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Policy 6146.4: Differential Graduation And Competency Standards For Students With Disabilities Status: ADOPTED

Original Adopted Date: 11/01/1999 | Last Revised Date: ~~12~~02/01/2023~~2026~~ | Last Reviewed Date: ~~12~~02/01/2023~~2026~~

CSBA NOTE: The following optional policy is for use by districts that maintain high schools and should be modified to reflect district practice.

Pursuant to Education Code 56345 and 34 CFR 300.320, the individualized education program (IEP) for each student with a disability must be required to contain a statement of measurable annual goals that would enable the student to progress in the general education curriculum, a statement regarding any accommodations necessary to measure the student's performance on state and district assessments, and any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards for graduation; see AR 6159 - Individualized Education Program for a detailed listing of the required contents of the IEP.

Pursuant to Education Code 60900.2, as added by AB 1340 (Ch. 576, Statutes of 2023), and contingent upon funding for these purposes, the California Department of Education (CDE) is required, ~~on or before January 1, 2025,~~ to report on its website statewide four and five year cohort graduation rates for students with disabilities disaggregated by the identified disability or disabilities as listed in 34 CFR 300.8.

The Governing Board recognizes that students with disabilities are entitled to a course of study that provides them with a free appropriate public education (FAPE) and that modifications to the district's regular course of study may be needed on an individualized basis to provide FAPE. In accordance with law, each student's individualized education program (IEP) team shall determine the appropriate goals, as well as any appropriate individual accommodations necessary for measuring the academic achievement and functional performance of the student on state and districtwide assessments.

Exemption from District-Established Graduation Requirements

CSBA NOTE: Pursuant to Education Code 51225.31, as amended by SB 114 (Ch. 48, Statutes of 2023) and SB 141 (Ch. 194, Statutes of 2023), districts are required to exempt an eligible student with a disability, that entered the ninth grade in the 2022-23 school year and later, from all coursework and other requirements adopted by the Governing Board that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma, as reflected below. Additionally, pursuant to Education Code 51225.32 districts are authorized, until July 1, 2031, to extend such an exemption and award a high school

diploma to an eligible student with disabilities who was enrolled in grade 10 or higher in the 2022-23 school year.

District students shall complete all course requirements for high school graduation as ~~specified~~ required by law and in accordance with Board Policy 6146.1 - High School Graduation Requirements. However, a student with a ~~disability that~~ disabilities who entered the ninth grade in the 2022-23 school year ~~and/or~~ later may shall be eligible to be exempted from all coursework and other requirements adopted by the Board that are in addition to the statewide course requirements for high school graduation if the student's IEP provides for both of the following requirements: ; (Education Code 51225.31-)

1. That the student is eligible to take the alternate assessment as described in Education Code 60640
2. That the student complete state standards aligned coursework to meet the statewide coursework specified in Education Code 51225.3

Additionally, a student with disabilities who entered grade 10 in the 2022-23 school year or later may be eligible for the same exemption, at the district's discretion, if the student's IEP provides for both of the requirements specified in Item #1 and 2 above (Education Code 51225.31)

Any such exempted student shall receive a diploma and be eligible to participate in any graduation ceremony and school activity related to graduation in which a student of similar age without a disability would be eligible to participate. (Education Code 51225.31)

CSBA NOTE: Pursuant to Education Code 51225.31, as amended by SB 114, participation in graduation activities by a student with a disability who is exempted from district-adopted graduation requirements that are in addition to the statewide course requirements specified in Education Code 51225.3, may not be construed as termination of the provision of the district's responsibility to provide a free appropriate public education, unless the student's IEP team, which includes the parent/guardian and student, has determined that the student has completed the high school experience.

The district's responsibility to provide FAPE shall not terminate when a student with a disability who is exempted from district-adopted graduation requirements participates in graduation activities unless the student's IEP team, which includes the parent/guardian and student, has determined that the student has completed the high school experience. (Education ~~code~~ Code 51225.31)

Certificate of Educational Achievement or Completion

CSBA NOTE: Education Code 56390-56392 authorize a district to award a certificate of educational achievement to a student with a disability who meets the criteria specified below. Pursuant to Education Code 56391, a student who meets the criteria is eligible to participate in any graduation ceremony/activity in which a student of similar age without a disability would be eligible to participate. However, Education Code 56391 provides that the right to participate in graduation

ceremonies does not equate a certificate or document of educational achievement with a regular diploma.

[For more information regarding California alternate assessments \(CAA\), see CDE's, "Diploma Pathway for Students who Qualify for the California Alternate Assessment," which provides guidance detailing the diploma options available for students with disabilities, and, "Alternate Assessment IEP Team Guidance," which includes guidelines for IEP teams regarding participation in CAAs and the Alternate English Language Proficiency Assessments for California.](#)

Instead of a high school diploma, a student with a disability may be awarded a certificate or document of educational achievement or completion if the student has met one of the following requirements: (Education Code 56390)

1. Satisfactorily completed a prescribed alternative course of study approved by the ~~board~~**Board** of the district in which the student attended school or the district with jurisdiction over the student as identified in the student's IEP
2. Satisfactorily met the student's IEP goals and objectives during high school as determined by the IEP team
3. Satisfactorily attended high school, participated in the instruction as prescribed in the student's IEP, and met the objectives of the statement of transition services

A student with a disability who meets any of the criteria specified above shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a graduating student of similar age without disabilities would be eligible to participate. (Education Code 56391)

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

State	Description
5 CCR 3070	Graduation
Ed Code 60900.2	Students with Disabilities Graduation Reporting disabilities graduation reporting
Ed. Code 51225.31- 51225.32	Graduation exemption for students with disabilities
Ed. Code 56341	Individualized education program team
Ed. Code 56345	Individualized education program contents
Ed. Code 56390-56392	Recognition for educational achievement; special education

Ed. Code 60640

Federal

20 USC 1400-1482

34 CFR 300.1-300.818

34 CFR 300.320

Management Resources

[California Department of Education Publication](#)

[California Department of Education Publication](#)

Website

Website

Website

Cross References

Code

0430

0430

5127

6142.91

6146.1

6146.3

6146.3

6159

6159

6159.1

6159.1

6159.2

Alternate assessment eligibility

Description

Individuals with Disabilities Education Act

Individuals with Disabilities Education Act

Definition of IEP

Description

[Diploma Pathway for Students who Qualify for the California Alternate Assessment, November 2024](#)
(<https://www.cde.ca.gov/sp/se/lr/om082523.asp>)

[Alternate Assessment IEP Team Guidance](#)

(<https://www.cde.ca.gov/ta/tg/ca/caaiepteamrev.asp>)

CSBA District and County Office of Education Legal Services

U.S. Department of Education, Office of Special Education and Rehabilitative Services

