

admitted to the district's education program or activity

3. Informing the student that the district may not require the student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person verifying that the student is physically able to participate in the district's class, program, or extracurricular activity unless the certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity; the district requires such certification of all participating students; and, the information obtained is not used as a basis for Title IX discrimination

CSBA NOTE: Pursuant to Family Code 7002, any person under the age of 18 years who enters into a valid marriage is an emancipated minor and therefore has the same rights as an adult. Such rights include, but are not limited to, those related to the verification of student absences (see AR 5113 - Absences and Excuses), application for a work permit (see AR 5113.2 - Work Permits), and access to student records (see AR 5125 - Student Records).

For ~~school~~district-related purposes, a student under the age of 18 years of age who enters into a valid marriage is an emancipated minor who shall have all the rights and privileges of students who are 18 years of age or older, even if the marriage has been dissolved. (Family Code 7002)

Such rights include, but are not limited to, those related to the verification of student absences as specified in Administrative Regulation 5113 - Absences and Excuses, application for a work permit as specified in Administrative Regulation 5113.2 - Work Permits, and access to student records as specified in Administrative Regulation 5125 - Student Records.

## Education and Support Services for Pregnant and Parenting Students

Pregnant and parenting students shall retain the right to participate in the regular education program or an alternative education program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or the student's child.

CSBA NOTE: Both federal law (34 CFR 106.40) and state law (Education Code 221.51; 5 CCR 4950) prohibit districts from requiring a student to take a course or participate in a separate program or school for pregnant and parenting students. When students voluntarily participate in such alternative programs, federal law requires that the alternative program be "comparable" to the regular education program, and state law requires that the program be "equal" to the regular education program. The following paragraph reflects the state standard which is more stringent and thus would prevail.

Any alternative education program, activity, or course that is offered separately to students who are pregnant or parenting students, including any class or extracurricular activity, shall be equal to that offered to other district students. A student's participation in such programs shall be voluntary. (Education Code 221.51; 5 CCR 4950)

CSBA NOTE: Education Code 221.51 authorizes districts to require certification by a physician or nurse practitioner that a student is physically and emotionally able to participate in the regular education program or activity. However, 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, prohibits districts from requiring a student who is pregnant or has related conditions to provide

certification from a healthcare provider or any other person verifying that the student is physically able to participate in the district's class, program, or extracurricular activity unless the certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity; the district requires such certification of all participating students; and, the information obtained is not used as a basis for sex discrimination. Additionally, Education Code 221.51 and 34 CFR 106.40 require that pregnancy, childbirth, false pregnancy, termination of pregnancy, lactation, or related conditions be treated in the same manner as any other temporary disabling condition. Thus, the district cannot require a student who is pregnant or has related conditions to provide a physician's note to participate in physical education classes unless the certified level of physical ability is necessary for participation and such certification is required of all students. A student who is pregnant or who has related conditions who cannot accomplish the requirements of the regular physical education curriculum may be offered accommodations, as specified in "Accommodations" below, or voluntary access to a comparable program, as described above. Education Code 48206.3 defines a "temporary disability" as a physical, mental, or emotional disability after which the student can reasonably be expected to return to regular day classes or an alternative education program; see AR 6183 – Home and Hospital Instruction.

CSBA NOTE: Education Code 221.51 authorizes districts to require certification by a physician or nurse practitioner that a student is physically and emotionally able to participate in the regular education program or activity. Additionally, 34 CFR 106.40 authorizes districts to require such certification of a physician, so long as the certification is required of all students for other physical or emotional conditions requiring the attention of a physician. In addition, Education Code 221.51 and 34 CFR 106.40 require that pregnancy, childbirth, false pregnancy, termination of pregnancy, or related conditions or recovery be treated in the same manner as any other temporary disabling condition. Thus, the district may not require a student who is pregnant or has related conditions to provide a physician's note to participate in physical education classes unless required of all students with temporary medical conditions, but a pregnant student who cannot accomplish the requirements of the regular physical education curriculum may be offered an alternative physical education curriculum. Education Code 48206.3 defines a "temporary disability" as a physical, mental, or emotional disability after which the student can reasonably be expected to return to regular day classes or an alternative education program; see AR 6183 - Home and Hospital Instruction.

Thelf required for students with any other temporary disabling condition, the Superintendent or designee ~~shall not~~may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, lactation, or related medical conditions or recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the district's education program or activity, including an extracurricular activity, unless the certified level of physical ability is necessary for participation and such certification is required of all students. education program or activity. (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)

CSBA NOTE: Items #1-7 below are optional and may be revised to reflect district practice.

To the extent feasible, the district shall provide educational and related support services, either directly or in collaboration with community agencies and organizations, to meet the needs of pregnant and parenting students and their children. Such services may include, but are not limited to:

CSBA NOTE: The district may choose to offer child care and development services as an incentive to encourage the school attendance of parenting students, as provided in Item #1 below. For more



information about child care and development services, see BP/AR 5148 - Child Care and Development.

1. Child care and development services for the children of parenting students on or near school site(s) during the school day and during ~~school~~district-sponsored activities
2. Parenting education and life skills instruction

CSBA NOTE: The federal Women, Infants, and Children grant program (42 USC 1786; 7 CFR 246.1-246.28) provides funding that may be used for special school nutrition supplements for low-income pregnant and lactating students as provided in Item #3 below; see the U.S. Department of Agriculture's website. Education Code 49553 specifies nutritional standards for these special school nutrition supplements.

3. Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28
4. Health care services, including prenatal care

CSBA NOTE: Health and Safety Code 104460 requires districts receiving Tobacco-Use Prevention Education funds to provide access to tobacco-use prevention and intervention services to pregnant and parenting students; see AR 5131.62 - Tobacco.

5. Tobacco, alcohol, and/or drug prevention and intervention services
6. Academic and personal counseling
7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

## Absences

~~Pregnant~~Students who are pregnant or parenting students may be excused for absences for medical appointments and other purposes specified in ~~BP/AR~~Board Policy/Administrative Regulation 5113 - Absences and Excuses.

CSBA NOTE: Education Code 48205 authorizes an excused absence without a note from a physician for a parenting student to care for a sick child. For more information regarding excused absences, see AR 5113 - Absences and Excuses.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence. (Education Code 48205)

## Parental Leave

CSBA NOTE: Education Code 46015 provides that a pregnant or parenting student is entitled to eight weeks of parental leave, or longer if deemed medically necessary by the student's physician. Pursuant to Education Code 46015, the student's failure to notify the school as required below does not abridge the student's rights. Additionally, 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, requires the district to allow a student who is pregnant or who has related conditions to voluntarily take a leave of absence to cover, at a minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. If the district has a leave policy that allows for a greater period of time than the medically necessary period, and the student qualifies for leave under such policy, the district is required to permit the student to take leave under that policy. CSBA NOTE: The following paragraph is in regard to the length of time of parental leave. Districts that have an applicable leave policy should revise the following paragraph accordingly.

A student who is pregnant or parenting, or has a related condition, shall be entitled to parental leave in order to protect the health of the student and/or the infant, and to allow the student to care for and bond with the infant as permitted by law. The period of the leave shall be the greater of eight weeks, or the length of time deemed medically necessary by the student's healthcare provider, or, if the district has a leave policy for which the student qualifies, the amount of time provided for in such policy. student's healthcare provider. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. (Education Code 46015; 34 CFR 106.40)

The student, if age 18 years of age or older, or the student's parent/guardian educational rights holder shall notify the school district of the student's intent to take parental leave. , although failure to do so does not abridge any of the rights provided to the student under this policy. (Education Code 46015)

No student shall be required to take all or part of the parental leave. (Education Code 46015; 34 CFR 106.40)

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A student who is pregnant or parenting, or has related conditions, shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

CSBA NOTE: Pursuant to 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, when a student returns to school after taking parental leave, the district is required to reinstate the student to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.

Following the leave, a student who is pregnant or parenting, or has related conditions, may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the district. (Education Code 46015; 34 CFR 106.40))

Upon return to school, a student who is pregnant or parenting student shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015)

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the Superintendent or designee makes a finding that the student is reasonably able to complete district graduation requirements in time to graduate by the end of the fourth year of high school. (Education Code 46015)

## Accommodations

CSBA NOTE: Pursuant to 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, the district is required to provide reasonable accommodations for students who are pregnant or parenting, or have related conditions, as specified below. Additionally, pursuant to 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, the school is CSBA NOTE: When necessary to ensure a pregnant student's access to the educational program, the district is required to make adjustments to the regular program that are reasonable and responsive to the student's pregnancy status. Examples include providing a larger desk, allowing frequent trips to the restroom, or permitting temporary access to elevators as necessary. Pursuant to 34 CFR 106.40, the district is also required to provide any services to pregnant students that it provides to other students with temporary medical conditions, such as at-home instruction or tutoring for students who miss school because of such medical conditions.

When necessary, the district shall provide reasonable accommodations to enable a student who is pregnant or parenting, or with related conditions, to access the educational program. The district shall consult with the student when identifying potential modifications. Any modification accepted by the student shall be implemented. Any proposed modification that would fundamentally alter the nature of the district's education program or activity shall not be implemented. (34 CFR 106.40)

Reasonable modifications may include, but are not limited to: (34 CFR 106.40)

1. ~~Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom~~
- 
2. ~~Intermittent absences to attend medical appointments~~
- 
3. ~~Access to online or homebound education~~
- 
4. ~~Changes in schedule or course sequence~~
- 
5. ~~Extensions of time for coursework and rescheduling of tests and examinations~~
- 
6. ~~Allowing a student to sit or stand, or carry or keep water nearby~~
- 
7. ~~Counseling~~
- 
8. ~~Changes in physical space or supplies, such as access to a larger desk or a footrest~~
- 
9. ~~Elevator access~~
- 
10. Any other change to policies, practices, or procedures



A student who is pregnant or who has a related condition shall have access to any services available to other students with temporary medical conditions. (34 CFR 106.40)

CSBA NOTE: In addition to lactation accommodations required by state law, 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, requires that a student who is lactating has access to a lactation space other than a bathroom, that is clean, shielded from view, and free from intrusion from others that may be used to express breast milk or breastfeed.

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222; 34 CFR 106.40)

1. Access to a private and secure room, other than a restroom, that is clean, shielded from view, and free from intrusion by others to express breast milk or breastfeed an infant child
- 
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
- 
3. Access to a power source for a breast pump or any other equipment used to express breast milk
- 
4. Access to a place to store expressed breast milk safely
- 
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

Additionally, a student who is pregnant, experiences a false pregnancy, or terminates a pregnancy, or who must recover from any of these, shall have access to any services available to other students with temporary medical conditions. (34 CFR 106.40)

The district shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222)

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

Complaints

CSBA NOTE: Since a student's current, potential, or past parental, family, or marital status is protected from discrimination pursuant to Title IX and its implementing regulations, as amended by 89 Fed. Reg. 33474, districts are required to follow Title IX grievance procedures when investigating and resolving a complaint based on alleged conduct that occurred on or after August 1, 2024. As such a complaint may also fall within Education Code 46015, which authorizes the use of the district's uniform complaint procedures (UCP) established pursuant to 5 CCR 4600-4670, it is unclear whether districts would additionally be required to follow the UCP. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the UCP for this purpose. For more information regarding the Title IX grievance procedures, see AR 5145.71 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

CSBA NOTE: Education Code 46015 authorizes the use of the district's uniform complaint procedures established pursuant to 5 CCR 4600-4670 for complaints alleging the district's noncompliance with requirements related to the provision of parental leave or other requirements of Education Code 46015.

Any complaint alleging discrimination on the basis of a student's current, student's actual or potential, ~~or past~~ pregnancy, family, or marital, or parental status,; district noncompliance with the requirements of Education Code 46015 ~~or 34 CFR 106.40,;~~ or district noncompliance with the requirement to provide reasonable accommodations for lactating students, shall be investigated and resolved in accordance with the Title IX grievance procedures as specified in 34 CFR 106.44 and 106.45 and Board Policy/Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment1312.3 - Uniform Complaint Procedures. (Education Code 222, 46015; 5 CCR 4600- 4670; 34 CFR 106.44, 106.45)

Program Evaluation

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of district strategies to support ~~current, potential, and past~~ married, pregnant, and parenting students, which may include data on student participation in district programs and services, academic achievement, ~~school~~ attendance, graduation rate, and/or student feedback on district programs and services.

