUGlA==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/KxDBTjskEdlUR2Gj3BFRPw==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/0vHj1CrosClePopplusArHjplusg==
5147	Dropout Prevention - https://simbli.eboardsolutions.com/SU/nRgafK7e25QslshoATTaX0j5w==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/b5QjnmUpQBtgBNxpBLZKJw==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/SRCRvplus9wpuzSot3FQ8a2gw==
6000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zHSg==
6011	Academic Standards - https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEs!shLEej7PvA==

6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/8BBILRHFPN4Ze3lDgijtlg==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/Q0ib1gK3KHGsHNlpTjql8A==
6111	School Calendar - https://simbli.eboardsolutions.com/SU/CplusGxnVZdQjf3rsIsHsEslshKMosishZA==
6142.4	Service Learning/Community Service Classes - https://simbli.eboardsolutions.com/SU/iVnd1RslshrYn5G7DW0f2PmUw==
6142.7	Physical Education And Activity - https://simbli.eboardsolutions.com/SU/ZmslshJWRRGIhooOnK0kYcl2w==
6142.7	Physical Education And Activity - https://simbli.eboardsolutions.com/SU/7Tuzch26C948slshkHXr3eriw==
6142.91	Reading/Language Arts Instruction - https://simbli.eboardsolutions.com/SU/u0kwqXzoJslsh1zkA4neAslsh7eA==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/zJXVIX5MALIJUeTQnbQA==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/bUCwdpAjJX5ggLMG3GsxDA==
6146.1	High School Graduation Requirements - https://simbli.eboardsolutions.com/SU/YsBxplusxf217GaPv8zxP4O1Q==
6154	Homework/Makeup Work - https://simbli.eboardsolutions.com/SU/VxoHZcFGUPDEfR07jf6Umg==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUiLWOYqgA==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/IBIWJmfAP00e3xnVhUQNYg==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/XrnsIsHqIPaFW9wMoMV2IEKpg==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/UkLsYeA03YN6xcWenpZIVQ==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/p4BMACj6yFUh6jSJgfA2gA==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/Dbh9ejHszdfmzm1699QEEQ==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/SBoNplusBJj6lORBim4CgVaw==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/22plusZOHjy6HWBgK8mxgQgvw==
6173-E(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/Mg2VskPwKRiMR5slshcluDuuQ==
6173-E(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/Oziu5plusO24Cwf3qrg2lwW1A==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/FhWqtvgluEC44NZ6fEILQA==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/plus02X7aplusL6BbQWZJpZVboVQ==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/roLeyXGgp5l03jclK5slshG1A==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/eEi167SE33ZkvAHsw1fl7g==

6176

Weekend/Saturday Classes -

<https://simbli.eboardsolutions.com/SU/gT9qUoycsIshwAqFdyaRaqF4w==>

6178.1

Work-Based Learning -

<https://simbli.eboardsolutions.com/SU/avQYbt3iAAr7wkf1xeEMuA==>

6178.1

Work-Based Learning -

<https://simbli.eboardsolutions.com/SU/wLcNslshgmpiusmQlg9zvVgyCIMQ==>

6179

Supplemental Instruction -

<https://simbli.eboardsolutions.com/SU/zi8aQROAs4kCAuX1Bu2Mslshg==>

Bylaw 9270: Conflict Of Interest

Status: ADOPTED

Original Adopted Date: 07/01/2010 | Last Revised Date: 03/01/2023 | Last Reviewed Date: 03/01/2023

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. Accordingly, no Board member, district employee, or other person in a designated position shall participate in the making of any decision for the district when the decision will or may be affected by the Board member's, district employee's, or other designated persons financial, family, or other personal interest or consideration.

Even if a prohibited conflict of interest does not exist, a Board member shall abstain from voting on personnel matters that uniquely affect the Board member's relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which the Board member's relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

The Board shall adopt for the district a conflict of interest code that incorporates the provisions of 2 CCR 18730 by reference, specifies the district's designated positions, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the district's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. (Government Code 87303)

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office or district employment. (Government Code 87302, 87302.6)

Conflict of Interest under the Political Reform Act

A district official, including a Board member, designated employee, or other person in a designated position shall not make, participate in making, or in any way use or attempt to use an official position to influence a governmental decision in which the district official knows or has reason to know that there is a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the district official, the district official's immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18707)

A district official makes a governmental decision when, within the authority of the office or position, the district

official authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before another district official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, a district official shall participate in the making of a contract in which the district official has a financial interest if such participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

Conflict of Interest from Campaign Contributions

To avoid improper influence over the Board's decision-making involving the issuance of a license, permit, or other entitlements for use, including a contract, district officers, which includes Board members or agency heads, shall comply with Government Code 84308, including the following: (Government Code 84308)

1. A district officer is prohibited from accepting, soliciting, or directing a contribution of more than \$250 from any party or participant to a proceeding involving a license, permit, or other entitlement for use, including a contract, or from that person's agent, while the proceeding is pending before the Board and for 12 months following the date a final decision is rendered in the proceeding, if the Board member knows or has reason to know that the party or participant has a financial interest in the Board's decision.
2. Any district officer who received a contribution of more than \$250 from a party or participant in the preceding 12 months shall disclose that fact on the record of the proceeding prior to the Board rendering a decision in the proceeding. If the district officer willfully or knowingly received the contribution and knows or has reason to know that the participant has a financial interest in the Board's decision, the district officer shall not make, participate in making, or in any way attempt to use the official position to influence the Board's decision.
3. A district officer who receives a contribution that would otherwise require disqualification as described in Item #2 above may participate in the proceeding if the contribution is returned within 30 days from the time the district officer knows or should have known about the contribution and the proceeding.
4. A district officer who unknowingly accepts, solicits, or directs a contribution of more than \$250 during the 12 months after the date of the Board's final decision on the proceeding may cure the violation by returning the contribution, or the portion exceeding \$250, within 14 days of accepting, soliciting, or directing the contribution, provided the district officer did not knowingly or willfully accept, solicit, or direct the prohibited contribution. The district officer shall maintain records of curing the violation.