California Department of Education

Description

Comprehensive Local Plan For Special Education

Comprehensive Local Plan For Special Education

Graduation Ceremonies And Activities

Reading/Language Arts Instruction

High School Graduation Requirements

Reciprocity Of Academic Credit

Reciprocity Of Academic Credit

Individualized Education Program

Individualized Education Program

Procedural Safeguards And Complaints For Special Education

Procedural Safeguards And Complaints For Special Education

Nonpublic, Nonsectarian School And Agency Services For Special Education

6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6200	Adult Education
6200	Adult Education

Policy 6173: Education For Homeless Children

Status: ADOPTED

Original Adopted Date: 07/01/2005 | Last Revised Date: ~~0302~~/01/2023~~2023~~2026 | Last Reviewed Date: ~~0302~~/01/2023~~2023~~2026

CSBA NOTE: The following policy reflects the intent of the McKinney-Vento Homeless Assistance Act (42 USC 11431-11435) that each student experiencing homelessness should have equal access to the same free, appropriate public education and services as other students. 42 USC 11432 **mandates** that districts adopt, review, and revise policies to remove barriers to the identification, enrollment, and retention of homeless children and youth, ensure that students experiencing homelessness are not segregated or stigmatized on the basis of their status as homeless, and provide for professional development for appropriate staff, as provided in the following policy and regulation. ~~In addition~~**Additionally**, 42 USC 11432 requires that, in reviewing and revising applicable policies, consideration be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

Education Code 48851.3, as added by AB 408 (Ch. 904, Statutes of 2022), **mandates** that districts establish homeless education program policies that are consistent with the provisions of Education Code 48850-48859, and using resources developed by the California Department of Education (CDE), available on its web ~~site~~**website**, and those developed by homeless education technical assistance centers. Pursuant to Education Code 48851.3, as added by AB 408, districts are required to update their homeless education program policies at least once every three years.

Education Code 48852.3, added by AB 408, requires CDE to develop and implement a plan for monitoring the compliance of districts, including school site inspections, to ensure that the state is not underestimating the number of youth experiencing homelessness.

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

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

CSBA NOTE: The following paragraph is **mandated** pursuant to Education Code 48851.3 and 42 USC 11432. 42 USC 11432 requires that districts adopt policy to remove barriers to enrollment and retention of students experiencing homelessness due to absences or outstanding fees or fines. See the accompanying administrative regulation for additional procedures designed to remove barriers to the identification and enrollment of students experiencing homelessness.

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

CSBA NOTE: Pursuant to 42 USC 11432, districts are required to designate an appropriate staff person, who may also be a coordinator for other federal programs, as a district liaison for homeless students. See the accompanying administrative regulation for information about the designation and duties of the district liaison.

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

CSBA NOTE: Education Code 48851, as amended by AB 2375 (Ch. 912, Statutes of 2022), requires the district to ensure that each school within the district identifies all students experiencing homelessness and unaccompanied youths enrolled at the school and to annually provide and administer a housing questionnaire to parents/guardians of all students and all unaccompanied youths for purposes of identifying students experiencing homelessness and unaccompanied youths. The housing questionnaire mustis required to be based on best practices developed by CDE, include an explanation of the rights and protections a student has as a ~~homeless~~ child or youth experiencing homelessness or as an unaccompanied youth, and be made available in paper form. A sample housing questionnaire is available on CDE's ~~web site~~website.

Education Code 48851, as amended by AB 2375, requires districts to collect the completed housing questionnaires described above, and annually report to CDE the number of students experiencing homelessness and unaccompanied youths enrolled in the district.

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

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

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

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

CSBA NOTE: Education Code 48852.6 requires districts to create a ~~web page~~webpage or post on its ~~web site~~website (1) a list of district liaisons and contact information for such liaison(s), and (2) specific information on homelessness, including, but not limited to, information regarding the educational rights and resources available to persons experiencing homelessness. Additionally, Education Code 48852.6 requires a district school, if it has a ~~web site~~website, to post the contact information for the district liaison, as well as the name and contact information of any employee or person under contract the school may have who assists the district liaison in completing the liaison's duties. See the accompanying administrative regulation for more information regarding posting requirements.

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

CSBA NOTE: Pursuant to Education Code 48850 and 42 USC 11432, placement determinations for students experiencing homelessness ~~must~~are required to be made according to the student's "best interest," as defined by law and in the accompanying administrative regulation.

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

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

CSBA NOTE: The following paragraph is **mandated** by 42 USC 11432. Although segregation of students experiencing homelessness into a separate school or program is prohibited, separate schools that were in operation before 2001 may continue to operate under specified conditions. Districts that maintain such a school may revise the following paragraph to reflect district practice.

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

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

CSBA NOTE: Although students' addresses generally may be designated as "directory information" that is not harmful if disclosed, 42 USC 11432 provides that information about the living situation of a student experiencing homelessness ~~must~~is required to instead be provided the protections afforded to other student records under the Family Educational Rights and Privacy Act. For further

information about the disclosure of records of students experiencing homelessness, see the U.S. Department of Education's (USDOE), "Education for Homeless Children and Youths Program Non-Regulatory Guidance."

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

CSBA NOTE: Pursuant to 42 USC 11432, districts receiving assistance through the McKinney-Vento Homeless Assistance Act are required to coordinate services as provided below. Other districts may delete or revise the following paragraph to reflect district practice.

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

CSBA NOTE: 42 USC 11432 **mandates** that districts adopt policies and practices to ensure participation by district liaisons and other appropriate staff in professional development and other technical assistance activities, as determined appropriate by the ~~federal~~ **Federal** Office of the Coordinator.

Education Code 48852.5 requires CDE to provide specified informational and training materials to district liaisons, including informational materials on the educational rights of students experiencing homelessness and resources available to assist students experiencing homelessness. **Additionally**, Education Code 48852.5 also requires CDE to develop and implement a system to verify that districts are providing the required training to school personnel providing services to students experiencing homelessness at least annually.

Pursuant to Education Code 48851.3, as added by ~~AB 408~~, the liaison for homeless students is required to offer annual training to district employees providing services to students experiencing homelessness and to inform such employees of the availability of training and the services the liaison provides. While Education Code 48851.3 requires annual training for employees who work with students experiencing homelessness, the liaison is encouraged to offer training to all district employees.

The following paragraph reflects the training requirement of Education Code 48851.3 and 48852.5, and USDOE's "Education for Homeless Children and Youths Program Non-Regulatory Guidance," regarding the content of the professional development.

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

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Pursuant to Education Code 52064.5, the State Board of Education has adopted evaluation rubrics for use by districts in evaluating their strengths, weaknesses, and areas that require improvement.

~~In addition~~ **Additionally**, pursuant to 20 USC 6311 annual district report cards for districts receiving Title I funds are required to include disaggregated student achievement data and graduation rates of homeless students.