Policy Reference UPDATE Service

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

State	Description
22 CCR 101151-101239.2	General requirements; licensed child care centers
22 CCR 101351-101439.1	Infant care centers
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4950	Nondiscrimination; marital and parental status

<b>Civ. Code 51</b>	<b><u>Unruh Civil Rights Act</u></b>
Ed. Code 221.51	Nondiscrimination; married, pregnant, and parenting students
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 230	Sex discrimination
Ed. Code 46015	Parental leave
Ed. Code 48050	Residents of adjoining states
Ed. Code 48205	Excused absences
Ed. Code 48206.3	Temporary disability; definition
Ed. Code 48220	Compulsory education requirement
Ed. Code 48410	Persons exempted from continuation classes
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49553	Nutrition supplements for pregnant/lactating students
Ed. Code 51220.5	Parenting skills and education
Ed. Code 51745	Independent study
Ed. Code 52610.5	Enrollment of pregnant and parenting students in adult education
Ed. Code 8200-8490	Child Care and Development Services Act
Fam. Code 7002	Description of emancipated minor
H&S Code 104460	Tobacco prevention services for pregnant and parenting students
<b>Federal</b>	<b>Description</b>
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Discrimination on the basis of sex; effectuating Title IX
34 CFR 106.40	Marital or parental status
42 USC 1786	Special supplemental nutrition program for women, infants, and children
7 CFR 246.1-246.28	Special supplemental nutrition program for women, infants, and children
<b>Management Resources</b>	<b>Description</b>
<b><u>Court Decision</u></b>	<b><u>Tennessee v. Cardona (2024) 737 F.Supp.3d 510</u></b>
Attorney General Opinion	87 Ops.Cal.Atty.Gen. 168 (2004)
California Women's Law Center Publication	Pregnant Students and Confidential Medical Services, 2013 <a href="https://www.cwlc.org/dev2019/download/pregnant-students-and-confidential-medical-services/">(https://www.cwlc.org/dev2019/download/pregnant-students-and-confidential-medical-services/)</a>



California Women's Law Center Publication	<u><a href="#">The Civil Rights of Pregnant and Parenting Teens in California Schools, 2002</a></u>
Court Decision	American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307
U.S. Department of Education, Office for Civil Rights Publication	<u><a href="#">Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</a></u>
<u><a href="#">U.S. Department of Education, Office for Civil Rights Publication</a></u>	<u><a href="#">Dear Colleague Letter: Enforcement of Title IX under the provisions of the Title IX Rule, February 4, 2025</a></u>  <u><a href="https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf">https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf</a></u>
U.S. Department of Education Publication	<u><a href="#">Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, rev. June 2013</a></u>
<u><a href="#">Federal Register</a></u>	<u><a href="#">Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579</a></u>  <u><a href="https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal">https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal</a></u>
Website	CSBA District and County Office of Education Legal Services
Website	California Women's Law Center
Website	U.S. Department of Agriculture, Women, Infants, and Children Program
Website	U.S. Department of Education
Website	California Department of Education

## Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1400	Relations Between Other Governmental Agencies And The Schools
<del>4119.11</del>	<u><a href="#">Sex Discrimination and Sex-Based Harassment</a></u>

4119.11	<u>Sex Discrimination and Sex-Based Harassment</u>
4131	Staff Development
4219.11	<u>Sex Discrimination and Sex-Based Harassment</u>
4219.11	<u>Sex Discrimination and Sex-Based Harassment</u>
4319.11	<u>Sex Discrimination and Sex-Based Harassment</u>
4319.11	<u>Sex Discrimination and Sex-Based Harassment</u>
5030	Student Wellness
5112.1	Exemptions From Attendance
5112.1	Exemptions From Attendance
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
<u>5113.2</u>	<u>Work Permits</u>
5113.11	Attendance Supervision
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
<u>5125</u>	<u>Student Records</u>
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.62	Tobacco
5131.62	Tobacco
5141.25	Availability Of Condoms
5141.6	School Health Services
5141.6	School Health Services
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	<u>Sex Discrimination and Sex-Based Harassment</u> <u>Sexual Harassment</u>
5145.7	<u>Sex Discrimination and Sex-Based Harassment</u>



5145.71	<del>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</del> <del>Title IX Sexual Harassment Complaint Procedures</del>
5145.71-E(1)	<del>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</del>
5147	Dropout Prevention
5148	Child Care And Development
5148	Child Care And Development
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6143	Courses Of Study
6143	Courses Of Study
6158	Independent Study
6158	Independent Study
6164.5	Student Success Teams
6164.5	Student Success Teams
6184	Continuation Education
6184	Continuation Education

**Policy 6142.91: Reading/Language Arts Instruction**

**Status:** ADOPTED

**Original Adopted Date:** 07/01/2005 | **Last Revised Date:** ~~12/06/01/2013~~2025 | **Last Reviewed**  
**Date:** ~~12/06/01/2013~~2025

CSBA NOTE: The following optional policy may be revised to reflect district practice and the grade levels served by the district.

Education Code 51210 and 51220 require that English be included in the district's course of study offered in grades 1-12, including knowledge of, and appreciation for literature, language, and composition, as well as the skills of speaking, reading, and listening. For grades 1-6, Education Code 51210 requires the district's course of study to also include spelling and handwriting, including instruction in cursive or joined italics in the appropriate grade levels. For more information regarding the requirements for courses of study, see AR 6143 - Courses of Study.

Additionally, to meet high school graduation requirements, Education Code 51225.3 requires completion of three courses in English. For more information regarding high school graduation requirements, see BP 6146.1 - High School Graduation Requirements and BP 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities.

In May 2025, the State Board of Education (SBE) approved the revised, "California Comprehensive State Literacy Plan," in an effort to align and integrate state literacy initiatives, content standards, and state guidance documents to support teachers of students, birth through grade 12. More information about the plan is available on the California Department of Education's (CDE) website.

The Governing Board recognizes that reading and other language arts constitute the basic foundation for learning in other areas of study. The Board desires to offer a comprehensive, balanced reading/language arts program that ensures all students have the skills necessary to read fluently and for meaning, and develops students' appreciation for literature. The program shall integrate reading, and oral and written language arts activities in order to build effective communication skills, including listening, speaking, and composition.

CSBA NOTE: In August 2010, the State Board of Education (SBE) adopted the Common Core State Standards pursuant to Education Code 60605.8, consisting of a set of national standards in English language arts and mathematics and additional standards added by the state. These standards are available on the California Department of Education's (CDE) web site. State curriculum frameworks, instructional materials adoptions, and assessments will be aligned to these standards, which all California schools are expected to implement in the 2014-15 school year. For further information about the standards and recommendations for implementation, see CSBA's Governing to the Core series of governance briefs. CSBA NOTE: In 2023, the Legislature appropriated funds to CDE to create, in consultation with the executive director of SBE, a Literacy Roadmap to help educators apply the state's curriculum framework to classroom instruction, navigate the resources



and professional development opportunities available to implement effective literacy instruction, and improve literacy outcomes for all students with a focus on equity.

Pursuant to Education Code 33548, the Instructional Quality Commission (IQC) is required to consider incorporating the Model Library Standards and media literacy content, which encompasses the foundational skills that lead to digital citizenship including the ability to access, analyze, evaluate, and use media and information, into the English language arts/English language development (ELA/ELD) curriculum framework when that framework is next revised and, as amended by AB 2876 (Ch. 927, Statutes of 2024), in its criteria for evaluating instructional materials when ELA/ELD instructional materials are next adopted by SBE.

Additionally, pursuant to Education Code 33547, the IQC is required to consider including content designed to provide teachers with resources to meet the unique academic and English language development needs of newcomer students, and ensure that the instructional materials for students in grades kindergarten-8 include resources for teachers to help them meet these needs. For more information on educating English learners, see BP/AR 6174 – Education for English Learners.

For each grade level, the Board shall adopt academic standards instructional materials that meet or exceed the Common Core State Standards in the following strands:

1. Reading: Foundational skills, text complexity and analysis, and the growth of comprehension
2. Writing: Text types, responding to reading, production and distribution of writings, and research
3. Speaking and listening: Oral language development, comprehension, flexible communication, and collaboration
4. Language: Conventions, effective use, knowledge of language, and vocabulary

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

The Superintendent or designee shall ensure that the district's reading/language arts program offers sufficient access to standards-aligned textbooks and other instructional materials. The program shall provide instructional materials of varying levels of difficulty, including fiction and nonfiction works, so that students are continually reading at an appropriate level. In addition, technology should be available to support all areas of literacy.

CSBA NOTE: AB 97 (Ch. 47, Statutes of 2013) redirected funding for the Pupil Retention Block Grant (Education Code 41505-41508), which allowed program funds to be used to provide a supplementary, intensive reading program for grades K-4, into the local control funding formula. At their discretion, districts may design a supplemental instructional program to meet the purposes of that program or other goals for reading performance.

### **Screening for Risk of Reading Difficulties**

CSBA NOTE: The following section is for districts that serve students in any of grades kindergarten-2. Pursuant to Education Code 53008, the Board is required to adopt one or more screening instruments to assess all students in grades kindergarten-2 for risk of reading difficulties, including possible neurological disorders such as dyslexia, from the list of screening instruments approved by SBE. Pursuant to Education Code 53008, beginning in the 2025-26 school year, and annually thereafter, districts are required to assess each student in grades kindergarten-2 for risk of reading difficulties using the screening instrument(s) adopted by the Board, unless the student's parent/guardian opts out of the screening as specified below.

For information on English language proficiency testing, see BP 6174 – Education for English Learners.

The Board shall adopt, at a public meeting, one or more screening instruments to assess students in grades kindergarten-2 for risk of reading difficulties. The screening instrument(s) adopted by the Board shall provide assessments for both English-speaking and non-English speaking students, in languages reflecting the primary languages of students in the district, to the extent assessments in those languages are available. (Education Code 53008)

The district shall annually assess each student in grades kindergarten-2 for risk of reading difficulties. In determining when during the school year to screen students, the district shall consider whether students have received sufficient instruction in foundational reading skills to support a valid assessment. The district may provide additional student screenings or diagnostic evaluations, as appropriate. (Education Code 53008)

If a student enrolls for the first time in grades kindergarten-2 after the screening instrument(s) has been administered, the district shall assess the student within 45 calendar days of enrollment, unless either: (Education Code 53008)

1. The student's parent/guardian opts out of the screening in writing
2. The student's parent/guardian provides documentation or the district has documentation that the student has had a similar screening in their prior school for their current grade and the parent/guardian was made aware of the results

Students who do not speak sufficient English to be screened with an English-language instrument shall be screened in their primary language if a screening instrument in their primary language is



available. If a screening instrument is not available in at least one language in which a student is proficient, the student shall be screened in accordance with Education Code 53008.

When a student acquires sufficient English language knowledge and fluency to be able to be assessed using the district's screening instrument, or if a screening instrument in their primary language becomes available, the district shall assess that student using the appropriate screening instrument. (Education Code 53008)

A student may be exempted from the screening for risk of reading difficulties if the parent/guardian provides prior written consent and the student meets any of the following criteria: (Education Code 53008)

1. Has a current identification or diagnosis of a reading difficulty, reading disorder, or other disability
2. Is eligible for special education and related services pursuant to the Individuals with Disabilities Education Act (IDEA) or a plan pursuant to Section 504 of the Rehabilitation Act of 1973
3. Is in the process of being assessed for eligibility for special education and related services pursuant to IDEA or a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, and the student is being evaluated with diagnostic assessments that make screening for risk of reading difficulties redundant

CSBA NOTE: Pursuant to Education Code 53008, the district is required to provide parents/guardians with information about screening for risk of reading difficulties as specified below, and is encouraged to provide information about screening with other back-to-school materials at the beginning of the school year.