The provisions in Government Code 84308 as specified above do not apply to labor contracts, competitively bid contracts, and personal employment contracts. (Government Code 84308)

Additional Requirements for Boards that Manage Public Investments

Any Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Not discuss or vote on the matter, or otherwise act in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. The Board member may listen to the public discussion and deliberations of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member shall either make a motion to remove the item from the consent calendar or the Board member shall abstain from voting on the consent calendar. In any event, the Board member shall refrain from discussing or voting on the item. However, the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose the interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that the recusal is because of a conflict of interest pursuant to Government Code 87100. The Board member shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision

Conflict of Interest under Government Code 1090 - Financial Interest in a Contract

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest in a contract made by the Board, the contract is void. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract in which there is only a "remote interest," as specified in Government Code 1091, if the interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member or district official to enter into the contract. (Government Code 1091)

In addition, a Board member shall not be considered to be financially interested in a contract in which the interest is a "noninterest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed for actual and necessary expenses incurred in the performance of official duties, in the employment of a spouse/registered domestic partner who has been a district employee for at least one year prior to the Board member's election or appointment, or in any other applicable circumstance specified in Government Code 1091.5.

Common Law Doctrine Against Conflict of Interest

A Board member shall abstain from any official action in which the Board member's private or personal interest may conflict with official duties.

Incompatible Offices and Activities

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation, except when: (Government Code 89506)

1. The travel is in connection with a speech given by a Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.
2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

Gifts of travel exempted from the gift limitation, as described in Items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form 700 as required by law.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession, unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

2 CCR 18110-18997	Regulations of the Fair Political Practices Commission - https://simbli.eboardsolutions.com/SU/ckslshwToJGinoK4QjVbLtJug==
2 CCR 18438.1-18438.8	Campaign contribution-based conflicts of interest
2 CCR 18700-18760	Conflicts of Interest - https://simbli.eboardsolutions.com/SU/h6CnVsMHk2STR4xUUmlXdQ==
2 CCR 18722-18740	Disclosure of interests - https://simbli.eboardsolutions.com/SU/oS5ntBvYibsRzRhpXMufw==
2 CCR 18753-18756	Conflict of interest codes - https://simbli.eboardsolutions.com/SU/OvAHLXqDg5JTYYSZlpYE9A==
Ed. Code 1006	Prohibition against school district employees serving on county board of education - https://simbli.eboardsolutions.com/SU/Qnj8IKKU84qMv8ZX5ZPu1w==
Ed. Code 35107	School district employees
Ed. Code 35230-35240	Corrupt practices
Ed. Code 35233	Prohibitions applicable to members of governing boards
Ed. Code 41000-41003	Moneys received by school districts
Ed. Code 41015	Investments
Fam. Code 297.5	Rights, protections, and benefits of registered domestic partners
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 1125-1129	Incompatible activities

Gov. Code 52334-53235.2

Gov. Code 81000-91014

Gov. Code 82011

Gov. Code 82019

Gov. Code 82028

Gov. Code 82030

Gov. Code 82033

Gov. Code 82034

Gov. Code 84308

Gov. Code 87100-87103.6

Gov. Code 87200-87210

Gov. Code 87300-87313

Gov. Code 87500

Gov. Code 89501-89503

Gov. Code 89506

Gov. Code 91000-91014

Pen. Code 85-88

Public Contract Code 6102

Rev. & Tax Code 203

Management Resources References

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Ethics training

Political Reform Act of 1974

Code reviewing body

Definition; designated employee -

<https://simbli.eboardsolutions.com/SU/zplus8Q3o2R2NLwPmnxGAmkxg==>

Definition; gift

Definition; income

Definition; interest in real property

Definition; investment

Campaign disclosure

General prohibitions

Disclosure

Conflict of interest code -

<https://simbli.eboardsolutions.com/SU/YaObxMYA749OVplusgURs6YDA==>

Statement of economic interests

Honoraria and gifts

Ethics; travel

Enforcement

Bribes

Awarding of contracts

Taxable and exempt property - colleges

Description

105 Ops.Cal.Atty.Gen.69 (2022)

63 Ops.Cal.Atty.Gen. 868 (1980)

65 Ops.Cal.Atty.Gen. 606 (1982)

68 Ops.Cal.Atty.Gen. 171 (1985)

69 Ops.Cal.Atty.Gen. 255 (1986)

80 Ops.Cal.Atty.Gen. 320 (1997)

81 Ops.Cal.Atty.Gen. 327 (1998)

82 Ops.Cal.Atty.Gen. 83 (1999)

85 Ops.Cal.Atty.Gen. 60 (2002)

86 Ops.Cal.Atty.Gen. 138(2003)

89 Ops.Cal.Atty.Gen. 217 (2006)

92 Ops.Cal.Atty.Gen. 19 (2009)

92 Ops.Cal.Atty.Gen. 26 (2009)

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

Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

McGee v. Balfour Beatty Construction, LLC, et al. (2016) 247 Cal. App. 4th 235

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655

CSBA Publication	Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010
Fair Political Practices Commission Publication	Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005
Institute For Local Government Publication	Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009
Institute for Local Government Publication	Understanding the Basics of Public Service Ethics: Transparency Laws, 2009
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxK6R5akQ==
Website	Institute for Local Government - https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqpPtfmA==
Website	Fair Political Practices Commission - https://simbli.eboardsolutions.com/SU/C2dGDtcJnwsIsHmGhy8UJcbw==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxxK2FPsDsQBnMIENxGg==