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

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532 (Ch. 918, Statutes of 2022), districts are required to annually report to CDE regarding the number of students experiencing homelessness who, for the prior school year, graduated with an exemption from the district-established graduation requirements that are in addition to statewide coursework requirements, as specified below:

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

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State

5 CCR 4600-4670

Ed. Code 39807.5

Description

Uniform complaint procedures

Payment of transportation costs by parents

Ed. Code 48850	Academic achievement of students in foster care and homeless children
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48851	Identification of homeless children and youths and unaccompanied youths; housing questionnaire
Ed. Code 48851.3	Homeless education program policies; liaison responsibilities
Ed. Code 48851.5	Local educational agency liaison for homeless children and youths
Ed. Code 48852.3	Monitoring for compliance with chapter
Ed. Code 48852.5	Notice of educational rights of homeless students
Ed. Code 48852.6	Information regarding homelessness
Ed. Code 48852.7	Education of homeless students; immediate enrollment
Ed. Code 48859	Definitions
Ed. Code 48915.5	Recommended expulsion; foster youth with disabilities
Ed. Code 48918.1	Notice of recommended expulsion
Ed. Code 48985	Notices to parents/guardians in language other than English
Ed. Code 51225.1-51225.3	Graduation requirements
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan

Federal

20 USC 1087vv	Free Application for Federal Student Aid; definitions
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 6311	State plan
42 USC 11431 <u>11301</u> -11435	McKinney-Vento Homeless Assistance Act
42 USC 12705	Cranston-Gonzalez National Affordable Housing Act; state and local strategies

Management Resources

Description

California Child Welfare Council Publication	Partial Credit Model Policy and Practice Recommendations, September 2013
California Department of Education Publication	Federal Program Monitoring Instrument
California Department of Education Publication	Homeless Education Dispute Resolution Process, March 2020
National Center for Homeless Education Publication	Homeless Liaison Toolkit, 2020
U.S. Department of Education Guidance	Education for Homeless Children and Youths Program, Non-Regulatory Guidance, August 2018
Website	CSBA District and County Office of Education Legal Services
Website	California State University
Website	University of California
Website	California Department of Education, Homeless Children and Youth Education
Website	National Center for Homeless Education at SERVE
Website	National Homelessness Law Center
Website	U.S. Department of Education - Education for Homeless Children and Youths Grants for State and Local Activities
Website	California Community Colleges
Website	California Interscholastic Federation
Website	California Child Welfare Council

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1113	District And School Websites
1113	District And School Websites

1113-E(1)	District And School Websites
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
3250	Transportation Fees
3250	Transportation Fees
3260	Fees And Charges
3260	Fees And Charges
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3541	Transportation Routes And Services
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
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4212.9-E(1)	Employee Notifications
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4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4331	Staff Development
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5111	Admission
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5111.1	District Residency
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5113.1	Chronic Absence And Truancy
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6120	Response To Instruction And Intervention
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6145.2	Athletic Competition
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6159	Individualized Education Program
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6173.1	Education For Foster Youth
6174	Education For English Learners
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6177	Summer Learning Programs
6178	Career Technical Education
6178	Career Technical Education
6179	Supplemental Instruction
6190	Evaluation Of The Instructional Program

Regulation 6173: Education For Homeless Children

Status: ADOPTED

Original Adopted Date: 12/01/2014 | Last Revised Date: ~~03/02/01/2023~~2026 | Last Reviewed
Date: ~~03/02/01/2023~~2026

CSBA NOTE: The following administrative regulation is **mandated** pursuant to Education Code 48851.3, as added by AB 408 (Ch. 914, Statutes of 2022) and 42 USC 11432, which require districts to establish homeless education program policies. Pursuant to Education Code 48851.3 districts are required to update these policies at least once every three years. See section on "Transportation" below for additional requirements.

Definitions

CSBA NOTE: The federal McKinney-Vento Homeless Assistance Act (42 USC 11434a) and Education Code 48859 define "homeless children and youths" as provided below. Foster youth who are living in emergency or transitional shelters are within the definition of homeless students but youth who are awaiting foster care placement are not. See BP/AR 6173.1 - Education for Foster Youth for state law regarding foster children.

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

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

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

CSBA NOTE: The following definition of "school of origin" generally reflects Education Code 48852.7, which exceeds the definition in 42 USC 11432 and is consistent with the state definition

of "school of origin" that applies to foster youth. However, 42 USC 11432 includes preschools in the definition as provided below.

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

CSBA NOTE: Education Code 48850 expresses legislative intent that the "best interest" of a student experiencing homelessness or foster youth includes educational stability as well as placement in the least restrictive educational program, as provided below. Education Code 48853 further provides that the placement **decision** of a foster youth **mustis required to** consider the student's access to academic resources, services, and extracurricular and enrichment activities. For consistency with the definition of "best interest" applicable to foster youth see AR 6173.1 - Education for Foster Youth. The following definition also reflects Education Code 48853.

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

District Liaison

CSBA NOTE: Pursuant to 42 USC 11432, districts are required to designate an appropriate staff person, who may also be a coordinator for other federal programs, as a district liaison for homeless students. The district should fill in the blanks below with the title or position, address, email address, and phone number of the district liaison.

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

(title or position)

(address)

(email address)

(phone number)

CSBA NOTE: The duties of the district liaison for homeless students are listed in Education Code 48851.3, as added by AB 408, and 42 USC 11432, and are specified below. Also see the U.S. Department of Education's (USDOE), "Education for Homeless Children and Youths Program Non-Regulatory Guidance," and the "Homeless Liaison Toolkit," developed by the National Center for Homeless Education.

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

1. Ensure that students experiencing homelessness are identified by school personnel through outreach and coordination activities with other entities and agencies
2. Ensure that students experiencing homelessness are enrolled in, and have a full and equal opportunity to succeed in, district schools
3. Ensure that families and students experiencing homelessness have access to and receive educational services for which they are eligible, including services through Head Start and Early Head Start programs, early intervention services under Part C of the federal Individuals with Disabilities Education Act, and other preschool programs administered by the district
4. Ensure that families and students experiencing homelessness receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services
5. Inform parents/guardians of the educational and related opportunities available to their children and ensure that they are provided with meaningful opportunities to participate in the education of their children
6. Disseminate public notice of the educational rights of students experiencing homelessness in locations frequented by parents/guardians of students experiencing homelessness and by unaccompanied youth, including schools, shelters, public libraries, and hunger relief agencies (soup kitchens).

_____The rights shall be presented in a manner and form understandable to the parents/guardians of homeless students and unaccompanied youth.

7. Mediate enrollment disputes in accordance with law and the section "Resolving Enrollment Disputes" below
8. Fully inform parents/guardians of students experiencing homelessness and unaccompanied youth of all transportation services, including transportation to the school of origin, and assist them in accessing transportation to the school of choice

CSBA NOTE: Pursuant to Education Code 48852.5, the California Department of Education (CDE) is required to provide training materials to district liaisons for homeless students for the purpose of providing required professional development and support to school personnel who provide services to students experiencing homelessness.