The district shall, no later than 15 calendar days before administration of the screening instrument(s), provide parents/guardians of students eligible for screening for risk of reading difficulties with information about the screening, including the date(s) of the screening and instructions for how parents/guardians can opt out of their child's screening. (Education Code 53008)

### **Staffing and Professional Development**

Teachers are expected to use a variety of instructional strategies to accommodate the needs of beginning readers and the varying abilities of more advanced readers. The program shall provide ongoing diagnosis of students' skills and, as needed, may provide supplementary instruction during the school day and/or outside the regular school session to assist students who are experiencing difficulty learning to read.

**CSBA NOTE: AB 97 (Ch. 47, Statutes of 2013) redirected funding for the Professional Development Block Grant (Education Code 41530-41532) and the Mathematics and Reading Professional Development Program (Education Code 99230-99242) into the local control funding formula. At**

their discretion, districts may provide professional development opportunities to meet the purposes of those programs or other local needs.

The Superintendent or designee shall make available professional development opportunities that are designed to provide instructional staff with knowledge about how students develop language skills, the ability to analyze students' literacy levels, and mastery of a variety of instructional strategies and materials.

**CSBA NOTE: The following paragraph is for districts that serve students in grades kindergarten-2.**

Employees administering screening instruments for risk of reading difficulties shall be appropriately trained to administer the instrument. (Education Code 53008)

### Program Evaluation

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

### **Policy Reference UPDATE Service**

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

### **State**

5 CCR 11980-11985.6

5 CCR 11991-11991.2

Ed. Code 33530-33548

Ed. Code 41505-41508

Ed. Code 41530-41532

Ed. Code 44735

Ed. Code 44755-44757.5

Ed. Code 51210

Ed. Code 51220

Ed. Code 51225.3

Ed. Code 53008

### **Description**

Mathematics and Reading Professional Development Program  
(AB 466 trainings)

Reading First achievement index

Instructional Quality Commission

Pupil Retention Block Grant

Professional Development Block Grant

Teaching as a Priority Block Grant

Teacher Reading Instruction Development Program, K-3

Course of study for grades 1-6

Course of study for grades 7-12

High school graduation requirements

Screening for risk of reading difficulties

Ed. Code 60119	Sufficiency of textbooks and instructional materials; hearing and resolution
Ed. Code 60200.4	Fundamental skills
Ed. Code 60207	Curriculum frameworks
Ed. Code 60350-60352	Core reading program instructional materials
Ed. Code 60605	State-adopted content and performance standards in core curricular areas
Ed. Code 60605.8	Common Core standards
Ed. Code 99220-99221	California Reading Professional Development Institutes
Ed. Code 99230-99242	Mathematics and Reading Professional Development Program (AB 466 trainings)

### **Federal**

20 USC 6381-6381k

20 USC 6383

### **Description**

Even Start Family Literacy Program

Improving literacy through school libraries

### **Management Resources**

California Department of Education Publication

### **Description**

California Comprehensive State Literacy Plan (Draft), rev. May 2025  
(<https://www.cde.ca.gov/ci/pl/documents/slpdraftmay2025.docx>)

California Department of Education Publication

English Language Arts/English Language Development Framework for California Public Schools: Kindergarten through Grade Twelve, 2014

California Department of Education Publication

Common Core State Standards for English Language Arts, August 2010

California Department of Education Publication

2023 Mathematics Framework for California Public Schools: Kindergarten Through Grade Twelve, June 2023

California Department of Education Publication

Recommended Literature: Kindergarten Through Grade Twelve (<https://www.cde.ca.gov/ci/cr/rl/>)

California Department of Education Publication

California Common Core State Standards: English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, rev. March 2013  
(<https://www.cde.ca.gov/be/st/ss/documents/finalelaccsststandards.pdf>)



CSBA Publication	<u>Governing to the Core; Pathway Options for High School Mathematics Governance Briefs, May 2014</u>
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education; <u>Reading/Language Arts</u> ( <a href="https://www.cde.ca.gov/">https://www.cde.ca.gov/</a> )
Website	CSBA

## Cross References

Code	Description
0500	Accountability
4131	Staff Development
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4231	Staff Development
4331	Staff Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6011	Academic Standards
6120	Response To Instruction And Intervention
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6141.4	International Baccalaureate Program
6142.94	History-Social Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6146.1	High School Graduation Requirements
<u>6146.4</u>	<u>Differential Graduation and Competency Standards for Students with Disabilities</u>
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials

6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6163.1	Library Media Centers
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6174	Education For English Learners
6174	Education For English Learners
6176	Weekend/Saturday Classes
6177	Summer Learning Programs
6179	Supplemental Instruction
6190	Evaluation Of The Instructional Program

## **Policy 6145.2: Athletic Competition**

**Status:** ADOPTED

**Original Adopted Date:** 11/01/2011 | **Last Revised Date:** ~~10~~06/01/2018~~2018~~2025 | **Last Reviewed**  
**Date:** ~~10~~06/01/2018~~2018~~2025

CSBA NOTE: Pursuant to Education Code 35179, the Governing Board has control of and responsibility for all aspects of district interscholastic athletic policies, programs, and activities.

Pursuant to Education Code 51242, the Board may exempt any high school student engaged in a school-sponsored interscholastic athletic program after regular school hours from the requirement to attend physical education courses; see BP 6142.7 - Physical Education and Activity.

The Governing Board recognizes that the district's athletic program constitutes an integral component of the educational program and helps to build a positive school climate. The athletic program also promotes the physical, social, and emotional well-being and character development of participating students. The district's athletic program shall be designed to meet students' interests and abilities and shall be varied in scope to attract wide participation.

All athletic teams shall be supervised by qualified coaches to ensure that student athletes receive appropriate instruction and guidance related to safety, health, sports skills, and sportsmanship. Athletic events shall be officiated by qualified personnel.

The Board encourages business and community support for district athletic programs, subject to the district's advertising and promotion policy and regulation and other applicable district policies and regulations governing advertisements and donations.

### **Nondiscrimination and Equivalent Opportunities in the Athletic Program**

CSBA NOTE: Pursuant to Education Code 35179, the Board is responsible for ensuring that district and interscholastic athletic policies, programs, and activities are in compliance with law. Gender equity and nondiscrimination in district and interscholastic athletic programs and activities are governed by both federal law (Title IX, 20 USC 1681-1688) and state law (Education Code 200-262.4; 5 CCR 4900-4965).

In *Mansourian v. Regents of University of California*, the Ninth Circuit Court of Appeals ruled that a university receiving federal funds can be held liable for failing to effectively accommodate the athletic interests of both men and women even if the aggrieved women did not first provide the appropriate university officials with notice of their disadvantageous treatment and an opportunity to cure it. See the accompanying administrative regulation for factors the district must consider in determining whether equivalent opportunities are being provided.



Education Code 221.2-221.3 (the California Racial Mascot Act) declare the use of racially derogatory or discriminatory school or athletic team names, mascots, or nicknames in public schools to be contrary to providing an equal education and specifically prohibit. Specifically, Education Code 221.3, as amended by AB 3074 (Ch. 665, Statutes of 2024), prohibits public schools, except public schools operated by an Indian tribe or a tribal organization, from using the term "Redskins" as a school or athletic team name, mascot, or nickname. ~~The following paragraph includes an expansion of this prohibition to cover~~Beginning July 1, 2026, Education Code 221.3, as amended by AB 3074, also prohibits public schools other than those operated by an Indian tribe or a tribal organization, from using any racially derogatory or discriminatory Native American term for school or athletic team name, mascot, or nickname and may names, mascots, or nicknames, without the written consent of a local federally recognized Indian tribe. Education Code 33315, as amended by AB 3074, requires that the uniform complaint procedures (UCP) be revised used to investigate and resolve complaints alleging a violation of Education Code 221.3. See BP/AR 1312.3 – Uniform Complaint Procedures.

In light of recent federal executive orders that potentially conflict with state law, as well as legal challenges to reflect district practice. Also see BP 0410 - Nondiscrimination state law, it is recommended that districts with questions about discrimination in interscholastic athletic programs and activities consult CSBA's District Programs and Activities County Office of Education Legal Services or district legal counsel.

The district's athletic program shall be free from discrimination and discriminatory practices prohibited by state and federal law, including, but not limited to, the use of any racially derogatory or discriminatory school or athletic team name, mascot, or nickname.

Derogatory Native American terms, including Apaches, Big Reds, Braves, Chiefs, Chieftains, Chippewa, Comanches, Indians, Redskins, Savages, Squaw, and Tribe, shall not be used for any school or athletic team name, mascot, or nickname, unless permitted in accordance with Education Code 221.3. Any district school using or in which any such derogatory term is being used, shall complete the implementation of a new school or athletic team name, mascot, or nickname before the start of the 2028-2029 school year.

If a school selects a new school or athletic team name due to this prohibition, then any purchases or replacements of materials or fixtures due required by the implementation of the new name shall be completed before the start of the 2028-2029 school year. (Education Code 221.3)

The Superintendent or designee shall ensure that equivalent athletic opportunities are provided for males and females, and that students are permitted to participate in athletic activities consistent with their gender identity.

Any complaint alleging discrimination in the district's athletic program shall be filed in accordance with the ~~district's uniform~~ appropriate complaint procedures.

CSBA NOTE: The following paragraph is for districts that maintain grades 9-12 and that participate in the California Interscholastic Federation (CIF). In order to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, Education Code 33353 requires a

district that participates in CIF to post on its website a standardized incident form developed by the California Department of Education (CDE), including information on how to submit a completed incident form to the district. The district is required to submit information related to any completed standardized incident form to CDE, if requested.

The district shall post on its website the California Department of Education's (CDE) standardized incident form to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, including information on how to submit a completed incident form. (Education Code 33353)

## **California Interscholastic Federation**

CSBA NOTE: The following optional section is for use by districts that maintain grades 9-12. Pursuant to Education Code 35179, the district may join an association, such as the California Interscholastic Federation (CIF), **CIF**, for the purpose of providing regional or statewide interscholastic athletic programs and activities for district students. Pursuant to Education Code 33353, CIF is responsible for setting rules governing interscholastic athletic programs. Students who attend schools that participate in interscholastic sports are therefore subject to CIF regulations as well as applicable district rules.

Any district school that participates in the California Interscholastic Federation (CIF) shall conduct its athletic activities in accordance with CIF bylaws and rules and any applicable district policy and regulation. The Superintendent or designee shall have responsibility for the district's interscholastic athletic program, while the principal or designee at each participating school shall be responsible for site-level decisions, as appropriate.

CSBA NOTE: Pursuant to CIF rules established in accordance with Education Code 33353, the Board is required to designate an individual from each school that participates in CIF sports to serve as a representative to the local CIF league. The name and contact information of these representatives must be annually reported to CIF. The following paragraph may be revised to reflect district practice.

The Board shall annually designate a representative to the local CIF league from each school that participates in CIF sports. The Superintendent or designee shall recommend a candidate for the position who demonstrates an understanding of the district's goals for student learning and interscholastic activities, knowledge of the athletic programs, awareness of the implications of league decisions for the school and the district, and interpersonal communication and leadership skills.

The designated representative(s) shall vote on issues that impact interscholastic athletics at the league and section levels, perform any other duties required by the CIF league, and report regularly to the Board on league, section, and statewide issues related to athletic programs.

## **Student Eligibility**

CSBA NOTE: The following section provides that student eligibility for participation in athletic programs shall be based on the same criteria adopted by the Board for all other extracurricular or



cocurricular activities (see BP/AR 6145 - Extracurricular and Cocurricular Activities), and may be revised to reflect district practice.

Education Code 48850 specifies that a ~~homeless~~ student experiencing homelessness, or a foster youth whose residence changes pursuant to a court order or decision of a child welfare worker, shall be deemed to meet all residency requirements for participation in extracurricular activities and interscholastic sports; see AR 6173 - Education for Homeless Children and AR 6173.1 - Education for Foster Youth.

In addition, Education Code 49700-49701 establish a uniform means of assisting children of active duty military families transferred from one state to another, by reducing or eliminating the barriers to their educational success caused by the frequent moves and deployments of their parents/guardians; see BP/AR 6173.2 - Education of Children of Military Families. Among other things, Education Code 49701 requires flexibility of districts' local rules to facilitate eligibility for extracurricular activities of children of military personnel.

Eligibility requirements for student participation in the district's interscholastic athletic program, including requirements pertaining to academic achievement, shall be the same as those set by the district for participation in extracurricular and cocurricular activities.