Cross References

Description

1340	Access To District Records - https://simbli.eboardsolutions.com/SU/VQd4HhnlB5p7OgDHHuo3HA==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/fhcZPsXmszl9QLwLKW0rSw==
1700	Relations Between Private Industry And The Schools - https://simbli.eboardsolutions.com/SU/bj3fslsh3cl7eKslshyWTi7plusHVkQ==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO7l1TFHYg==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w==
3300	Expenditures And Purchases - https://simbli.eboardsolutions.com/SU/mVe0QYRtN4WLxpjXZCEPuQ==
3311	Bids - https://simbli.eboardsolutions.com/SU/HcK7HUZF9A9DplusJHCDH4Q==
3311	Bids - https://simbli.eboardsolutions.com/SU/ry0hLBz8DRvRct6kukvHHA==
3430	Investing - https://simbli.eboardsolutions.com/SU/9ZiG3CB1gJx8AKxmhMdzQ==
3430	Investing - https://simbli.eboardsolutions.com/SU/bWwgTRtaFD6JWBdplnBDGA==
3470	Debt Issuance And Management - https://simbli.eboardsolutions.com/SU/uaUO1PslshiQVjou0LbEBFgPg==
3600	Consultants - https://simbli.eboardsolutions.com/SU/sLyvCqj5pUnTGBslshjHWZEHA==
4112.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/PyNZHQMkslshzfzmjnbDq8Phg==
4117.2	Resignation - https://simbli.eboardsolutions.com/SU/yhauOuO408qplusAbxqVD7xXA==
4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/kG34JHzi7hlemKdooJNm9g==
4212.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/wCLduDAIzWslshQdb3feZPwYQ==
4217.2	Resignation - https://simbli.eboardsolutions.com/SU/kPQinplusimDyY6ldkbyJHdog==

4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniO4gkGA==
4312.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/wVCHk7J38woBhr1kKwWUqQ==
4317.2	Resignation - https://simbli.eboardsolutions.com/SU/29Tyu9oCNWxhgppquA6xSJA==
4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/qK9cCPXhorJH0YcplusuQVXhQ==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/OknJQUz7OqdbiwOmRU3OQ==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/fXBcLMA6WABwBGWhEn0Y9Q==
6161.1-E(1)	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/8IIH1pluseCQplus3eslsh3plusjNseP5g==
7140	Architectural And Engineering Services - https://simbli.eboardsolutions.com/SU/pluslZaMQGyzsWVjWTpJ4pKRO==
7140	Architectural And Engineering Services - https://simbli.eboardsolutions.com/SU/eplushoNRZuWE7z0AyyFABplusQ==
7214	General Obligation Bonds - https://simbli.eboardsolutions.com/SU/dOKQx4NVWC5LFmUtiJEplusXw==
7214	General Obligation Bonds - https://simbli.eboardsolutions.com/SU/UHc8Hs9xMjvZItK9cK5rUw==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFduR9FE4g==
9005	Governance Standards - https://simbli.eboardsolutions.com/SU/b4OmvGoyuJpAPG4LxplusvkHQ==
9140	Board Representatives - https://simbli.eboardsolutions.com/SU/yjmslshNKV8wpR65FwNX38SKg==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/9D6eWnsishmjc4aK9zGITm6Qw==
9220	Governing Board Elections - https://simbli.eboardsolutions.com/SU/UFaDMCMuel6gmfcxmHZW8Q==
9222	Resignation - https://simbli.eboardsolutions.com/SU/iZ6IZvdqTDxJB4GN1R6x3w==
9230	Orientation - https://simbli.eboardsolutions.com/SU/zPgBfoLQTLvGXfVmx3IPVA==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/Wllp67WloJxMnAZ5sziudQ==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvirA==
9321-E(1)	Closed Session - https://simbli.eboardsolutions.com/SU/HugJnLcusrzLSVT90UPEcA==
9321-E(2)	Closed Session - https://simbli.eboardsolutions.com/SU/wSrEqCMiEHslshYFCluMQnxBg==
9323	Meeting Conduct - https://simbli.eboardsolutions.com/SU/Wh6jUkrzZOQi3h6xIFfrEw==

Bylaw 9320: Meetings And Notices

Status: ADOPTED

Original Adopted Date: 03/01/2008 | Last Revised Date: 03/01/2023 | Last Reviewed Date: 03/01/2023

Meetings of the Governing Board are conducted for the purpose of accomplishing district business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

A Board meeting exists whenever a majority of Board members gather at the same time and location, including teleconference location as permitted by Government Code 54953, to hear, discuss, deliberate, or take action upon any item within the subject matter jurisdiction of the Board. (Government Code 54952.2)

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, including social media and other electronic communications, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

However, an employee or district official may engage in separate conversations or communications with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. Any doubt about a request for accommodation shall be resolved in favor of accessibility. (Government Code 54953, 54953.2, 54954.1, 54954.2)

Notice of the procedure for receiving and resolving requests for accommodation described above shall be given in each instance in which notice of the time of a meeting is otherwise given or the agenda for the meeting is otherwise posted. (Government Code 54953)

Regular Meetings

The Board shall hold 1 regular meeting(s) each month. Regular meetings shall be held at 3:30 p.m. on the 2nd Wednesday (day) at the Henry Steele School Campus

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the district's web site. (Government Code 54954.2)

Whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose or on the district web site, consistent with Government Code 54957.5, at the time the materials are distributed to all or a majority of the Board. (Government Code 54957.5)

Special Meetings

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1. (Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the

local media who have requested such notice in writing. The notice also shall be posted on the district's web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and location of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Education Code 35144; Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board
2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification shall be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time notification is given to the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

Adjourned/Continued Meetings

The Board may adjourn/continue any regular or special meeting to a later time and location that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and place and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

Study Sessions, Retreats, Public Forums, and Discussion Meetings

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

Other Gatherings

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

Location of Meetings

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

Meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques

9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district

10. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in Items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a location designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

Traditional Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction.