Education Code 48857 provides funding for up to three county offices of education for the purposes of providing regional support, resources, and expertise to district liaisons for homeless students: to ensure that districts meet all of the requirements specified in the federal McKinney-Vento Homeless Assistance Act. (42 USC 11301-11435).

Pursuant to Education Code 48851.3, as added by AB 408, the district's liaison for homeless students is required to offer annual training to district employees who provide services to students experiencing homelessness and inform such employees of the availability of training and the services the liaison provides. While Education Code 48851.3 requires annual training for employees who work with students experiencing homelessness, the district's liaison for homeless students is encouraged to offer training to all district employees.

The examples of school personnel listed below reflect CDE's ~~2022-23~~2025-26 Federal Program Monitoring Instrument.

9. Offer annual training related to the district's homeless education program policies to school personnel who provide services to students experiencing homelessness, including principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel, to ensure that such employees are informed of available training, professional development, and other support, and the services provided by the district liaison for homeless students
10. Ensure that unaccompanied youth are enrolled in school, have opportunities to meet the same challenging state academic standards established for other students, and are informed of their status as independent students under 20 USC 1087vv and that they may receive assistance from the district liaison to receive verification of their independent student status for purposes of applying for federal student aid pursuant to 20 USC 1090
11. Coordinate and collaborate with state coordinators and community and school personnel responsible for the provision of education and related services to students experiencing homelessness, including the collection and provision of comprehensive data to the state coordinator as required by law

CSBA NOTE: Pursuant to Education Code 48918.1, the district liaison mustis required to be notified at least 10 calendar days before the date of the expulsion hearing for a student experiencing homelessness, when the student's alleged violation does not require a mandatory recommendation for expulsion, and may be notified for mandatory expulsions; see AR 5144.1 - Suspension and Expulsion/Due Process. When so notified, the district liaison is expected to assist the student and, as necessary, advocate on the student's behalf.

Furthermore, pursuant to Education Code 48915.5, if the student experiencing homelessness has also been identified as an individual with a disability and the district has proposed a change of placement due to an act for which the decision to recommend expulsion is discretionary, the district liaison ~~must~~ **is required to** be invited to participate in the individualized education program (IEP) team meeting that makes a manifestation determination pursuant to the Individuals with Disabilities Education Act (20 USC 1415(k)).

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

CSBA NOTE: 42 USC 11432 requires CDE to publish a list of district liaisons on its ~~web site~~ **website**. CDE collects the name and contact information of district liaisons through the consolidated application process, along with information about district compliance with federal program requirements.

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

Enrollment

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

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

CSBA NOTE: Education Code 48850 and 42 USC 11432 specify factors that ~~must~~ **are required to** be considered in determining a student's best interest, as provided below.

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

CSBA NOTE: The following optional paragraph presents examples of factors that may be considered in making placement decisions based on a student's "best interest," and may be revised to reflect district practice.

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

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

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

CSBA NOTE: Education Code 48852.7 and 42 USC 11432 require schools to immediately enroll students experiencing homelessness as specified below. In USDOE's, "Non-Regulatory Guidance Education for Homeless Children and Youths Program," USDOE recommends that the district take steps to facilitate immediate enrollment such as accepting school records directly from families, establishing school-based immunization clinics, and training staff on the legal requirements for immediate enrollment. See AR 5111.1 - District Residency.

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

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

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

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

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

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

1. If the student is transitioning between grade levels, the student shall be allowed to continue in the same attendance area
2. If the student is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, the student shall be allowed to continue to the school designated for matriculation in that district

CSBA NOTE: Education Code 48852.7 and 42 USC 11432 require that students who become permanently housed during the school year be allowed to remain in the school of origin for the remainder of the school year. Additionally, Education Code 48852.7 allows students to remain in the school of origin, or matriculate to a feeder school, even if the student is no longer experiencing homelessness. The district may revise the following list to reflect the grade levels and feeder school patterns in the district.

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

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

CSBA NOTE: A district that operates an intersession program is required to grant priority access to a student experiencing homelessness, pursuant to Education Code 48850. If any such student will be moving during an intersession period, the student's parent/guardian, educational rights holder, or Indian custodian in the case of an Indian child, or, if there is no parent/guardian, educational rights holder, or Indian custodian, the unaccompanied homeless youth shall determine which school the student attends for the intersession period.

When the district offers an intersession program, priority access shall be given to students experiencing homelessness. If a student experiencing homelessness will be moving during an intersession period, the student's parent/guardian, educational rights holder, or Indian custodian in the case of an Indian child, or, if there is no parent/guardian, educational rights holder, or Indian custodian, the unaccompanied homeless youth, shall determine which school the student attends for the intersession period. (Education Code 48850)

Resolving Enrollment Disputes

CSBA NOTE: In the event that a dispute arises over the district's decision related to student eligibility, school selection, or enrollment, the district ~~must~~ **is required to** comply with the requirements of 42 USC 11432 and the dispute resolution process established by CDE. CDE's, "Homeless Education Dispute Resolution Process," available on CDE's ~~web site~~ **website**, provides such guidance. CDE's guidance does not specify a hearing process or timelines for the district-level dispute resolution process. Thus, the district may revise the following section to reflect district practice, provided that the process is consistent with law.

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

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

CSBA NOTE: The following optional list should be modified to reflect district practice. In USDOE's, "Education for Homeless Children and Youths Program Non-Regulatory Guidance," USDOE recommends that the written explanation contain the elements specified below. See the accompanying exhibits for a sample explanation and appeal form.

The written explanation shall include:

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

6. Contact information for the district liaison and state coordinator, and a brief description of those roles

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

CSBA NOTE: The following optional paragraph is recommended in USDOE's, "Education for Homeless Children and Youths Program Non-Regulatory Guidance."

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

CSBA NOTE: The following optional paragraph is recommended in CDE's, "Homeless Education Dispute Resolution Process," guidance to districts. CDE recommends that if the parent/guardian or unaccompanied youth is an English Learner, the native language and/or an interpreter be used, and/or if additional supports are needed because of a disability, such services be made available without charge.

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

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

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

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

CSBA NOTE: In CDE's, "Homeless Education Dispute Resolution Process," CDE describes the process for appealing a district's enrollment decision to the county office of education (COE) and CDE. Upon receipt of materials describing the dispute from the district, the COE liaison will determine the school selection or enrollment decision within five working days. If the dispute remains unresolved or is appealed, the COE liaison will forward the documentation to CDE's Homeless Education Program. CDE will notify all parties of the final determination of eligibility, school selection, or enrollment within five working days of receipt of the appeal.