CSBA NOTE: The following optional paragraph is for use by districts that participate in CIF. CIF bylaws specify eligibility criteria for participating student athletes, including criteria related to age, grade, attendance, scholastic achievement, residence, transfers, and discipline. In addition, in accordance with CIF bylaws, students in home schooling or home study/independent study programs are not eligible for CIF interscholastic competition unless they are enrolled in a program under the jurisdiction of a CIF member school district (i.e., a program in which the district approves the curriculum, administers the program, and evaluates the student).

In addition, the Superintendent or designee shall ensure that students participating in interscholastic athletics governed by CIF satisfy CIF eligibility requirements.

CSBA NOTE: Education Code 49010-49011 and the California Department of Education's (CDE) Fiscal Management Advisory ~~1223~~-02, "Pupil Fees, Deposits, and Other Charges," clarify that districts may not charge a fee for student participation in extracurricular activities, regardless of whether the activity is elective. Such prohibited fees include, but are not limited to, the cost of uniforms, locks, lockers, and equipment.

However, pursuant to Education Code 32220-32224, and CDE Fiscal Management Advisory 23-02, "Pupil Fees, Deposits, and Other Charges," the district may charge a fee for required medical and accident insurance for athletic team members that is not paid for with school district or student body funds, as long as costs for insurance are covered for those determined to be financially unable to pay; see the accompanying administrative regulation, AR 3260 - Fees and Charges, and AR 5143 - Insurance. The district may also charge a fee for other students to attend athletic events as spectators since such attendance is not directly related to the educational program. ~~Districts are advised to seek legal counsel before~~ It is recommended that districts with questions about charging a fee for any activity which may be construed as related to the



educational program consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Students shall not be charged a fee to participate in an athletic program, including, but not limited to, a fee to cover the cost of uniforms, locks, lockers, or athletic equipment.

## Sportsmanship

CSBA NOTE: CIF has adopted a set of principles entitled , "Pursuing Victory with Honor," to provide the tools for teaching character development to student athletes, including a "Code of Conduct for Student-Athletes," "Code of Conduct for Coaches," and "Code of Conduct for Parents/Guardians." Each of these Codes reflect the Six Pillars of Character: trustworthiness, respect, responsibility, fairness, caring, and good citizenship.

Districts that are not affiliated with CIF may delete or modify the following optional section to reflect district practice.

The Board values the quality and integrity of the athletic program and the character development of student athletes. Student athletes, coaches, parents/guardians, spectators, and others are expected to demonstrate good sportsmanship, ethical conduct, and fair play during all athletic competitions. They shall also abide by teach, enforce, advocate, and model the core principles of trustworthiness, respect, responsibility, fairness, caring, and good citizenship and abide by the applicable Code of Ethics Conduct adopted by CIF.

Students and staff shall be subject to disciplinary action for improper conduct.

## Health and Safety

CSBA NOTE: See the accompanying administrative regulation for additional requirements pertaining to the health and safety of student athletes, including students who experience concussions or other head injuries, heat illness, or sudden cardiac arrest.

The Board desires to give student health and safety the highest consideration in planning and conducting athletic activities.

CSBA NOTE: CIF requires students in grades 9-12 to undergo medical examinations before participating in interscholastic competition; see BP 5141.3 - Health Examinations. Pursuant to Education Code 49458, any examination required for participation in an interscholastic athletic program may be conducted by a physician or physician assistant.

Students shall have a medical clearance before participating in interscholastic athletic programs. Care shall be taken to ensure that all athletic ~~trainings~~ training and competitions are conducted in a manner that will not overtax the physical capabilities of the participants. When appropriate, protective equipment shall be used to prevent or minimize injuries.

Coaches and appropriate district employees shall take every possible precaution to ensure that athletic equipment is kept in safe and serviceable condition. The Superintendent or designee shall

ensure that all athletic equipment is cleaned and inspected for safety before the beginning of each school year.

CSBA NOTE: Education Code 35179.4, as added by AB 2009 (Ch. 646, Statutes of 2018), requires any district that offers an interscholastic athletic program to develop a written emergency action plan, as provided below.

A sample emergency action plan that may be used in the event of sudden cardiac arrest, catastrophic injury, or other medical emergency is available on CIF's ~~web site~~[website](#). [Additional information about creating an emergency action plan is available on Anyone Can Save a Life's website.](#)

The Superintendent or designee shall develop a written emergency action plan that describes the location of [emergency medical equipment, including automated external defibrillator\(s\)](#), and procedures to be followed in the event of sudden cardiac arrest or other medical emergency related to the athletic program's activities or events, [including concussion and heat illness. The plan shall include a description of the manner and frequency at which the procedures to be followed in the event of medical emergencies will be rehearsed, based on coaches training requirements specified in Education Code 35179.1.](#) The plan shall be posted in accordance with guidelines of the National Federation of State High School Associations. (Education Code 35179.4)

[Coaches and/or athletic trainers shall comply with any training required by law and in accordance with the accompanying administrative regulation and Administrative Regulation 4127/4227/4327 - Temporary Athletic Team Coaches.](#)

In the event of a serious injury or a perceived imminent risk to a student's health during or immediately after an athletic activity, the coach or any other district employee who is present shall remove the student athlete from the activity, observe universal precautions in handling blood or other bodily fluid, and/or seek medical treatment for the student as appropriate.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

Whenever a serious injury or illness is suffered by a student athlete, the Superintendent or designee shall notify the student's parent/guardian of the date, time, and extent of any injury or illness suffered by the student and any actions taken to treat the student.

#### Policy Reference UPDATE Service

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#### State

5 CCR 350

#### Description

Fees not permitted

5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
5 CCR 4920-4922	Nondiscrimination in intramural, interscholastic, and club activities
5 CCR 5590-5596	Duties of temporary athletic team coaches
Ed. Code 17578	Cleaning and sterilizing of football equipment
Ed. Code 17580-17581	Football equipment
Ed. Code 200-270	Prohibition of discrimination
Ed. Code 32220-32224	Insurance for athletic teams
Ed. Code 32221.5	Insurance for athletic team members
<a href="#"><u>Ed. Code 33315</u></a>	<a href="#"><u>Uniform Complaint Procedures</u></a>
Ed. Code 33353-33353.5	California Interscholastic Federation; implementation of policies, insurance program
Ed. Code 33354	California Department of Education authority over interscholastic athletics
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35160.5	Intradistrict open enrollment
Ed. Code 35179	Interscholastic athletics; associations or consortia
Ed. Code 35179.1	California High School Coaching Education and Training Program
Ed. Code 35179.4	Emergency action plan
Ed. Code 35179.5	Interscholastic athletics; limitation on full-contact practices
Ed. Code 35179.6	School-sponsored on-campus event in or around swimming pool
<a href="#"><u>Ed. Code 35179.8</u></a>	<a href="#"><u>Development of guidelines, procedures, and safety standards for prevention and management of exertional heat illness</u></a>
Ed. Code 48850	Academic achievement of students in foster care and homeless children
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48930-48938	Student organizations
Ed. Code 49010-49013	Student fees
Ed. Code 49020-49023	Athletic programs; legislative intent, equal opportunity



Ed. Code 49030-49034

Ed. Code 49458

Ed. Code 49475

Ed. Code 49700-49701

Ed. Code 51242

H&S Code 124238-124238.5

H&S Code 1797.196

Pen. Code 245.6

### **Federal**

20 USC 1681-1688

34 CFR 106.31

34 CFR 106.33

34 CFR 106.41

### **Management Resources**

California Department of Education  
Publication

California Interscholastic Federation  
Publication

[California Interscholastic Federation  
Publication](#)

[California Interscholastic Federation  
Publication](#)

[California Interscholastic Federation  
Publication](#)

California Interscholastic Federation  
Publication

Performance enhancing substances

Health examinations; interscholastic athletic program

Health and safety; concussions and head injuries

Education of children of military families

Exemption from physical education for athletic program  
participants

[Nevada Youth Sports Safety Act](#)

Automated external defibrillators; notification of use and  
locations

Hazing

### **Description**

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

Nondiscrimination on the basis of sex in education programs  
or activities

Nondiscrimination on the basis of sex; comparable facilities

Nondiscrimination in athletic programs

### **Description**

Pupil Fees, Deposits, and Other Charges, Fiscal Management  
Advisory 1223-02, April 24, 2013 [November 28, 2023](#)  
(<https://www.cde.ca.gov/re/lr/fm/fma2302.asp>)

Pursuing Victory with Honor, 1999

[Code of Conduct for Student-Athletes](#)  
([https://www.cifstate.org/coaches-  
admin/pvh/conduct\\_students.pdf](https://www.cifstate.org/coaches-admin/pvh/conduct_students.pdf))

[Code of Conduct for Coaches](#)  
([https://www.cifstate.org/coaches-  
admin/pvh/conduct\\_coaches.pdf](https://www.cifstate.org/coaches-admin/pvh/conduct_coaches.pdf))

[Code of Conduct for Parents/Guardians](#)  
([https://www.cifstate.org/coaches-  
admin/pvh/conduct\\_parents-guardians.pdf](https://www.cifstate.org/coaches-admin/pvh/conduct_parents-guardians.pdf))

Guidelines for Gender Identity Participation  
([https://www.cifstate.org/governance/constitution/Guideline  
s for Gender Identity Participation.pdf](https://www.cifstate.org/governance/constitution/Guidelines%20for%20Gender%20Identity%20Participation.pdf))

California Interscholastic Federation Publication	Event Emergency Guidelines, 2013 ( <a href="https://www.cifstate.org/sports-medicine/emergency_action_plan/index">https://www.cifstate.org/sports-medicine/emergency_action_plan/index</a> )
California Interscholastic Federation Publication	California Interscholastic Federation Constitution and Bylaws
California Interscholastic Federation Publication	Keep Their Heart in the Game: A Sudden Cardiac Arrest Information Sheet for Athletes and Parents/Guardians ( <a href="https://www.cifstate.org/sports-medicine/sca/ParentTeamMeetingHandout2017.pdf">https://www.cifstate.org/sports-medicine/sca/ParentTeamMeetingHandout2017.pdf</a> )
California Interscholastic Federation Publication	Athletic Department Emergency Action Plan: Response Teams ( <a href="https://www.cifstate.org/sports-medicine/emergency_action_plan/index">https://www.cifstate.org/sports-medicine/emergency_action_plan/index</a> )
California Interscholastic Federation Publication	A Guide to Equity in Athletics ( <a href="https://www.cifstate.org/governance/equity/Equity_handbook.pdf">https://www.cifstate.org/governance/equity/Equity_handbook.pdf</a> )
Centers for Disease Control & Prevention Publication	Acute Concussion Evaluation (ACE) Care Plan, 2006 ( <a href="https://www.cdc.gov/heads-up/media/pdfs/providers/ace_v2-a.pdf">https://www.cdc.gov/heads-up/media/pdfs/providers/ace_v2-a.pdf</a> )
Centers for Disease Control & Prevention Publication	Heads Up: Concussion in High School Sports, Tool Kit, June 2010 ( <a href="https://www.cdc.gov/heads-up/index.html">https://www.cdc.gov/heads-up/index.html</a> )
Centers for Disease Control & Prevention Publication	Heads Up: Concussion in Youth Sports, Tool Kit, July 2007
Court Decision	Hartzell v. Connell (1984) 35 Cal. 3d 899
Court Decision	Kahn v. East Side Union High School District (2003) 31 Cal. 4th 990
Court Decision	Mansourian v. Regents of University of California (2010) 602 F. 3d 957
Court Decision	McCormick v. School District of Mamaroneck (2004) 370 F.3d 275
CSBA Publication	Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination, March 2017
National Federation of State High School Association	Emergency Action Planning Guide for After-School Practices and Events