All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Unless a Board member participates by teleconference pursuant to the provisions described in the sections "Teleconferencing During a Personal Emergency," "Teleconferencing For 'Just Cause'" or "Teleconferencing During a Proclaimed State of Emergency" below, agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere.

All teleconference locations shall be accessible to the public and the public shall have the right to address the Board directly at each teleconference location. Additional teleconference locations may be provided to the public. (Government Code 54953)

Teleconferencing During a Personal Emergency

Until January 1, 2026, with approval from the majority of the Board, a Board member may be permitted to participate in a meeting remotely when a physical or family medical emergency prevents the Board member from attending in person. The Board member requesting to appear remotely shall notify the Board of the emergency situation as soon as possible, and provide a concise general description of the circumstances relating to the Board member's need to appear remotely. The Board member shall not be required to disclose any disability, medical diagnosis, or personal medical information exempt under existing law. (Government Code 54953)

A Board member may not appear remotely under emergency circumstances for more than 20 percent of the Board's regular meetings or for more than three consecutive months. If the Board meets less than 10 times in a calendar year, a Board member may not appear remotely under emergency circumstances for more than two meetings. (Government Code 54953)

When a Board member is approved to participate remotely due to emergency circumstances, the Board member is not required to participate from a location which is accessible to the public and the location does not need to be identified on the agenda. (Government Code 54953)

If permitted to participate remotely, the Board member shall utilize both audio and visual technology and publicly disclose, before any action is taken, whether any other individuals 18 years or older are present in the remote location with the Board member, and the general nature of the member's relationship with such individuals. (Government Code 54953)

The district shall also provide public access to the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with public comment being allowed via the remote platform as well as in person and the public shall be able to offer comments in real time. The agenda shall include information describing how members of the public can access the platform. (Government Code 54953)

If a disruption prevents broadcasting the meeting to members of the public using the call-in option or internet-based service option, or a disruption that is within the Board's control prevents members of the public from offering public comments using the call-in option or internet-based service option, the Board shall not take action on agenda items until public access to the meeting is restored. (Government Code 54953)

Teleconferencing for "Just Cause"

A Board member may be permitted to appear remotely, pursuant to the provisions below, for just cause for no more than two meetings per calendar year. A Board member appearing for just cause shall notify the Board at the earliest possible opportunity of the need to participate in the meeting remotely, including at the start of a regular meeting. (Government Code 54953)

Just Cause may exist for any of the following: (Government Code 54953)

1. A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a Board member to participate remotely
2. A contagious illness prevents a Board member from attending in person
3. A Board member has a need related to a physical or mental disability not otherwise reasonably accommodated
4. A Board member is traveling while on official business of the Board or another state or local agency

When a Board member participates remotely for just cause, the Board member is not required to participate from a location which is accessible to the public and the location does not need to be identified on the agenda. (Government Code 54953)

If the Board member participates remotely, the Board member shall utilize both audio and visual technology and publicly disclose, before any action is taken, whether any other individuals 18 years or older are present in the remote location with the Board member, and the general nature of the member's relationship with such individuals. (Government Code 54953)

The district shall also provide public access to the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with public comment being allowed via the remote platform as well as in person and the public shall be able to offer comments in real time. The agenda shall include information describing how members of the public can access the platform. (Government Code 54953)

If a disruption prevents broadcasting the meeting to members of the public using the call-in option or internet-based service option, or a disruption that is within the Board's control prevents members of the public from offering public comments using the call-in option or internet-based service option, the Board shall not take action on agenda items until public access to the meeting is restored. (Government Code 54953)

Teleconferencing During a Proclaimed State of Emergency

Until January 1, 2024, the Board may conduct Board meetings by teleconference without posting agendas at all teleconference locations, identifying teleconference locations in meeting notices and agendas, allowing public access to each teleconference location, providing an opportunity for members of the public to address the Board directly at each teleconference location, and ensuring that at least a quorum of the Board participate from locations within district boundaries, during a proclaimed state of emergency pursuant to Government Code 8625-8629 in any of the following circumstances: (Government Code 54953)

1. State or local officials have imposed or recommended measures to promote social distancing
2. For the purpose of determining, by majority vote, whether as the result of the emergency meeting in person

would present imminent risks to the health or safety of attendees

3. When it has been determined, by majority vote as described in Item #2 above, that as a result of the emergency meeting in person would present imminent risks to the health or safety of attendees

To conduct a teleconference meeting for these purposes the following requirements shall be satisfied: (Government Code 54953)

1. The notice and agenda shall be given and posted as otherwise required by the Brown Act
2. The notice and agenda of the meeting shall specify the means by which members of the public may access the meeting and offer public comments, including via a call-in or internet-based service option

Members of the public may be required to register to log in to a meeting when making public comments through an internet web site or other online platform that is operated by a third-party and not under the control of the Board.