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

CSBA NOTE: 42 USC 11432 provides that, during any dispute over a student's enrollment, the student **mustis required to** be allowed to be enrolled in the school in which enrollment is sought during the period of all appeals. 42 USC 11434a defines "enrollment" as including attendance in classes and full participation in school activities.

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

Transportation

CSBA NOTE: 42 USC 11432 **mandates** that districts adopt policies and practices to ensure that transportation is provided to students experiencing homelessness, at the request of the student's parent/guardian or of the district liaison in the case of an unaccompanied youth, to and from the school of origin as specified below.

In USDOE's, "Education for Homeless Children and Youths Program Non-Regulatory Guidance," USDOE states that the law imposes an affirmative obligation to transport students experiencing homelessness, even if transportation is not provided to other students. The Guidance clarifies that, because the State of California receives funds under McKinney-Vento, all districts in California are subject to this requirement.

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

CSBA NOTE: Pursuant to Education Code 39807.5, as amended by AB 181 (Ch. 52, Statutes of 2022), the district is required to waive transportation fees for an unduplicated student, as defined in Education Code 42238.02, which includes a student who is eligible for free or reduced-price meals, who is classified as an English learner, or who is a foster youth. Since it is likely that most students experiencing homelessness would be eligible to receive free meals, and would therefore qualify as

an unduplicated student, such students would most likely be exempt from transportation costs. See BP 3540 Transportation and BP/AR 3250 - Transportation Fees.

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

CSBA NOTE: Education Code 48852.7 requires that the district provide transportation to a formerly homeless student with an IEP only if transportation is a necessary related service. Education Code 48852.7 does not supersede or exceed other laws governing special education services for eligible students experiencing homelessness.

The following paragraph may be revised if the district chooses to provide transportation to other formerly homeless students attending their school of origin.

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

Transfer of Coursework and Credits

CSBA NOTE: The following section is for use by districts maintaining high schools. Education Code 51225.2, as amended by SB 532 (Ch. 918, Statutes of 2022), addresses the transferability of coursework and credits completed by a student experiencing homelessness, as provided below.

Education Code 51225.2, as amended by SB 532, requires the transferring school to include in the student's educational record a determination of days of enrollment and/or seat time and an official transcript with full and partial credits earned, or any measure of full or partial coursework being satisfactorily completed.

When a student experiencing homelessness transfers into a district school, the district will receive an official transcript from the transferring school or district which reflects full student's coursework and partial credits and grades earned by the student and includes: (shall be transferred as specified in Education Code 51225.2)

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

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

- 2.—Separate listings for credits and grades earned at each school and local educational agency so it is clear where credits and grades were earned

- 3.—A complete record of the student's seat time, including both period attendance and days of enrollment

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

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

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

CSBA NOTE: Pursuant to Education Code 51225.2, districts may not require a student who has completed an entire course to retake the course.

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

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

CSBA NOTE: Although Education Code 51225.2 requires districts to award partial credits to students who transfer from school to school, there is no uniform system for calculating and awarding partial credits. A recommendation for how to award partial credit is available in the California Child Welfare Council's, "Partial Credit Model [and Board](#) Policy and Practice Recommendations," and should be revised to reflect district practice. [Administrative Regulation 6146.3 - Reciprocity of Academic Credit.](#)

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

In no event shall the district prevent a student experiencing homelessness from taking or retaking a

course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

Applicability of Graduation Requirements

CSBA NOTE: The following section is for use by districts maintaining high schools. Also [For more information regarding requirements for graduation from high school](#), see BP 6146.1 - High School Graduation Requirements.

To obtain [A student experiencing homelessness who transfers to a high district school diploma](#), a student experiencing homelessness shall [shall be expected to](#) complete all courses required by Education Code 51225.3 and fulfill any additional graduation requirements established by the Governing [as specified in](#) Board.

However, when a [Policy 6146.1 - High School Graduation Requirements, unless the](#) student experiencing homelessness who has completed the second year of high school transfers into the district from another school district or transfers between high schools within the district, the student shall be [and thereby](#) exempted from all district-established coursework and other district-established graduation [such](#) requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of the fourth year of high school. Within 30 calendar days of the student's transfer, the Superintendent or designee shall notify the student, the person holding the right to make educational decisions for the student, and the district liaison for homeless students of the availability of the exemption and whether the student qualifies. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student is no longer homeless. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, to determine whether a student with significant gaps in school attendance is in the third or fourth year of high school, the student's age as compared to the average age of students in the third or fourth year of high school may be used.

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

CSBA NOTE: Education Code 51225.1, as amended by SB 532, requires the district to exempt a student who qualifies for an exemption from district-established graduation requirements, under the circumstances described below.

If a student experiencing homelessness was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the person holding the right to make educational decisions for the student may request the exemption and the Superintendent or

designee shall exempt the student within 30 days of the request. A student may request the exemption even if the student is no longer a student experiencing homelessness. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, the district is required to reevaluate a student's eligibility for an exemption from district-established graduation requirements, as described below.

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

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

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, the district is required to consult with a student experiencing homelessness who is granted an exemption from district-established graduation requirements and the person holding the right to make educational decisions for the student, as described below.

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

- 1.—Discussion of how any requirements that are waived may affect the student's postsecondary education or vocation plans, including the ability to gain admission to a postsecondary educational institution
- 2.—Discussion and information about other options available to the student, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities

available through the California Community Colleges

- 3.— Consideration of the student's academic data and any other information relevant to making an informed decision on whether to accept the exemption

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

CSBA NOTE: Education Code 51225.1 prohibits the district from requiring a student who is eligible for an exemption from district-established graduation requirements from accepting the exemption or being denied enrollment, as described below.

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

CSBA NOTE: Education Code 51225.1 prohibits the district from revoking a student's exemption from district-established graduation requirements.

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

CSBA NOTE: Pursuant to Education Code 51225.1, the district may not require or request a student who is exempted from district-established graduation requirements and completes statewide coursework requirements before the end of the student's fourth year of high school to graduate early, as described below.

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

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, if the district determines that a student who is eligible for the exemption from district-established graduation

requirements is reasonably able to complete those requirements in time to graduate from high school by the end of the student's fifth year, the district is required to provide the following:

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

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

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, until January 1, 2028, when a student experiencing homelessness who has completed the second year of high school transfers into the district from another school district or transfers between high schools within the district, and is not reasonably able to complete the district-established graduation requirements, but is reasonably able to complete the statewide coursework requirements, within the student's fifth year of high school, the district is required to exempt the student from the district-established graduation requirements and provide the student with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, consultation with the student and the person holding the right to make educational decisions for the student is required, as provided below:

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

- 1.—The student's option to remain in school for a fifth year to complete statewide coursework requirements

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

Eligibility for Extracurricular Activities

CSBA NOTE: The following paragraph is required pursuant to Education Code 48850. See BP 6145 - Extracurricular and Cocurricular Activities for additional eligibility requirements.