U.S. DOE Office for Civil Rights Publication	Withdrawal of Dear Colleague Letter on Transgender Students, Dear Colleague Letter, February 22, 2017
U.S. DOE Office for Civil Rights Publication	Intercollegiate Athletics Policy Clarification: The Three-Part Test - Part Three, Dear Colleague Letter, April 20, 2010 ( <a href="https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-20100420.pdf">https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-20100420.pdf</a> )
Website	CSBA District and County Office of Education Legal Services
Website	California Interscholastic Federation
Website	Centers for Disease Control and Prevention, Concussion Resources
Website	National Federation of State High School Associations
Website	National Operating Committee on Standards for Athletic Equipment
Website	U.S. Anti-Doping Agency
Website	U.S. Department of Education, Office for Civil Rights
<a href="#">Website</a>	<a href="https://www.anyonecansavealife.org/implementation-and-training/emergency-action-plans">Anyone Can Save A Life (https://www.anyonecansavealife.org/implementation-and-training/emergency-action-plans)</a>
Website	CSBA
Website	California Department of Education

## Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0500	Accountability
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1230	School-Connected Organizations
1230	School-Connected Organizations
1260	Educational Foundation
1312.3	Uniform Complaint Procedures



1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1321	Solicitation Of Funds From And By Students
1321	Solicitation Of Funds From And By Students
1325	Advertising And Promotion
1330.1	Joint Use Agreements
1700	Relations Between Private Industry And The Schools
3260	Fees And Charges
3260	Fees And Charges
3452	Student Activity Funds
3513.4	Drug And Alcohol Free Schools
3514	Environmental Safety
3514	Environmental Safety
3515.2	Disruptions
3515.2	Disruptions
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3541.1	Transportation For School-Related Trips
3541.1-E(1)	Transportation For School-Related Trips
3541.1-E(2)	Transportation For School-Related Trips
3580	District Records
3580	District Records
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4119.43	Universal Precautions

4119.43	Universal Precautions
4127	Temporary Athletic Team Coaches
4127	Temporary Athletic Team Coaches
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4219.43	Universal Precautions
4219.43	Universal Precautions
4227	Temporary Athletic Team Coaches
4227	Temporary Athletic Team Coaches
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4319.43	Universal Precautions
4319.43	Universal Precautions
4327	Temporary Athletic Team Coaches
4327	Temporary Athletic Team Coaches
5030	Student Wellness
5111.1	District Residency
5111.1	District Residency
5113.11	Attendance Supervision
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5125	Student Records
5125	Student Records
5131	Conduct
5131.1	Bus Conduct

5131.1	Bus Conduct
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.61	Drug Testing
5131.63	Steroids
5131.63	Steroids
5137	Positive School Climate
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.3	Health Examinations
5141.3	Health Examinations
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5141.6	School Health Services
5141.6	School Health Services
5141.7	Sun Safety
5142	Safety
5142	Safety
5143	Insurance
5143	Insurance
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process



5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.6	International Exchange
6145.6	International Exchange
6146.1	High School Graduation Requirements
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6153	School-Sponsored Trips
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6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth

6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
7110	Facilities Master Plan

## **Regulation 6145.2: Athletic Competition**

**Status:** ADOPTED

**Original Adopted Date:** 05/01/2017 | **Last Revised Date:** 07/06/01/2019/2025 | **Last Reviewed Date:** 07/06/01/2019/2025

### **Nondiscrimination and Equivalent Opportunities in the Athletic Program**

CSBA NOTE: The following section reflects pertinent provisions of state and federal law regarding nondiscrimination (Education Code 200-262.4; 5 CCR 4900-4965; Title IX, 20 USC 1681-1688). The Office for Civil Rights (OCR) in the U.S. Department of Education oversees complaints regarding violations of Title IX. No student shall be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or club athletics on the basis of any actual or perceived characteristic specified in law and [BP Board Policy 0410 - Nondiscrimination in District Programs and Activities](#). (Education Code 220, 221.5, 230 5 CCR 4920, 34 CFR 106.41)

CSBA NOTE: 5 CCR 4921 and 34 CFR 106.41 authorize the establishment of separate teams for males and females where the selection of teams is based on competitive skills. 34 CFR 106.41 also authorizes single-sex teams for contact sports, as defined. Because state regulations do not address single-sex teams for contact sports, it is recommended that districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to establishing any such single-sex team for a contact sport for which selection is not based on competitive skills. The Superintendent or designee may provide single-sex teams when selection for the teams is based on competitive skills. (5 CCR 4921; 34 CFR 106.41)

CSBA NOTE: Pursuant to Education Code 221.5, a district is required to permit a transgender student to participate in sex-segregated school programs and activities, including athletic teams and competitions, consistent with the student's gender identity, regardless of the gender listed in the student's records; see BP/AR 5145.3 - Nondiscrimination/Harassment. The California Interscholastic Federation's (CIF) bylaws and "Guidelines for Gender Identity Participation," contain procedures for addressing student complaints regarding gender identity-based participation in interscholastic sports. Also see CSBA's Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination. In light of recent federal executive orders that potentially conflict with state law, as well as legal challenges to state law, it is recommended that districts with questions about discrimination in interscholastic athletic programs and activities consult CSBA's District and County Office of Education Legal Services or district legal counsel. Each student shall be allowed to participate in any single-sex athletic program or activity consistent with the student's gender identity, irrespective of the gender listed on the student's records, for which the student is otherwise eligible to participate. (Education Code 221.5)

When a school provides only one team in a particular sport for members of one sex, but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have been previously limited, members of the excluded sex shall be allowed to



try out and compete with the team. The same standards for eligibility shall be applied to every student trying out for the team, regardless of sex, sexual orientation, gender, gender identity, gender expression, or other protected group status. (5 CCR 4921; 34 CFR 106.41)

CSBA NOTE: 5 CCR 4922 and 34 CFR 106.41, as reflected in ~~items~~Items #1-11 below, list factors that districts must consider when determining whether equivalent opportunities are being provided. CIF's "A Guide to Equity in Athletics," suggests actions that districts can take for each of the factors to help the district meet its equivalence goals. ~~Any~~It is recommended that any district with questions about equivalent athletic opportunities for its students ~~should~~ consult CSBA's District and County Office of Education Legal Service or district legal counsel. The Superintendent or designee shall ensure that equivalent opportunities are available to both sexes in athletic programs by considering, among other factors: (5 CCR 4922; 34 CFR 106.41)

1. Whether the offered selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes

CSBA NOTE: Education Code 230 provides the following three-part test to determine if a district has effectively accommodated the interests and abilities of both sexes in athletics. This test is the same three-part test that is used by OCR for helping to determine equivalent opportunities under Title IX. The athletic program may be found to effectively accommodate the interests and abilities of both sexes using any one of the following tests: (Education Code 230, 5 CCR 4922)

CSBA NOTE: CIF's A Guide to Equity in Athletics advises that, in order to meet the criterion specified in item #1a below, the ratio of male/female athletes should be within five percent of the ratio of male/female district enrollment.

- a. Whether the interscholastic-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments
- b. Where the members of one sex have been and are underrepresented among interscholastic athletes, whether the district can show a history and a continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the members of that sex

CSBA NOTE: In evaluating whether there is an unmet interest in a particular sport and sufficient ability to sustain a team in the sport (~~item~~Item #1c below), OCR considers (1) whether an institution uses nondiscriminatory methods of assessment when determining the athletic interests and abilities of its students, (2) whether a viable team for the underrepresented sex was recently eliminated, (3) multiple indicators of interest, (4) multiple indicators of ability, and (5) frequency of conducting assessments. A student survey is one indicator that may be used. A letter issued by OCR in April 2010 OCR's April 2010 Dear Colleague Letter, "Intercollegiate Athletics Policy Clarification: The Three-Part Test," provides information that the district might consider in developing its own survey. In addition, CIF's "A Guide to Equity in Athletics," provides sample surveys.

- c. Where the members of one sex are underrepresented among interscholastic athletes and the district cannot show a history and continuing practice of program expansion as required in ~~item~~Item #1b above, whether the district can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program
3. ~~2.~~ The provision and maintenance of equipment and supplies
4. ~~3.~~ Scheduling of games and practice times, selection of the season for a sport, and location of the games and practices
5. ~~4.~~ Travel and per diem allowances
6. ~~5.~~ Opportunities to receive coaching and academic tutoring
7. ~~6.~~ Assignment and compensation of coaches and tutors
8. ~~7.~~ Provision of locker rooms, practice facilities, and competitive facilities
9. ~~8.~~ Provision of medical and training facilities and services
10. ~~9.~~ Provision of housing and dining facilities and services
11. ~~10.~~ Publicity

CSBA NOTE: 5 CCR 4922 clarifies that unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams shall not by itself constitute a failure to provide equivalent opportunities. However, the provision of necessary funding for teams of both sexes is a factor in the determination, as specified below.

12. ~~11.~~ Provision of necessary funds

Each school that offers competitive athletics shall, at the end of the school year, post on its school ~~web site~~website, or on the district ~~web site~~website if the school does not have a ~~web site~~website, the following information: (Education Code 221.9)

1. The total enrollment of the school, classified by gender

2. The number of students enrolled at the school who participate in competitive athletics, classified by gender
3. The number of boys' and girls' teams, classified by sport and by competition level

The data reported for ~~items~~**Items** #1-3 above shall reflect the total number of players on a team roster on the official first day of competition. The materials used to compile this information shall be retained by the school for at least three years after the information is posted on the ~~web~~**website**. (Education Code 221.9)

### Concussions and Head Injuries

CSBA NOTE: Education Code 49475 requires districts to distribute information on concussions and head injuries to student athletes and their parents/guardians. The district may use fact sheets developed by the Centers for Disease Control and Prevention (CDC), available on CIF's ~~web~~**website**, or other resources to develop the information sheet.

The requirements of Education Code 49475 apply to any district that offers an athletic program at any grade level and for any sport. These requirements do not apply to students engaging in an athletic activity during the regular school day or as part of a physical education course.

The Superintendent or designee shall annually distribute to student athletes and their parents/guardians an information sheet on concussions and head injuries. The student and parent/guardian shall sign and return the information sheet before the student initiates practice or competition. (Education Code 49475)

CSBA NOTE: Education Code 49032 requires that each high school coach complete an education program that includes, but is not limited to, a basic understanding of the signs and symptoms of concussions and appropriate response to them. Free online courses are available through CIF's ~~web~~**website**. Also see AR 4127/4227/4327 - Temporary Athletic Team Coaches.

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding ~~concussion~~ **the signs and symptoms, prevention of, and the appropriate response to, concussions**. (Education Code 35179.1, 49032)

CSBA NOTE: Education Code 49475 requires that a student at any grade level engaged in an athletic program apart from the regular school day or physical education course who is suspected of sustaining a concussion be immediately removed from the athletic activity and not be allowed to return until a health care provider provides written clearance. CDC's ~~web site~~**website** includes an **“Acute Concussion Evaluation”** form which may be used to provide injured students and their parents/guardians with information about monitoring symptoms and the health care provider's recommendations regarding returning to daily activities, school, and sports. See CIF's ~~web~~**website** for additional information regarding concussions.

If a student athlete is suspected of sustaining a concussion or head injury in an athletic activity, the student shall be immediately removed from the activity for the remainder of the day. The student shall not be permitted to return to the activity until the student is evaluated by a licensed health



care provider trained in the management of concussions and receives the health care provider's written clearance to return to the activity. If the health care provider determines that the student sustained a concussion or a head injury, the student shall also complete a graduated return-to-play protocol of no less than seven days in duration under the supervision of a licensed health care provider. (Education Code 49475)

CSBA NOTE: The following paragraph is for use by districts that offer a football program and may be revised to reflect the grade levels offered by the district.

A middle school or high school football team shall not hold a full-contact practice during the off-season and shall not conduct more than two full-contact practices per week during the preseason and regular season (from 30 days before the commencement of the regular season until the completion of the final interscholastic football game of that season). In addition, the full-contact portion of a practice shall not exceed 90 minutes in any single day. For these purposes, full-contact practice means a practice where drills or live action is conducted that involves collisions at game speed, where players execute tackles and other activity that is typical of an actual tackle football game. (Education Code 35179.5)

## Heat Illness

CSBA NOTE: Pursuant to Education Code 35179.1, the district or CIF-developed coaching education program required by Education Code 49032 must include training on the signs and symptoms of, and the appropriate response to, heat illness. The National Federation of State High Schools offers a free online course, available on CIF's web site, that fulfills these requirements. website, that fulfills these requirements. Additionally, pursuant to Education Code 35179.8, CIF, in consultation with the California Department of Education (CDE), is required to develop guidelines, procedures, and safety standards for the prevention and management of exertional heat illness.