3. Members of the public shall be allowed to access the meeting, and the agenda shall provide an opportunity for members of the public to address the Board directly pursuant to Government Code 54954.3
4. Members of the public shall not be required to submit public comments in advance of a Board meeting and shall be provided an opportunity to address the Board and offer comments in real time
5. Public comment periods shall not be closed until the timed public comment period, if such is offered by the Board, has elapsed or, if not timed, until a reasonable amount of time per agenda item has been allowed
6. If during a Board meeting a disruption occurs which prevents the district from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the district's control that prevents members of the public from offering public comments, the Board shall take no further action on any agenda item until public access via the call-in or internet-based service option to the meeting is restored

The district may, in its discretion, provide a physical location from which the public may attend or comment. (Government Code 54953)

The Board may continue to conduct meetings by teleconference, as specified above for teleconferencing during proclaimed states of emergency, by a majority vote finding within 30 days after teleconferencing for the first time, and every 30 days thereafter, that either: (Government Code 54953)

1. The state of emergency continues to directly impact the ability of the Board to meet safely in person
2. State or local officials continue to impose or recommend measures to promote social distancing

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35140
Ed. Code 35143
Ed. Code 35144
Ed. Code 35145
Ed. Code 35145.5
Ed. Code 35146
Ed. Code 35147
Gov. Code 11135

Description

Time and place of meetings
Annual organizational meetings; date and notice
Special meeting
Public meetings
Agenda; public participation and regulations
Closed sessions; student matters
Open meeting laws exceptions
Prohibition of discrimination -
<https://simbli.eboardsolutions.com/SU/PcUFWMcCJnzBrKALOfHfQ==>

Gov. Code 3511.1	Local agency executives
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54953	Oral summary of recommended salary and benefits of superintendent
Gov. Code 54954	Time and place of regular meetings
Gov. Code 54954.2	Agenda posting requirements; board actions
Gov. Code 54956	Special Meetings
Gov. Code 54956.5	Emergency meetings
Gov. Code 6252-6270	California Public Records Act
Gov. Code 7920.000 - 7930.170	California Public Records Act
Gov. Code 8625-8629	California Emergency Services Act

Federal References

28 CFR 35.160	Effective communications for individuals with disabilities
28 CFR 36.303	Nondiscrimination on the basis of disability; public accommodations; auxiliary aids and services
42 USC 12101-12213	Americans with Disabilities Act

Management Resources References

Attorney General Opinion	78 Ops.Cal.Atty.Gen. 327 (1995)
Attorney General Opinion	79 Ops.Cal.Atty.Gen. 69 (1996)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 181 (2001)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 30 (2001)
Attorney General Opinion	88 Ops.Cal.Atty.Gen. 218 (2005)
Court Decision	Knight First Amendment Institute at Columbia University v. Trump, (2019) 928 F.3d 226
Court Decision	Garnier v. Poway Unified School District, (S.D. Cal. September 26, 2019) No. 17-cv-2215-W (JLB), 2019 WL 4736208
Court Decision	Wolfe v. City of Fremont, (2006) 144 Cal.App. 4th 533
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
Institute for Local Government Publication	The ABCs of Open Government Laws
League of California Cities Publication	Open and Public V: A Guide to the Ralph M. Brown Act, 2016
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	CSBA, GAMUT Meetings - https://simbli.eboardsolutions.com/SU/HcQqDq1qgIwgU1m5iwomVA==
Website	Institute for Local Government - https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dgoPtfmA==
Website	League of California Cities - https://simbli.eboardsolutions.com/SU/TUf8jsIshHeiQsIshKJpHe2qEtug==
Website	California Attorney General's Office - https://simbli.eboardsolutions.com/SU/5qNsIsh5DoKuytasYcv9khGiA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/jUfrjG1oplusblLPtZ0vJ1slshWA==
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/YJPSPKg0ZtXRILrXhUgeAw==
0420.43	Charter School Revocation - https://simbli.eboardsolutions.com/SU/ohXLQZICr9Y37KSqCta5dA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/Q7gil8GDAxZA23W9BEhNBw==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/rdIFkXtkL04nPOQ7EChV5kQ==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/yeDrWch4MmETypmNplusWpl4A==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/PbL TuOplus1cucax34urDgEfw==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/Zqs0lbYX5FQKNZRBttrSjA==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/ZFoW4ZKHcT3nfqLxRTR1fw==
1113-E(1)	District And School Web Sites - https://simbli.eboardsolutions.com/SU/i5TLslsh83D1nplusoyHTIsM6ew==
1160	Political Processes - https://simbli.eboardsolutions.com/SU/9GxUEmkZIBn2nmFeLeGs3g==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/7wRcaQ9giBXCQuqWB54wfA==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/WXKjQn8KOplusMplZpTd3ujpQ==
1330	Use Of School Facilities - https://simbli.eboardsolutions.com/SU/domunC7PDqvTrvdi2YklIw==
1330	Use Of School Facilities - https://simbli.eboardsolutions.com/SU/7Tgino0nQgehbMslsh6oxD7Hg==
1330-E(1)	Use Of School Facilities - https://simbli.eboardsolutions.com/SU/FTxq7G3SicIvaYp8UplusEfZQ==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/VQd4HhnlB5p7OgDHHuo3HA==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/fhcZPsXmszl9QLwLKWOrSw==
1431	Waivers - https://simbli.eboardsolutions.com/SU/9BuYxx0B2I1rRqC5ldthA==
2000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/dLgXYI9W4eDsCX9RzBpi2g==
2111	Superintendent Governance Standards - https://simbli.eboardsolutions.com/SU/i9epzqwToFrSHars3pOXJA==
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==
2210	Administrative Discretion Regarding Board Policy - https://simbli.eboardsolutions.com/SU/Lslshb8xa4uslshzPL830GV0DgWw==
3100	Budget - https://simbli.eboardsolutions.com/SU/jyplusBDTDZP2PfaNjtUb1FQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/msAckulxvwNnplus45O6T7slshw==