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

Notification, Complaints, and Posting Requirements

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

CSBA NOTE: Education Code 51225.1 and 51225.2 provide that complaints of noncompliance with specified requirements related to the educational rights of students experiencing homelessness may be filed in accordance with the uniform complaint procedures (UCP) specified in 5 CCR 4600-4670. As with other complaints covered under the UCP, a complainant may appeal the district's decision to CDE and, if the district or CDE finds any merit in the complaint, the district must provide a remedy to the affected student. See BP/AR 1312.3 - Uniform Complaint Procedures.

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

CSBA NOTE: Education Code 48852.6 requires the district and each district school that maintains a [web site](#) to post on the district and school [web sites](#) information related to the education of students experiencing homelessness, as specified in the following paragraphs.

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

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

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Ed. Code 48851.5	Local educational agency liaison for homeless children and youths
Ed. Code 48852.3	Monitoring for compliance with chapter
Ed. Code 48852.5	Notice of educational rights of homeless students
Ed. Code 48852.6	Information regarding homelessness
Ed. Code 48852.7	Education of homeless students; immediate enrollment
Ed. Code 48859	Definitions
Ed. Code 48915.5	Recommended expulsion; foster youth with disabilities
Ed. Code 48918.1	Notice of recommended expulsion

Ed. Code 48985	Notices to parents/guardians in language other than English
Ed. Code 51225.1-51225.3	Graduation requirements
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Federal	Description
20 USC 1087vv	Free Application for Federal Student Aid; definitions
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 6311	State plan
42 USC 11431 <u>11301</u> -11435	McKinney-Vento Homeless Assistance Act
42 USC 12705	Cranston-Gonzalez National Affordable Housing Act; state and local strategies
Management Resources	Description
California Child Welfare Council Publication	Partial Credit Model Policy and Practice Recommendations, September 2013
California Department of Education Publication	Federal Program Monitoring Instrument
California Department of Education Publication	Homeless Education Dispute Resolution Process, March 2020
National Center for Homeless Education Publication	Homeless Liaison Toolkit, 2020
U.S. Department of Education Guidance	Education for Homeless Children and Youths Program, Non-Regulatory Guidance, August 2018
Website	CSBA District and County Office of Education Legal Services
Website	California State University
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Website	California Department of Education, Homeless Children and Youth Education

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Website	National Homelessness Law Center
Website	U.S. Department of Education - Education for Homeless Children and Youths Grants for State and Local Activities
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0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
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1113	District And School Websites
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3260	Fees And Charges
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Evaluation Of The Instructional Program

Exhibit 6173-E(1): Education For Homeless Children

Status: ADOPTED

Original Adopted Date: 07/01/2005 | **Last Revised Date:** 03/02/01/20222026 | **Last Reviewed Date:** 03/02/01/20222026

**DISTRICT EXPLANATION OF DECISION
RELATED TO ELIGIBILITY, SCHOOL SELECTION, OR ENROLLMENT**

CSBA NOTE: The following form should be revised to reflect district practice. In the U.S. Department of Education's (USDOE), "Education for Homeless Children and Youths Program, Non-Regulatory Guidance," USDOE recommends that the written statement of any decision regarding the eligibility, school selection, or enrollment of a student experiencing homelessness include the elements specified below. See the accompanying administrative regulation.

Instructions: The following form provides notice and explanation to a student's parent/guardian or an unaccompanied youth regarding the district's decision related to student eligibility, school selection, or enrollment.

Date: _____ Name of person completing form: _____
Title: _____ Phone number: _____

In accordance with the federal McKinney-Vento Homeless Assistance Act (42 USC 11431-11435), this notification is being provided to either:

Name of parent(s)/guardian(s): _____
Name of unaccompanied student: _____

School requested: _____
District's placement decision (name of school): _____

Action(s) proposed/refused by the district related to eligibility, school selection, or enrollment:

The district's determination regarding eligibility, school selection, or enrollment was based upon the following evidence and for the following reasons:

Phone number: [REDACTED]

State Coordinator: If you appeal the county office's decision to the California Department of Education, the county homeless liaison shall forward all written documentation and related paperwork to the State Homeless Coordinator. The state coordinator will review the district, county office, and parent/guardian information and will notify you of the decision within ten working days of receiving the materials.

Name of state homeless coordinator: [REDACTED]

Address: [REDACTED]

Phone number: [REDACTED]

RIGHTS:

Pending the final resolution of this dispute, including the period of all appeals, the student has the right to immediately enroll in the school requested and to participate fully in school activities at that school.

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6177	Summer Learning Programs
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6179	Supplemental Instruction
6190	Evaluation Of The Instructional Program

Exhibit 6173-E(2): Education For Homeless Children

Status: ADOPTED

Original Adopted Date: 07/01/2005 | **Last Revised Date:** 0302/01/20222026 | **Last Reviewed Date:** 0302/01/20222026

DISPUTE FORM

Instructions: This form is to be completed by a parent/guardian or student when a dispute regarding enrollment has arisen. As an alternative to completing this form, the information on this form may be shared verbally with the district's liaison for homeless students.

Date submitted: _____
Student's name: _____
Name of person completing form: _____
Relation to student: _____
Address: _____
Phone number: _____

Name of school requested: _____

I wish to appeal the eligibility, school selection, or enrollment decision made by:
 District liaison District Superintendent County office of education liaison

Reason for the appeal: You may include an explanation to support your appeal in this space or provide your explanation verbally.

I have been provided with:
 A written explanation of the district's decision
 Contact information for the district's homeless liaison
 Contact information for the county office of education's homeless liaison
 Contact information for the state homeless coordinator

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42 USC 12705

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

Management Resources

Description

California Child Welfare Council
Publication

Partial Credit Model Policy and Practice
Recommendations, September 2013

California Department of Education
Publication

Federal Program Monitoring Instrument

California Department of Education
Publication

Homeless Education Dispute Resolution Process, March
2020

National Center for Homeless
Education Publication

Homeless Liaison Toolkit, 2020

U.S. Department of Education
Guidance

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

Website

CSBA District and County Office of Education Legal
Services

Website

California State University

Website

University of California

Website

California Department of Education, Homeless Children
and Youth Education

Website

National Center for Homeless Education at SERVE

Website

National Homelessness Law Center

Website

U.S. Department of Education - Education for Homeless
Children and Youths Grants for State and Local Activities

Website

California Community Colleges

Website

California Interscholastic Federation

Website

California Child Welfare Council

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Nondiscrimination In District Programs And Activities

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Equity

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Local Control And Accountability Plan

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Local Control And Accountability Plan

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6190	Evaluation Of The Instructional Program

Policy 6173.1: Education For Foster Youth

Status: ADOPTED

Original Adopted Date: 03/01/2008 | Last Revised Date: ~~03/02/01/2023~~2026 | Last Reviewed
Date: ~~03/02/01/2023~~2026

CSBA NOTE: Education Code 42238.02 and 42238.03 provide supplemental and concentration grants within the local control funding formula based on the number and concentration of unduplicated counts of students who are foster youth, who are English learners, or who are eligible for free or reduced-price meals; see BP/AR 3100 - Budget. ~~In addition~~ **Additionally**, Education Code 52060-52077 ~~require~~ **requires** districts to develop a local control and accountability plan (LCAP) which ~~must~~ **is required to** be aligned to specific state priorities and any additional local priorities, and which ~~must~~ **to** contain annual goals for all students and for each "numerically significant" student subgroup and the specific actions to be taken to achieve each goal; see BP/AR 0460 - Local Control and Accountability Plan.