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the signs and symptoms of, and the appropriate response to, heat illness, including heat cramps, heat syncope, heat exhaustion, and exertional heat stroke. (Education Code 35179.1, 49032)

CSBA NOTE: The following optional paragraph reflects recommendations in CSBA's and CIF's joint publication, "Preventing Catastrophic Heat Illness," and may be expanded to include additional district strategies.

Additionally, CIF recommends the use of a Wet Bulb Globe Temperature, which more accurately measures heat stress in direct sunlight, to help athletic programs determine if modifications in activity are necessary to make athletics safer for participants.

To assist in the prevention of heat illness, coaches and/or athletic trainers shall gradually increase the intensity and duration of exercise to acclimate student athletes to practice in the heat, provide adequate rest breaks, make water available during all athletic activities, and alter practice plans in extreme environmental conditions.

## Sudden Cardiac Arrest

CSBA NOTE: Education Code 33479.3 requires that student athletes and their parents/guardians receive information on the nature and warning signs of sudden cardiac arrest, as provided below. This information is available from CIF or, if the athletic activity is not governed by CIF, on the California Department of Education's (CDE) web site [CDE's website](#). In addition, Education Code 33479.2 encourages districts to post on their web sites [websites](#) the information provided on CDE's web site [website](#) pertaining to sudden cardiac arrest.

The Superintendent or designee shall distribute the California Interscholastic Federation (CIF) information sheet on sudden cardiac arrest to all student athletes who will be participating in a CIF-governed athletic activity and to their parents/guardians. The student and parent/guardian shall sign and return the information sheet prior to the student's participation in the athletic activity. If an athletic activity is not covered by CIF, the student and parent/guardian shall, prior to the student's participation in the athletic activity, sign and return an acknowledgement that they have received and reviewed the sudden cardiac arrest information posted on the California Department of Education's web site [website](#). (Education Code 33479.2, 33479.3)

CSBA NOTE: Education Code 33479.6 requires the coach of an athletic activity to complete, every two years, a training course related to the nature and warning signs of sudden cardiac arrest. See AR 4127/4227/4327 - Temporary Athletic Team Coaches. Free online courses are available through CIF's web site [website](#).

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the nature and warning signs [and symptoms of, and the appropriate response to](#), sudden cardiac arrest. (Education Code 33479.6, 33479.7, 35179.1, 49032)

CSBA NOTE: Education Code 33479.5 and CIF bylaws provide for a student's removal from participation in an athletic activity if the student passes out or faints. As defined by Education Code 33479.1, an "athletic activity" includes (1) interscholastic athletics; (2) an athletic contest or competition sponsored by a school, including cheerleading and club-sponsored sports activities; (3) noncompetitive cheerleading sponsored by a school; and (4) practices, interscholastic practices, and scrimmages for all these activities. Pursuant to Education Code 33479.5, this requirement does not apply when a student engages in an athletic activity during the regular school day or as part of a physical education course, unless the activity constitutes a practice, interscholastic practice, or scrimmage. Furthermore, Education Code 33479.5 authorizes, but does not require, the removal of a student from an athletic activity if the student exhibits symptoms of sudden cardiac arrest other than passing out or fainting, as provided below. However, to promote student safety, the district may choose to require its staff to remove from an athletic activity a student who exhibits any symptom of sudden cardiac arrest at any time.

If a student athlete passes out or faints, or is known to have passed out or fainted, while participating in or immediately following participation in an athletic activity, the student shall be removed from participation at that time. If a student exhibits any other symptoms of sudden cardiac arrest, including seizures during exercise, unexplained shortness of breath, chest pains, dizziness, racing heart rate, or extreme fatigue, the student may be removed from participation by a coach or other employee who observes these symptoms. If any such symptoms are observed, notification shall be given to the student's parent/guardian so that the parent/guardian can determine the treatment, if any, the student should seek. A student who has been removed from participation shall

not be permitted to return until the student is evaluated and given written clearance to return to participation by a health care provider. (Education Code 33479.2, 33479.5)

### Automated External Defibrillators

CSBA NOTE: Pursuant to Education Code 35179.6, a district that offers an interscholastic athletic program is required to make an automated external defibrillator (AED) available to coaches, athletic trainers, and/or other authorized persons at athletic activities or events. Education Code 35179.6 encourages districts to make AEDs available for emergency care or treatment within three to five minutes of sudden cardiac arrest to any person in attendance at an on-campus athletic activity or event. Pursuant to Health and Safety Code 124238.5, beginning January 1, 2027, districts are required to provide student athletes with access to an AED during any official practice or match that, when medical circumstances warrant its use, is administered by a medical professional, coach, or other designated person who holds AED certification and complies with any other qualifications pursuant to law. See BP/AR 5141 - Health Care and Emergencies for requirements related to employee notifications and the proper use and maintenance of AEDs.

Education Code 35179.6 clarifies that the district or district employee will not be liable for civil damages resulting from any act or omission in the rendering of emergency care or treatment provided that the employee complies with the requirements of Health and Safety Code 1797.196 and does not act with gross negligence or willful or wanton misconduct by using, attempting to use, or maliciously failing to use an AED to render emergency care or treatment.

The Superintendent or designee shall acquire at least one automated external defibrillator (AED) for each district school that participates in any interscholastic athletic program and shall make the AED(s) available to coaches, athletic trainers, and/or other authorized persons at athletic activities or events for the purpose of providing emergency care or treatment to students, spectators, and other individuals in attendance at the athletic program's on-campus activities and events. (Education Code 35179.6)

CSBA NOTE: Pursuant to Health and Safety Code 1797.196, as amended by AB 3262 (Ch. 19, Statutes of 2024), when an AED is placed in a school serving students in grades 6-12, the principal shall, at least annually, notify students as to the location of all AED units on the campus.

The district shall comply with all requirements of Health and Safety Code 1797.196 pertaining to any AED acquired by the district, including, but not limited to, regular maintenance and testing of the AED, and the provision and posting of information regarding the location of any AED and proper use of the AED. (Education Code 35179.6; Health and Safety Code 1797.196)

### Additional Notifications

CSBA NOTE: The following optional section lists notices that the district may be required to send to students participating in interscholastic athletics and their parents/guardians. This section should be revised to reflect district practice.

Before students participate in practice or competition as part of interscholastic athletic activities, the Superintendent or designee shall, in addition to providing the students and their



parents/guardians with the notices described above, send a notice to the students and their parents/guardians which:

CSBA NOTE: Education Code 33353 requires CIF to provide information to students and parents/guardians about procedures for discrimination complaints arising from interscholastic athletic activities. Education Code 33354 allows a complainant to file a discrimination complaint directly with CDE.

1. Contains information about the procedures for filing a discrimination complaint that arises out of an interscholastic athletic activity, including the name of the district's Compliance Officer/Title IX Coordinator

CSBA NOTE: Education Code 221.61 requires districts to post specified information on their ~~web sites~~websites related to Title IX. A district that does not maintain a ~~web site~~website may comply by posting the information on the ~~web site~~website of its county office of education. A comprehensive list of rights based on the provisions of the federal regulations implementing Title IX can be found in Education Code 221.8. See AR 5145.3 - Nondiscrimination/Harassment. Optional ~~item~~Item #2 below provides that this information will also be provided in writing to the parents/guardians of student athletes.

2. Includes a copy of students' Title IX rights pursuant to Education Code 221.8

CSBA NOTE: In *Kahn v. East Side Union High School District*, the California Supreme Court analyzed the liability of a coach for an injury to a member of a high school diving team. The court acknowledged that some risk of injury is inherent in sports and part of a coach's job is to "push" a student athlete to advance in skill level and to undertake more difficult tasks. According to the court, a coach could be found liable only when the coach intentionally injures the student or engages in conduct that is so reckless that it is outside of the ordinary activity involved in teaching or coaching the sport.

The district may or may not wish to seek a waiver of liability for accidents or injuries resulting from participation in athletic activities. Whether a liability waiver is legally effective is likely to be determined on a case-by-case basis, and it is questionable whether a student's right to participate in extracurricular activities could be made contingent upon the submission of a waiver. Legal counsel ~~should be consulted when addressing the complex issues related to liability waivers.~~It is recommended that districts with questions about liability waivers consult CSBA's District and County Office of Education Legal Services or district legal counsel.

3. Explains that there is an element of risk associated with all athletic competitions and that the district cannot guarantee that students will not be injured, despite a commitment to every participant's health and welfare

CSBA NOTE: Education Code 32221.5 requires the district to provide information about insurance protection to each student participating on a school athletic team. For specific language that must be contained in this statement, see AR 5143 - Insurance.

4. Provides information about insurance protection pursuant to Education Code 32221.5
5. Requests parental permission for the student to participate in the program and, if appropriate, to be transported by the district to and from competitions

CSBA NOTE: Pursuant to Education Code 48900, a student may be subject to suspension or expulsion for engaging, or attempting to engage, in hazing.

6. States the district's expectation that students adhere strictly to all safety rules, regulations, and instructions, as well as rules and guidelines related to conduct and sportsmanship
7. Includes a copy of the local CIF league rules

CSBA NOTE: Pursuant to Education Code 49033 and CIF bylaws, any student participating in athletics and the student's parent/guardian must sign the statement described below. Also see BP/AR 5131.63 - Steroids.

8. Includes information about the CIF bylaw and district policy requiring any student athlete and the student's parent/guardian to sign a statement that the student will not use steroids, unless prescribed by a licensed health care practitioner, and will not use prohibited dietary supplements that include substances banned by the U.S. Anti-Doping Agency

CSBA NOTE: Pursuant to Education Code 49476, as added by SB 1109 (Ch. 693, Statutes of 2018), the district must annually provide to student athletes and their parents/guardians CDC's opioid fact sheet for patients. The CDC's fact sheet, "Prescription Opioids: What You Need To Know," is available on its ~~web site~~ [website](#).

9. Includes the opioid fact sheet published by the Centers for Disease Control and Prevention in accordance with Education Code 49476.

\_\_\_\_\_ The district shall provide this fact sheet annually to each student athlete and shall require the student and the student's parent/guardian to sign a document acknowledging receipt of the fact sheet.

#### Policy Reference UPDATE Service

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

#### State

5 CCR 350

#### Description

Fees not permitted

5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
5 CCR 4920-4922	Nondiscrimination in intramural, interscholastic, and club activities
5 CCR 5590-5596	Duties of temporary athletic team coaches
Ed. Code 17578	Cleaning and sterilizing of football equipment
Ed. Code 17580-17581	Football equipment
Ed. Code 200-270	Prohibition of discrimination
Ed. Code 32220-32224	Insurance for athletic teams
Ed. Code 32221.5	Insurance for athletic team members
<u>Ed. Code 33315</u>	<u>Uniform Complaint Procedures</u>
Ed. Code 33353-33353.5	California Interscholastic Federation; implementation of policies, insurance program
Ed. Code 33354	California Department of Education authority over interscholastic athletics
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35160.5	Intradistrict open enrollment
Ed. Code 35179	Interscholastic athletics; associations or consortia
Ed. Code 35179.1	California High School Coaching Education and Training Program
Ed. Code 35179.4	Emergency action plan
Ed. Code 35179.5	Interscholastic athletics; limitation on full-contact practices
Ed. Code 35179.6	School-sponsored on-campus event in or around swimming pool
<u>Ed. Code 35179.8</u>	<u>Development of guidelines, procedures, and safety standards for prevention and management of exertional heat illness</u>
Ed. Code 48850	Academic achievement of students in foster care and homeless children
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48930-48938	Student organizations
Ed. Code 49010-49013	Student fees
Ed. Code 49020-49023	Athletic programs; legislative intent, equal opportunity

Ed. Code 49030-49034

Ed. Code 49458

Ed. Code 49475

Ed. Code 49700-49701

Ed. Code 51242

H&S Code 124238-124238.5

H&S Code 1797.196

Pen. Code 245.6

### **Federal**

20 USC 1681-1688

34 CFR 106.31

34 CFR 106.33

34 CFR 106.41

### **Management Resources**

California Department of Education  
Publication

California Interscholastic Federation  
Publication

[California Interscholastic Federation  
Publication](#)

[California Interscholastic Federation  
Publication](#)