3280 Sale Or Lease Of District-Owned Real Property -
<https://simbli.eboardsolutions.com/SU/nl52FBYBISbzNGRG8CrhkQ==>

3280 Sale Or Lease Of District-Owned Real Property -
<https://simbli.eboardsolutions.com/SU/dHavI4DJJ4VVapIus02n5bFkg==>

3311 Bids - <https://simbli.eboardsolutions.com/SU/HcK7HUZF9A9DplusJHCDH4Q==>

3311 Bids - <https://simbli.eboardsolutions.com/SU/ry0hLBz8DRvRct6kukvHHA==>

3312 Contracts -
<https://simbli.eboardsolutions.com/SU/fXvC3hMz5b6WCslsh8VCWplus8QQ==>

3314 Payment For Goods And Services -
<https://simbli.eboardsolutions.com/SU/IMVvTWVTSVQbQGQbriLH7xA==>

3314 Payment For Goods And Services -
<https://simbli.eboardsolutions.com/SU/kJslshbA41fvAd26Fu7h7gj6w==>

3516 Emergencies And Disaster Preparedness Plan -
<https://simbli.eboardsolutions.com/SU/x6NWrX0FV0TusDr7guOmSQ==>

3516 Emergencies And Disaster Preparedness Plan -
<https://simbli.eboardsolutions.com/SU/UzirPzb2Tud8LJ2LDo5W5w==>

4117.14 Postretirement Employment -
<https://simbli.eboardsolutions.com/SU/zvc4tf0vEy1RUdQ8thE65w==>

4141.6 Concerted Action/Work Stoppage -
<https://simbli.eboardsolutions.com/SU/TtH8mfb4Zwc222YN76OTdg==>

4141.6 Concerted Action/Work Stoppage -
<https://simbli.eboardsolutions.com/SU/nCKbnl3vsF4vwC2CzN850A==>

4241.6 Concerted Action/Work Stoppage -
<https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==>

4241.6 Concerted Action/Work Stoppage -
<https://simbli.eboardsolutions.com/SU/W5ExJpluss6yHnOMElqyCk9IQ==>

4312.1 Contracts -
<https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzzQXdjA==>

4317.14 Postretirement Employment -
<https://simbli.eboardsolutions.com/SU/v39zADRGIBTI2DI9oplusjQcw==>

6112 School Day -
<https://simbli.eboardsolutions.com/SU/05atqxQBa68mlO84XP5vNw==>

6112 School Day -
<https://simbli.eboardsolutions.com/SU/XRplus7M06NPTiz3YyiADAJMA==>

6117 Year-Round Schedules -
<https://simbli.eboardsolutions.com/SU/PGJ0eo0EaMcrbETUgSfnfg==>

6173.1 Education For Foster Youth -
<https://simbli.eboardsolutions.com/SU/FhWqtvgluEC44NZ6fEILOA==>

6173.1 Education For Foster Youth -
<https://simbli.eboardsolutions.com/SU/plus02X7aplusL6BbQWZJpZVboVQ==>

7150 Site Selection And Development -
<https://simbli.eboardsolutions.com/SU/sYsAsWmYHUGsslsHuVYRgMCbA==>

7150 Site Selection And Development -
<https://simbli.eboardsolutions.com/SU/9MaBvns2WPkshb54TqcMZQ==>

7214 General Obligation Bonds -
<https://simbli.eboardsolutions.com/SU/dOKQx4NVWC5LFmUtiJEplusXw==>

7214 General Obligation Bonds -
<https://simbli.eboardsolutions.com/SU/UHc8Hs9xMjvZitK9cK5rUw==>

7310 Naming Of Facility -
<https://simbli.eboardsolutions.com/SU/TGrU7IjEI6ET3TFsz7TZag==>

9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBsIshkYpCeLkQFfduR9FE4g==
9005	Governance Standards - https://simbli.eboardsolutions.com/SU/b4OmvGoyuJpAPG4LxplusvkHQ==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/sRwl2X1H21bkqwxQ36znAw==
9100	Organization - https://simbli.eboardsolutions.com/SU/TFTn62woUJgRutLcm3xTlg==
9121	President - https://simbli.eboardsolutions.com/SU/9DePeFAaWu91NRZNdGXD0Q==
9130	Board Committees - https://simbli.eboardsolutions.com/SU/Z3ib9m8wsZRTsZmw45qE9Q==
9140	Board Representatives - https://simbli.eboardsolutions.com/SU/yjmslshNKV8wpR65FwNX385Kg==
9220	Governing Board Elections - https://simbli.eboardsolutions.com/SU/UFaDMCMuel6gmfcxmH7W8Q==
9230	Orientation - https://simbli.eboardsolutions.com/SU/zPgBfoLQtlvGXFVmx3IPVA==
9270	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/plus5Nkplusx/VoLslshAyTyplusjwwplus5A==
9270-E(1)	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/31zam186Gfhk4oZYYhDZDQ==
9310	Board Policies - https://simbli.eboardsolutions.com/SU/uqCUreAgsJGmtpWNOTZakQ==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Qkac2n002IH7QiQyqvirA==
9321-E(1)	Closed Session - https://simbli.eboardsolutions.com/SU/HugJnlcusrzLSVT90UPEcA==
9321-E(2)	Closed Session - https://simbli.eboardsolutions.com/SU/wSrEqCMiEHslshYFCluMQnxBg==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/rPzCGxop9pluspluscD3iWn6mhcw==
9323	Meeting Conduct - https://simbli.eboardsolutions.com/SU/Wh6jUkrzZOQj3h6xIFfrEw==
9323.2	Actions By The Board - https://simbli.eboardsolutions.com/SU/qTqIJZz7lWxdOXZSRTVIAA==
9323.2-E(1)	Actions By The Board - https://simbli.eboardsolutions.com/SU/E5GqXb1wi3InLIAbs692Zw==
9323.2-E(2)	Actions By The Board - https://simbli.eboardsolutions.com/SU/qVfpDmpluswpVdRGdSnZjRPQw==
9324	Minutes And Recordings - https://simbli.eboardsolutions.com/SU/zH3GY0qGJetNLV3SrzWpnA==
9400	Board Self-Evaluation - https://simbli.eboardsolutions.com/SU/uf5Aplus9ewVPjvFERWQzplusjg==