Education Code 48850-48859 (the AB 490 Educational Rights and Stability Act of 2003) create obligations for districts regarding the education of foster youth, including the right of foster youth to continue attending their school of origin and the requirement to ensure that foster youth have access to the same academic resources, services, and extracurricular and enrichment activities that are available to all students. ~~See~~ **For more information regarding these obligations, see** the accompanying administrative regulation.

~~While the~~ **The** requirements of the federal McKinney-Vento Homeless Assistance Act (42 USC 11431-11435) may apply to foster youth in certain situations, such as when they are living in emergency or transitional shelters ~~{~~ **For more information about the education of students who are experiencing homelessness see BP/AR 6173 - Education for Homeless Children}**. ~~However,~~ **However,** Education Code 48850-48859 ~~extend~~ **extends** services to youth at any time when in foster care. The following policy may be revised to reflect district practice.

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

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

CSBA NOTE: Pursuant to Education Code 48850, placement determinations for foster youth are required to be made in accordance with the student's "best interest." ~~In addition~~ Additionally, Education Code 48853.5 requires each district to designate a staff person as a foster care liaison to help ensure proper school placement, enrollment, and transfer. ~~See~~ For more information regarding placement decisions for foster youth, see the accompanying administrative regulation.

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

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

CSBA NOTE: Education Code 48853.5 encourages districts to collaborate with other agencies to provide services to foster youth. The following optional paragraph should be modified to reflect district practice.

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

CSBA NOTE: Pursuant to Education Code 52060, each district is required to update the LCAP by July 1 each year. The following optional paragraph uses the LCAP review timeline and may be revised to reflect district practice.

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

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532 (Ch. 918, Statutes of 2022), districts are required to annually report to the California Department of Education regarding the number of foster youth who, for the prior school year, graduated with an exemption from the district-established graduation requirements that are in addition to statewide coursework requirements, as specified below.

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

Policy Reference Disclaimer:

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

State	Description
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 39807.5	Payment of transportation costs by parents/guardians; waiver for foster youth
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 42920-42926	Foster children educational services
Ed. Code 48645-48647	Juvenile court schools
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48915.5	Recommended expulsion; foster youth with disabilities
Ed. Code 48918.1	Notice of recommended expulsion
Ed. Code 49061	Definitions; directory information
Ed. Code 49069.5	Students in foster care; grades and credits
Ed. Code 49076	Access to student records
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 56055	Rights of foster parents pertaining to foster youth's education
<u>W&I Code 10553.1</u>	<u>Indian and tribal organizations</u>
H&S Code 120341	Foster youth; school placement and immunization records
H&S Code 1522.41	Training and certification of group home administrators
W&I Code 16000-16014	Foster care placement
W&I Code 300	Minors subject to jurisdiction
W&I Code 309	Investigation and release of child
W&I Code 317	Appointment of legal counsel
W&I Code 361	Limitations on parental control
W&I Code 366.27	Educational decision by relative providing living arrangements
W&I Code 602	Minors violating law; ward of court

W&I Code 726	Limitations on parental control
W&I Code 727	Order of care; ward of court
Federal	Description
20 USC 1415	Procedural safeguards
20 USC 6311	State plan
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 670-679b	Federal assistance for foster care programs
Management Resources	Description
Alliance for Children's Rights Publication	Foster Youth Education Toolkit, December 2016
California Child Welfare Council Publication	Partial Credit Model Policy and Practice Recommendations, September 2013
California Foster Youth Education Task Force Pub	California Foster Youth Education Law Fact Sheets, January 2021
Cities, Counties and Schools Partnership Pub.	Our Children: Emancipating Foster Youth, A Community Action Guide
CSBA Publication	Our Foster Youth: What School Boards Can Do, May 2016
CSBA Publication	Foster Youth: Supports for Success, Governance Brief, May 2016
U.S. Department of Education Publication	Ensuring Educational Stability for Children in Foster Care, Non-Regulatory Guidance, June 2016
Website	CSBA District and County Office of Education Legal Services
Website	Alliance for Children's Rights
Website	Foster Ed
Website	National Center for Youth Law
Website	California Department of Education, Foster Youth Services
Website	California Department of Social Services, Foster Youth Ombudsman Office
Website	California Foster Youth Education Task Force
Website	California Youth Connection
Website	Cities Counties and Schools Partnership
Website	CSBA
Website	California Child Welfare Council

Cross References

Code	Description
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
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
3100	Budget
3100	Budget
3250	Transportation Fees
3250	Transportation Fees
3260	Fees And Charges
3260	Fees And Charges
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3540	Transportation
3541	Transportation Routes And Services
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
4131	Staff Development
4231	Staff Development
4331	Staff Development
5111	Admission
5111	Admission

5111.1	District Residency
5111.1	District Residency
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5116.2	Involuntary Student Transfers
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5117	Interdistrict Attendance
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5123	Promotion/Acceleration/Retention
5123	Promotion/Acceleration/Retention
5125	Student Records
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5132	Dress And Grooming
5132	Dress And Grooming
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.26	Tuberculosis Testing
5141.31	Immunizations
5141.31	Immunizations

5141.32	Health Screening For School Entry
5141.6	School Health Services
5141.6	School Health Services
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
5145.9	Hate-Motivated Behavior
5147	Dropout Prevention
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6000	Concepts And Roles
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6159	Individualized Education Program
6159	Individualized Education Program
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education

6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.4	Behavioral Interventions For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6174	Education For English Learners
6174	Education For English Learners
6177	Summer Learning Programs
6179	Supplemental Instruction
6184	Continuation Education
6184	Continuation Education
6190	Evaluation Of The Instructional Program
9320	Meetings And Notices

Regulation 6173.1: Education For Foster Youth

Status: ADOPTED

Original Adopted Date: 12/01/2013 | Last Revised Date: 0302/01/20232026 | Last Reviewed
Date: 0302/01/20232026

Definitions

CSBA NOTE: Education Code 42238.01 and 48853.5, as amended by AB 181 (Ch. 52, Statutes of 2022), define "foster youth," as reflected in the following paragraph. Education Code 42921 adds to the definition of "student in foster care" a child who is detained in a county-operated juvenile detention facility or is the subject of a juvenile court petition and has been identified by a county child welfare agency, a probation department, or an Indian tribe meeting specified criteria as being at imminent risk of removal and placement into foster care.