[California Interscholastic Federation  
Publication](#)

California Interscholastic Federation  
Publication

Performance enhancing substances

Health examinations; interscholastic athletic program

Health and safety; concussions and head injuries

Education of children of military families

Exemption from physical education for athletic program  
participants

[Nevada Youth Sports Safety Act](#)

Automated external defibrillators; notification of use and  
locations

Hazing

### **Description**

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

Nondiscrimination on the basis of sex in education programs  
or activities

Nondiscrimination on the basis of sex; comparable facilities

Nondiscrimination in athletic programs

### **Description**

Pupil Fees, Deposits, and Other Charges, Fiscal Management  
Advisory ~~1223-02, April 24, 2013~~ November 28, 2023  
(<https://www.cde.ca.gov/re/lr/fm/fma2302.asp>)

Pursuing Victory with Honor, 1999

[Code of Conduct for Student-Athletes](https://www.cifstate.org/coaches-admin/pvh/conduct_students.pdf)  
([https://www.cifstate.org/coaches-  
admin/pvh/conduct\\_students.pdf](https://www.cifstate.org/coaches-admin/pvh/conduct_students.pdf))

[Code of Conduct for Coaches](https://www.cifstate.org/coaches-admin/pvh/conduct_coaches.pdf)  
([https://www.cifstate.org/coaches-  
admin/pvh/conduct\\_coaches.pdf](https://www.cifstate.org/coaches-admin/pvh/conduct_coaches.pdf))

[Code of Conduct for Parents/Guardians](https://www.cifstate.org/coaches-admin/pvh/conduct_parents-guardians.pdf)  
([https://www.cifstate.org/coaches-  
admin/pvh/conduct\\_parents-guardians.pdf](https://www.cifstate.org/coaches-admin/pvh/conduct_parents-guardians.pdf))

Guidelines for Gender Identity Participation  
([https://www.cifstate.org/governance/constitution/Guideline  
s\\_for\\_Gender\\_Identity\\_Participation.pdf](https://www.cifstate.org/governance/constitution/Guidelines_for_Gender_Identity_Participation.pdf))



California Interscholastic Federation Publication	Event Emergency Guidelines, 2013 ( <a href="https://www.cifstate.org/sports-medicine/emergency_action_plan/index">https://www.cifstate.org/sports-medicine/emergency_action_plan/index</a> )
California Interscholastic Federation Publication	California Interscholastic Federation Constitution and Bylaws
California Interscholastic Federation Publication	Keep Their Heart in the Game: A Sudden Cardiac Arrest Information Sheet for Athletes and Parents/Guardians ( <a href="https://www.cifstate.org/sports-medicine/sca/ParentTeamMeetingHandout2017.pdf">https://www.cifstate.org/sports-medicine/sca/ParentTeamMeetingHandout2017.pdf</a> )
California Interscholastic Federation Publication	Athletic Department Emergency Action Plan: Response Teams ( <a href="https://www.cifstate.org/sports-medicine/emergency_action_plan/index">https://www.cifstate.org/sports-medicine/emergency_action_plan/index</a> )
California Interscholastic Federation Publication	A Guide to Equity in Athletics ( <a href="https://www.cifstate.org/governance/equity/Equity_handbook.pdf">https://www.cifstate.org/governance/equity/Equity_handbook.pdf</a> )
Centers for Disease Control & Prevention Publication	Acute Concussion Evaluation (ACE) Care Plan, 2006 ( <a href="https://www.cdc.gov/heads-up/media/pdfs/providers/ace_v2-a.pdf">https://www.cdc.gov/heads-up/media/pdfs/providers/ace_v2-a.pdf</a> )
Centers for Disease Control & Prevention Publication	Heads Up: Concussion in High School Sports, Tool Kit, June 2010 <a href="https://www.cdc.gov/heads-up/index.html">Heads Up</a> ( <a href="https://www.cdc.gov/heads-up/index.html">https://www.cdc.gov/heads-up/index.html</a> )
Centers for Disease Control & Prevention Publication	Heads Up: Concussion in Youth Sports, Tool Kit, July 2007
Court Decision	Hartzell v. Connell (1984) 35 Cal. 3d 899
Court Decision	Kahn v. East Side Union High School District (2003) 31 Cal. 4th 990
Court Decision	Mansourian v. Regents of University of California (2010) 602 F. 3d 957
Court Decision	McCormick v. School District of Mamaroneck (2004) 370 F.3d 275
CSBA Publication	Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination, March 2017
National Federation of State High School Association	Emergency Action Planning Guide for After-School Practices and Events
U.S. DOE Office for Civil Rights Publication	Withdrawal of Dear Colleague Letter on Transgender Students, Dear Colleague Letter, February 22, 2017
U.S. DOE Office for Civil Rights Publication	Intercollegiate Athletics Policy Clarification: The Three-Part Test - Part Three, Dear Colleague Letter, April 20, 2010

	<a href="https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-20100420.pdf">https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-20100420.pdf</a>
Website	CSBA District and County Office of Education Legal Services
Website	California Interscholastic Federation
Website	Centers for Disease Control and Prevention, Concussion Resources
Website	National Federation of State High School Associations
Website	National Operating Committee on Standards for Athletic Equipment
Website	U.S. Anti-Doping Agency
Website	U.S. Department of Education, Office for Civil Rights
<a href="#">Website</a>	<a href="https://www.anyonecansavealife.org/implementation-and-training/emergency-action-plans">Anyone Can Save A Life https://www.anyonecansavealife.org/implementation-and-training/emergency-action-plans</a>
Website	CSBA
Website	California Department of Education

## Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0500	Accountability
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1230	School-Connected Organizations
1230	School-Connected Organizations
1260	Educational Foundation
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1321	Solicitation Of Funds From And By Students

1321	Solicitation Of Funds From And By Students
1325	Advertising And Promotion
1330.1	Joint Use Agreements
1700	Relations Between Private Industry And The Schools
3260	Fees And Charges
3260	Fees And Charges
3452	Student Activity Funds
3513.4	Drug And Alcohol Free Schools
3514	Environmental Safety
3514	Environmental Safety
3515.2	Disruptions
3515.2	Disruptions
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3541.1	Transportation For School-Related Trips
3541.1-E(1)	Transportation For School-Related Trips
3541.1-E(2)	Transportation For School-Related Trips
3580	District Records
3580	District Records
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4119.43	Universal Precautions
4119.43	Universal Precautions
4127	Temporary Athletic Team Coaches
4127	Temporary Athletic Team Coaches
4218	Dismissal/Suspension/Disciplinary Action

4218	Dismissal/Suspension/Disciplinary Action
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4219.43	Universal Precautions
4219.43	Universal Precautions
4227	Temporary Athletic Team Coaches
4227	Temporary Athletic Team Coaches
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4319.43	Universal Precautions
4319.43	Universal Precautions
4327	Temporary Athletic Team Coaches
4327	Temporary Athletic Team Coaches
5030	Student Wellness
5111.1	District Residency
5111.1	District Residency
5113.11	Attendance Supervision
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5125	Student Records
5125	Student Records
5131	Conduct
5131.1	Bus Conduct
5131.1	Bus Conduct
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.61	Drug Testing



5131.63	Steroids
5131.63	Steroids
5137	Positive School Climate
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.3	Health Examinations
5141.3	Health Examinations
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5141.6	School Health Services
5141.6	School Health Services
5141.7	Sun Safety
5142	Safety
5142	Safety
5143	Insurance
5143	Insurance
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment

5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.6	International Exchange
6145.6	International Exchange
6146.1	High School Graduation Requirements
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation
6153	School-Sponsored Trips
6153	School-Sponsored Trips
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
7110	Facilities Master Plan

## Regulation 6159.4: Behavioral Interventions For Special Education Students

Status: ADOPTED

Original Adopted Date: 10/01/1996 | Last Revised Date: 12/06/01/2013/2025 | Last Reviewed Date: 12/06/01/2013/2025

CSBA NOTE: Pursuant to Education Code 56520, as amended by AB 86 (Ch. 48, Statutes of 2013), for students with disabilities who are exhibiting serious behavioral challenges, timely assessments and positive interventions and supports should be developed and implemented in accordance with the federal Individuals with Disabilities Education Act (IDEA) and its implementing regulations (20 USC 1400-1482; 34 CFR 300.1-300.818).

The following optional administrative regulation is based on guidance from the Office of Special Education Programs (OSEP) of the U.S. Department of Education.

Generally, any student identified as a student with a disability pursuant to the Individuals with Disabilities Education Act, 20 USC 1400-1482, is subject to the same disciplinary measures applicable to all students for violations of the code of conduct, except when the student's behavior is determined to be a manifestation of ~~his/her~~ the student's disability.

CSBA NOTE: In efforts to ensure consistency with federal law, Education Code 56523, as amended by AB 86 (Ch. 48, Statutes of 2013), in effect, has repealed 5 CCR 3001 and deleted the requirement for a "behavioral intervention plan" (BIP) when a student with a disability exhibits a "serious behavioral problem" that significantly interferes with the implementation of the goals and objectives of his/her individualized education program. Instead, pursuant to Education Code 56521.2, as added by AB 86, a district is required to address any student behavior that impedes the student's own learning or the learning of other students.

However, when the behavior of a student with a disability impedes ~~his/her~~ the student's learning or the learning of others, the student's individualized education program (IEP) team shall consider the use of positive behavioral interventions and supports and other strategies consistent with 20 USC 1414(d) to address the student's behavior. (Education Code 56521.2; 34 CFR 300.324)

If, pursuant to a manifestation determination conducted as specified in 34 CFR 300.530, the student's behavior is determined to be a manifestation of ~~his/her~~ the student's disability, the IEP team shall conduct a functional behavioral assessment (FBA) and implement a behavioral intervention plan (BIP) for the student. If a BIP is already in place for the student, the IEP team shall review and modify the BIP to address the student's behavior. (Education Code 56520; 34 CFR 300.324, 300.530)

In addition, when the disciplinary removal of a student with a disability will result in a change in the student's placement as specified in 34 CFR 300.530, the student shall receive an FBA and behavioral intervention services and modifications designed to address the student's behavior so that it does not recur. (34 CFR 300.530)

### Functional Behavioral Assessment

CSBA NOTE: According to OSEP, because a functional behavioral assessment (FBA) is normally conducted to determine whether a student is, or continues to be, a student with a disability and/or the nature and the extent of special education and related services needed by that student, it is an evaluation for the purposes of the IDEA. Thus, an FBA is subject to requirements such as prior notice and parental consent and the sharing of the result of the assessment with the student's parents/guardians. For the required contents and format of the notice, see AR 6159.1 - Procedural Safeguards and Complaints for Special Education.

Any FBA to be conducted for a student with a disability shall focus on identifying the function or purpose of the student's behavior.

Before any FBA is conducted, the Superintendent ~~or~~ designee shall notify the student's parent/guardian in accordance with Education Code 56321 and obtain the parent/guardian's consent. (Education Code 56321; 34 CFR 300.324)

If the parent/guardian disagrees with the result of an FBA, ~~he/she~~ the parent/guardian has the right to obtain an independent educational evaluation at district expense, subject to the conditions specified in 34 CFR 300.502.

### Behavioral Intervention Plan and Services

CSBA NOTE: Pursuant to Education Code 56520, as amended by AB 86 (Ch. 48, Statutes of 2013), behavioral interventions, supports, and other strategies may be used only in a manner that conforms to the following paragraph.

When any behavioral intervention, support, or other strategy is to be used by the district, the Superintendent or designee shall consider the student's physical freedom and social interaction, administer the intervention, support, or other strategy in a manner that respects the student's dignity and personal privacy, and ensure the student's right to be placed in the least restrictive educational environment. (Education Code 56520)

CSBA NOTE: Pursuant to Education Code 56520, as amended by AB 86 (Ch. 48, Statutes of 2013), BIPs behavioral intervention plans (BIP) for students in residential care ~~must~~ are required to be developed and used in the manner specified below.

When a student for whom a BIP is to be developed is also the responsibility of another agency for residential care or related services, the Superintendent or designee shall cooperate with the other agency to ensure that the BIP, to the extent possible, is developed and implemented in a consistent manner. (Education Code 56520)

CSBA NOTE: 5 CCR 3051.23, as added by Register 2014, No. 19, specifies the qualifications of individuals who may provide behavioral intervention services. Education Code 56525 also authorizes anyone recognized by the national Behavior Analyst Certification Board as a Board Certified Behavior Analyst to provide such services.