ReqPay12d

Board Report

Checks Dated 03/01/2023 through 03/31/2023

Check Number	Check Date	Pay to the Order of	FF-RRRR-Y-GGGG-FFFF-OOOO-SSS-MMM	Comment	Expensed Amount	Check Amount
1024333	03/06/2023	ARTURO RIVERA MORALES	01-0000-0-0000-8100-5524-200-2801	JANITORIAL CLEANING		1,800.00
1024334	03/06/2023	DASSEL'S PETROLEUM	01-0000-0-0000-8100-5511-200-2801	PROPANE		1,265.84
1024335	03/06/2023	HUNDEMER, KATHRYN	01-0000-0-1110-3140-5800-200-2801	HEARING AND VISION SCREENING		150.00
1024336	03/06/2023	Lynd, Paige L	01-0000-0-0000-7200-5200-200-2801	MILEAGE REIMBURSEMENT		117.90
1024337	03/06/2023	PACIFIC GAS & ELECTRIC	01-0000-0-0000-8100-5511-200-2801	ELECTRIC		1,059.74
1024338	03/06/2023	ROBERTSON & ASSOC CPAS	01-0000-0-0000-7191-5809-200-2801	AUDIT		787.50
1024339	03/06/2023	SANTA CRUZ CO OFC OF EDUCATION	01-6266-0-1110-1000-5800-200-6266	22-23 NEW TEACHER PROJECT		5,200.00
1024340	03/06/2023	SANTA CRUZ MUNICIPAL UTILITIES	01-0000-0-0000-8100-5514-200-2801	WATER		138.87
1024341	03/06/2023	SISC 3	01-0000-0- - -9514- - MARCH MEDICAL		14,640.00	
1024342	03/06/2023	SPROUTS SC	01-0000-0- - -9524- - MARCH MEDICAL		2,901.00	17,541.00
1024343	03/06/2023	THE TECH INTERACTIVE	01-2600-0-1110-1000-4300-200-0000	ELOP AFTER SCHOOL AND SUPPLIES	6.23	
1024344	03/06/2023	US BANK	01-2600-0-1110-1000-5800-200-0000	ELOP AFTER SCHOOL AND SUPPLIES	1,500.00	1,506.23
			01-9009-0-1110-1000-5808-200-RM01	ROOM 1 FIELD TRIP		260.00
			01-0000-0-0000-2700-4350-200-2801	MISC PD, ELOP, LUNCH, OFFICE, 0700	62.43	
			01-0000-0-0000-3700-4300-200-3007	MISC PD, ELOP, LUNCH, OFFICE, 0700	182.52	
			01-0700-0-1110-1000-4300-200-2801	MISC PD, ELOP, LUNCH, OFFICE, 0700	14.95	
			01-0855-0-0000-2700-5200-200-0000	MISC PD, ELOP, LUNCH, OFFICE, 0700	593.75	
			01-2600-0-1110-1000-4300-200-0000	MISC PD, ELOP, LUNCH, OFFICE, 0700	119.65	
			01-4035-0-0000-2700-5200-200-2366	MISC PD, ELOP, LUNCH, OFFICE, 0700	375.85	1,349.15
1025054	03/13/2023	AA SAFE & SECURITY CO.	01-0000-0-0000-8100-4350-200-2801	SUB KEYS		19.17
1025055	03/13/2023	AT&T	01-0000-0-0000-2700-5900-200-2801	PHONE	114.26	
			01-0000-0-0000-7200-5900-200-2801	PHONE	38.08	152.34