Behavior assessments and behavioral intervention services shall be provided only by individuals who possess the qualifications specified in Education Code 56525 or 5 CCR 3051.23.

### Emergency Interventions

Emergency interventions may be used only to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the student or others and that cannot be



immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. Emergency interventions shall not be used as a substitute for a systematic BIP that is designed to change, replace, modify, or eliminate a targeted behavior. (Education Code 56521.1)

No emergency intervention shall be used for longer than is necessary to contain the behavior. For any situation that requires a prolonged use of an emergency intervention, staff shall seek assistance of the principal or law enforcement agency, as applicable to the situation. (Education Code 56521.1)

CSBA NOTE: Education Code 56521.1, as added by AB 86 (Ch. 48, Statutes of 2013), prohibits the use of the methods specified in the following paragraph even for emergency interventions. For more information on prohibited interventions, see [section below titled "Prohibited Interventions:"](#) [below](#).

Emergency interventions shall not involve the use of force exceeding what is reasonable and necessary under the circumstances. In addition, use of locked seclusion, [prone restraint](#), or a device, material, or objects that simultaneously immobilize all hands and feet shall not be allowed except as allowed [authorized](#) by law. (Education Code 56521.1)

Parents/guardians and, if appropriate, residential care providers shall be notified within one school day whenever emergency intervention is used or serious property damage occurs. A behavior emergency report shall immediately be completed, kept in the student's file, and forwarded to the Superintendent or designee for review. This report shall include all of the following information: (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 BIP
6. Details of any injuries sustained by the student or others, including staff, as a result of the incident

If the behavior emergency report is for a student who does not have a BIP, the Superintendent or designee shall, within two days, schedule an IEP team meeting to review the emergency report, determine the necessity for an FBA, and determine the necessity for an interim BIP. The IEP team shall document the reasons for not conducting the FBA and/or not developing the interim BIP.

If the behavior emergency report is for a student who has a BIP, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective shall be referred to the IEP team. The IEP team shall review the incident and determine whether the student's plan needs to be modified. (Education Code 56521.1)

**CSBA NOTE:** Pursuant to Education Code 56521.2, as added by AB 86 (Ch. 48, Statutes of 2013), a district is required to collect data and report to the California Department of Education (CDE) annually regarding the use of seclusion and behavioral restraints for district students, as specified below. CDE is prohibited from authorizing, ordering, consenting to, or paying for the following or other similar interventions: the report on its website within three months after the report is due to CDE.

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 IEP, and all other students. This report shall be posted on the district's website and 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 7920.000-7930.215. (Education Code 49006)

### Prohibited Interventions

**CSBA NOTE:** Pursuant to Education Code 56521.2, a district is prohibited from authorizing, ordering, consenting to, or paying for the following or other similar interventions. Education Code 56521.2, as amended by SB 483 (Ch. 857, Statutes of 2024), prohibits the use of prone restraint and prone containment.

The district prohibits the use of corporal punishment as defined in Education Code 49001 as an intervention. In addition, the district prohibits all of the following: (Education Code 56521.2)

1. Any intervention designed or likely to cause physical pain, including, but not limited to, electric shock
2. Any intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances near the student's face
3. Any intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities
4. Any intervention that is designed to subject, used to subject, or likely to subject the student to verbal abuse, ridicule, or humiliation or that can be expected to cause excessive emotional trauma
5. Any restrictive intervention that uses a device, material, or objects which simultaneously immobilize all hands and feet, including the procedure known as prone containment, ~~except~~

that prone containment or similar techniques may be used by trained staff as a limited emergency intervention

## 6. Prone restraint

- ~~6.~~ 7. Locked seclusion, unless in a facility otherwise licensed or permitted by state law to use a locked room
- ~~7.~~ 8. Any intervention that precludes adequate supervision of the student
- ~~8.~~ 9. Any intervention that deprives the student of one or more of his/her the student's senses

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### Policy Reference Disclaimer:

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#### **State**

5 CCR 3065

Ed. Code 49001

Ed. Code 49006

Ed. Code 56321

Ed. Code 56500-56508

Ed. Code 56521.2

Ed. Code 56520-56524

Government Code 7920.000-7930.215

#### **Federal**

20 USC 1400-1482

20 USC 1412

20 USC 1415

34 CFR 300.1-300.818

#### **Management Resources**

Federal Register

#### **Description**

Staff qualifications - related services

Prohibition of corporal punishment

Reporting of seclusion and restraint

Notice of parental rights; consent of parents

Procedural safeguards, including due process rights

Prohibited interventions

Behavioral interventions

California public records act

#### **Description**

Individuals with Disabilities Education Act

State eligibility

Procedural safeguards

Assistance to states for the education of students with disabilities

#### **Description**

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845



Website	CSBA District and County Office of Education Legal Services
Website	Behavior Analyst Certification Board
Website	U.S. Department of Education, Office of Special Education Programs

## **Cross References**

<b>Code</b>	<b>Description</b>
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
5131	Conduct
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5144	Discipline
5144	Discipline
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
6120	Response To Instruction And Intervention
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6164.5	Student Success Teams
6164.5	Student Success Teams
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth

## Bylaw 9011: Disclosure Of Confidential/Privileged Information

Status: ADOPTED

Original Adopted Date: 03/01/1988 | Last Revised Date: 11/06/01/2002/2025 | Last Reviewed  
Date: 11/06/01/2002/2025

CSBA NOTE: This Bylaw addresses the disclosure of confidential information by a Governing Board member. See Board Policy 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information for disclosure of confidential information by an employee.

The Governing Board recognizes the importance of maintaining the confidentiality of information acquired as part of a Board member's official duties. Confidential/privileged information shall be released only to the extent authorized by law.

### Disclosure of Closed Session Information

CSBA NOTE: As added by AB 1945 (Ch. 1119, Statutes of 2002), Government Code 54963 specifies that a person may not disclose confidential information acquired during his/her the person's presence in a closed session. In addition, the California Attorney General has opined in 80 Ops.Cal.Atty.Gen. 231 (1997) that an individual Board member may not publicly disclose information that has been received and discussed in closed session concerning pending litigation unless the information is authorized by law to be disclosed. Therefore, it is recommended that the Board consult with its CSBA's District and County Office of Education Legal Services or district legal counsel before disclosing any confidential or privileged information discussed in acquired during a closed session. For more information regarding the reporting of information discussed in closed session, see BB 9321.1 - Closed Session Actions and Reports.

A Board member shall not disclose confidential information acquired during a closed session to any person not entitled to receive such information, unless a majority of the Board has, except as authorized its disclosure. (Government Code 54963) by law, this Bylaw or other Board bylaws or policies, or the Board.

CSBA NOTE: Pursuant to Government Code 54963, a Board member may not disclose confidential information that has been acquired by being present in a closed session unless the Board authorizes disclosure of that confidential information. Given that Board members often receive confidential information in anticipation of a closed session or as a follow-up to a closed session, the following definition of "confidential information" extends this prohibition accordingly.

Confidential information means a communication made any information that is prohibited from disclosure by law, this Bylaw or other Board bylaws or policies, or by the Board at the time disclosed and is not a public record subject to disclosure under the California Public Records Act (CPRA). Confidential information includes, but is not limited to, any of the following:

1. Information acquired by being present in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session: (Government Code 54963)
2. Information acquired in anticipation of a closed session, or as follow-up to a closed session, that is specifically related to the basis for the Board to meet lawfully in closed session
3. Information contained in communications provided to Board members from the district's attorney
4. Information deemed confidential by the Board

Confidential information does not include information that is already publicly disclosed, provided that the initial disclosure did not violate law, this Bylaw, or other Board bylaws or policies.

CSBA NOTE: Government Code 54963, as added by AB 1945 (Ch. 1119, Statutes of 2002), lists remedies that may be pursued for a violation of confidentiality of closed session information including injunctive relief in a court of law (e.g., injunction or restraining order), referral of a Board member to the grand jury, or disciplinary action against an employee. In addition, the Board may not take action against a person for releasing the information if the disclosure was part of an investigation by a grand jury or the district attorney's office, part of a whistleblower action, or merely an opinion as to the legality of an action by the Board, as specified below.

CSBA NOTE: Pursuant to Government Code 1098, it is a misdemeanor for any Board member to willfully and knowingly use or disclose for pecuniary gain, such as for monetary or financial gain, any confidential information acquired in the course of the Board member's official duties.

It is a misdemeanor for any Board member to willfully and knowingly use or disclose for pecuniary gain any information acquired in the course of the Board member's official duties where all of the following conditions are met: (Government Code 1098)

1. The information is not a public record subject to disclosure under the CPRA
2. The information is prohibited from disclosure by law, this Bylaw, or other Board bylaws or policies
3. The information will have, or could reasonably be expected to have, a material financial effect on the Board member if used or disclosed

CSBA NOTE: Government Code 54963 provides examples of remedies that may be pursued for improperly disclosing information acquired during closed session and prohibits the Board from taking any such adverse action against a Board member for disclosing such information in certain circumstances. Given that this Bylaw defines confidential information more broadly than just information obtained in closed session, the following paragraphs apply to the broader definition of confidential information as defined above and should be modified to reflect district practice.

If a Board member threatens to disclose or does disclose confidential information, the Board may pursue or enact one or more of the following actions as it deems appropriate: (Government Code 54963)

1. Injunctive relief to prevent disclosure



## 2. Referral to the grand jury

## 3. Censure or other disciplinary action, provided the Board member has received training or been informed of the requirements of this Bylaw

The ~~However, the~~ Board shall not take any action against any person a Board member for disclosing confidential information, nor shall the disclosure be considered a violation of the law or Board policy ~~this Bylaw~~, when the person is: Board member does any of the following: (Government Code 1098, 54963)

1. Making Makes a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session
2. Expressing Expresses an opinion concerning the propriety or legality of Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action
3. Disclosing Discloses information that is not confidential

### **Other Disclosures**

CSBA NOTE: Pursuant to Government Code 1098, it is a misdemeanor for any public officer or employee to willfully and knowingly use or disclose for pecuniary (e.g., monetary or financial) gain any confidential information acquired in the course of his/her official duties.

A Board member shall not disclose, for pecuniary gain, confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the Board member. (Government Code 1098)

Disclosures excepted from this prohibition are those made to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities. (Government Code 1098) in accordance with law

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#### **State**

Ed. Code 35010

#### **Description**

Control of district; prescription and enforcement of rules



Ed. Code 35146	Closed sessions regarding suspensions
Evid. Code 1040	Privilege for official information
Gov. Code 1098	Disclosure of confidential information
Gov. Code 3549.1	Meeting and negotiating in public educational employment
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54956.8	Open meeting laws
Gov. Code 54956.9	Closed meeting for pending litigation
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54957.1	Subsequent public report and rollcall vote; employee matters in closed session
Gov. Code 54957.5	Public records
Gov. Code 54957.6	Closed session; representatives with employee organization
Gov. Code 54957.7	Reasons for closed session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 7920.000-7930.170	California Public Records Act
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 231 (1997)
CSBA Publication	Professional Governance Standards
Website	CSBA District and County Office of Education Legal Services
Website	CSBA

## Cross References

<b>Code</b>	<b>Description</b>
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1100	Communication With The Public
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records

2120	Superintendent Recruitment And Selection
2121	Superintendent's Contract
3580	District Records
3580	District Records
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4143	Negotiations/Consultation
4143.1	Public Notice - Personnel Negotiations
4143.1	Public Notice - Personnel Negotiations
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4219.23	Unauthorized Release Of Confidential/Privileged Information
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4243	Negotiations/Consultation
4243.1	Public Notice - Personnel Negotiations
4243.1	Public Notice - Personnel Negotiations
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4319.23	Unauthorized Release Of Confidential/Privileged Information
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42-E(1)	Exposure Control Plan For Bloodborne Pathogens

5125	Student Records
5125	Student Records
9000	Role Of The Board
9005	Governance Standards
9010	Public Statements
9200	Limits Of Board Member Authority
9230	Orientation
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session