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

002 - Happy Valley Elementary School District

Generated for Paige Lynd (PLYND), Mar 28 2023 11:09AM

ReqPay12d

Board Report

Checks Dated 03/01/2023 through 03/31/2023

Check Number	Check Date	Pay to the Order of	FF-RRRR-Y-GGGG-FFFF-OOOO-SSS-MMM	Comment	Expensed Amount	Check Amount
1025056	03/13/2023	AT&T	01-0000-0-0000-2700-5900-200-2801	internet		216.25
1025057	03/13/2023	BEST BUY BUS ADVANTAGE ACCT	01-2600-0-1110-1000-4400-200-0000	ELOP SCREENS FOR 3-D PRINTING		1,942.69
1025058	03/13/2023	BOWIE, CRAIG	01-9009-0-1110-1000-4300-200-0000	OPPL GARDEN SUPPLIES AND MATERIALS		18.00
1025059	03/13/2023	GREENWASTE RECOVERY INC	01-0000-0-0000-8100-5523-200-2801	GARBAGE		588.01
1025060	03/13/2023	OHLSSEN FOODS	01-0000-0-0000-3700-5800-200-3007	LUNCH SERVICE 1/30/23-2/24/23		1,561.35
1025061	03/13/2023	PROJECT SUPPORT SERVICES, INC	25-0000-0-0000-8100-5800-200-2801	DSA PROJECT CLOSEOUT SERVICES STAGE 1		9,000.00
1025062	03/13/2023	Royer, Kate	01-9009-0-1110-1000-4300-200-RM01	ROOM 1 MATERIALS AND SUPPLIES		56.49
1025063	03/13/2023	Stewart, Michelle A	01-0855-0-0000-2700-5200-200-0000	PD CONFERENCE		753.15
1025064	03/13/2023	US BANK	01-1100-0-0000-7100-5600-200-3000	COPIER LEASE	33.16	
			01-1100-0-0000-7200-5600-200-3000	COPIER LEASE	132.54	
			01-1100-0-1110-1000-5600-200-3000	COPIER LEASE	497.00	662.70
1025751	03/20/2023	BOWIE, CRAIG	01-3213-0-1110-1000-5800-200-0000	GARDEN COORDINATOR ESSER FUNDS		1,470.00
1025752	03/20/2023	CARLY PERLMAN	01-6546-0-1110-3120-5800-200-0000	COUNSLING SERVICES	1,520.00	
			01-6546-0-5760-3120-5800-200-0000	COUNSLING SERVICES	700.00	2,220.00
1025753	03/20/2023	DISCOUNT SCHOOL SUPPLY	01-6053-0-1110-1000-4300-200-0000	TK MATERIALS AND SUPPLIES		245.95
1025754	03/20/2023	MATTERHACKERS, INC	01-2600-0-1110-1000-4300-200-0000	3D PRINTING MATERIALS FOR AFTER SCHOOL CLASS		93.60
1025755	03/20/2023	Stewart, Michelle A	01-0000-0-0000-7200-5200-200-2801	CONF PROF DEV		58.40
1025756	03/20/2023	SUNDERLAND TREE SERVICE	01-0000-0-0000-8100-5600-200-2801	FALLEN OAK TREE		1,200.00
1025757	03/20/2023	THE TECH INTERACTIVE	01-9009-0-1110-1000-5808-200-RM01	RM01 FIELD TRIP		111.00

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

002 - Happy Valley Elementary School District

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Page 2 of 4

ReqPay12d

Board Report

Checks Dated 03/01/2023 through 03/31/2023

Check Number	Check Date	Pay to the Order of	FF-RRRR-Y-GGGG-FFFF-OOOO-SSS-MMM	Comment	Expensed Amount	Check Amount
1026453	03/27/2023	ABRITE	01-6500-0-5760-1190-5800-200-1304	SPED AIDE		5,816.68
1026454	03/27/2023	APPLE COMPUTER INC	01-2600-0-1110-1000-4300-200-0000	ELOP 3D PRINTING MATERIALS AND SUPPLIES		861.62
1026455	03/27/2023	Doolan, Lindsey A	01-2600-0-1110-1000-4300-200-0000	ELOP COOKING CLASS MATERIALS AND SUPPLIES		46.75
1026456	03/27/2023	JOHNSON CONTROLS SECURITY	01-0000-0-0000-8100-5800-200-2801	COMPUTER LAB ALARM		135.44
1026457	03/27/2023	LAKESHORE LEARNING MATERIALS	01-0700-0-1110-1000-4300-200-2801	LCAP MATERIALS AND SUPPLIES		39.64
1026458	03/27/2023	MRC SMART TECHNOLOGY SOLUTIONS	01-1100-0-0000-7100-5600-200-3000	COPIER USAGE	24.20	
			01-1100-0-0000-7200-5600-200-3000	COPIER USAGE	96.82	
			01-1100-0-1110-1000-5600-200-3000	COPIER USAGE	363.06	484.08
1026459	03/27/2023	PACIFIC GAS & ELECTRIC	01-0000-0-0000-8100-5511-200-2801	STREET LIGHT		9.19
1026460	03/27/2023	Ruwe, Carey L	01-2600-0-1110-1000-4300-200-0000	ELOP COOKING CLASS MATERIALS AND SUPPLIES		187.77
1026461	03/27/2023	SAN LORENZO LUMBER	01-0000-0-0000-8100-4350-200-2801	MAINT MATERIALS AND SUPPLIES		160.35
1026462	03/27/2023	SEYMOUR CENTER/UC REGENTS	01-9009-0-1110-1000-5808-200-RM05	ROOM 5 FIELD TRIP - ROSSI		175.00
1026463	03/27/2023	Stewart, Michelle A	01-0000-0-0000-7200-5200-200-2801	REIMBURSE LCAP MATERIALS AND SUPPLIES	34.00	
			01-0700-0-1110-1000-4300-200-2801	REIMBURSE LCAP MATERIALS AND SUPPLIES	163.21	197.21
Total Number of Checks					41	59,659.06

Fund Recap

Fund	Description	Check Count	Expensed Amount
01	GENERAL FUND	40	50,659.06
25	CAPITAL FACILITIES	1	9,000.00

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

002 - Happy Valley Elementary School District

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Page 3 of 4

Checks Dated 03/01/2023 through 03/31/2023				
Check Number	Check Date	Pay to the Order of	FF-RRRR-Y-GGGG-FFFF-0000-SSS-MMM	Comment
			41	
		Total Number of Checks		59,659.06
		Less Unpaid Tax Liability		.00
		Net (Check Amount)		59,659.06

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.