Foster youth, foster child, or student in foster care means any of the following: (Education Code 42238.01, 42921, 48853.5)

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

7. A child who is the subject of a voluntary placement agreement, as defined in Welfare and Institutions Code 11400(p)

8. A child who is detained in a county-operated juvenile detention facility, or a child who is the subject of a petition filed pursuant to Welfare and Institutions Code 602 and has been identified by a county child welfare agency, a probation department, or an Indian tribe that entered into an agreement pursuant to Welfare and Institutions Code 10553.1 as being at imminent risk of removal and placement into foster care

CSBA NOTE: In instances where the rights of the parent/guardian have been limited, the court may appoint an educational representative on a temporary or long-term basis to make educational decisions for the student.

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

CSBA NOTE: Pursuant to Education Code 48853.5, if a foster youth is also a student with a disability, the school of origin includes a placement in a certified nonpublic, nonsectarian school, and requires a nonpublic, nonsectarian school or agency to agree in writing, for any foster student it serves, to be designated as the school of origin of the foster student and to allow the foster student to continue education in the school.

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

CSBA NOTE: Education Code 48850 expresses the legislative intent that the "best interests" of a foster youth include educational stability as well as placement in the least restrictive educational setting necessary to achieve academic progress, as provided below.

~~In addition~~ Additionally, pursuant to 20 USC 6311, determination of a student's "best interest" requires consideration of all factors relating to the student's best interest, including the appropriateness of the current educational setting and the proximity to the school in which the student is enrolled at the time of placement.

Best interests of a foster youth means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, the proximity to the school at the time of placement, appropriateness of the educational setting, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress,

and the foster youth's access to academic resources, services, and extracurricular and enrichment activities that are available to all district students. (Education Code 48850, 48853; 20 USC 6311)

District Liaison

CSBA NOTE: Pursuant to Education Code 48853.5, districts are required to designate a staff person as the educational liaison for foster youth. The person may be the same individual designated as the liaison for homeless students as required by 42 USC 11432; see AR 6173 - Education for Homeless Children. ~~In addition~~ Additionally, Education Code 48853.5 requires that, for districts operating a foster youth services program, the liaison be affiliated with that program. The duties of the liaison are as specified below.

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

(position or title)

(address)

(phone number)

(email)

The liaison for foster youth shall:

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care (Education Code 48853.5)

CSBA NOTE: Education Code 48645.5 requires districts to accept for credit full or partial coursework completed in a public school or nonpublic nonsectarian school or agency in addition to a juvenile court school; see the section below entitled "Transfer of Coursework and Credits". For more information regarding the transfer of coursework and credits, see BP/AR 6146.3 - Reciprocity of Academic Credit.

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

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

CSBA NOTE: Pursuant to Education Code 48853.5, as amended by AB 740 (Ch. 400, Statutes of 2022), a foster youth's educational rights holder, attorney, and county social worker have the same rights as a parent/guardian to receive a suspension notice, expulsion notice, manifestation

determination notice, involuntary transfer notice, and other documents and related information. See AR 5144.1 - Suspension and Expulsion/Due Process, AR 5144.2 - Suspension/Expulsion (Students with Disabilities), and BP/AR 6184 - Continuation Education.

3. Notify a foster youth's educational rights holder, attorney, and county social worker when a foster youth is undergoing any expulsion or other disciplinary proceeding including a manifestation determination for a foster youth who is a student with a disability, prior to a change in the foster youth's placement. (Education Code 48853.5, 48911, 48915.5, 48918.1)

CSBA NOTE: Items #4-8 below are optional and should be modified to reflect district practice.

4. As needed, make appropriate referrals to ensure that students in foster care receive necessary special education services and services under Section 504 of the federal Rehabilitation Act of 1973
5. As needed, ensure that students in foster care receive appropriate school-based services, such as counseling and health services, supplemental instruction, and after-school services
6. Develop protocols and procedures for creating awareness for district staff, including principals, school registrars, and attendance clerks, of the requirements for the proper enrollment, placement, and transfer of foster youth

CSBA NOTE: ~~Optional~~ Item #7 establishes the responsibility of the district liaison to collaborate with other local agencies to coordinate services for foster youth.

Pursuant to Education Code 42920.5-42921, the Foster Youth Services Coordinating Program provides funding for a county office of education or consortium of county offices of education to coordinate educational support for foster youth among the districts within their jurisdiction. As part of the program, such county offices ~~must~~**are required to** develop and implement a coordinating plan for purposes of establishing guiding principles and protocols to provide supports for foster care students. To the extent possible, such a plan ~~must~~**is required to** include, but is not limited to, a description of how the program will establish ongoing collaboration among local educational agencies, county child welfare agencies, and county probation departments to determine the proper educational placement of foster youth.

Additionally, pursuant to Education Code 42921, a foster youth may receive tutoring, mentoring, and counseling services by the foster youth services coordinating program if a foster youth educational services coordinator determines that the foster youth services coordinator is unable to secure those services through the district and the foster youth educational services coordinator has identified such services and established them as needed. In addition, pursuant to Education Code 42921, if a district annually certifies in writing that it is unable, using any other state, federal, local, or private funds, to provide tutoring, mentoring, and counseling for foster youth, it may enter into a temporary

agreement with the foster youth services coordinating program to provide those services, if the program has established such services.

7. Collaborate with the county office of education, county placing agency, county child welfare agency, county probation department, juvenile court, and other appropriate agencies to help coordinate instruction, counseling, tutoring, mentoring vocational training, and other related services for the district's foster youth

CSBA NOTE: The following optional item facilitates the annual update of the local control and accountability plan required pursuant to Education Code 52060; see BP/AR 0460 - Local Control and Accountability Plan.

8. Monitor the educational progress of foster youth and provide reports to the Superintendent or designee and the Governing Board based on indicators identified in the district's local control and accountability plan

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

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

Enrollment

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

1. The student has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency or in another local educational agency

CSBA NOTE: Pursuant to Education Code 48853, a district is required to educate foster youth in the least restrictive environment necessary for their educational achievement. However, a district may be discharged from this obligation when the parent/guardian or other person holding the right to make educational decisions for the foster youth unilaterally decides to place the foster youth in another educational program and provides the district a written statement as specified in item #2 below.

2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best interests of the student to be placed in another education program and submits a written statement to the district indicating that determination and an awareness of the following:
 - a. The student has a right to attend a regular public school in the least restrictive environment

- b. The alternate education program is a special education program, if applicable
- c. The decision to unilaterally remove the student from the district school and to place the student in an alternate education program may not be financed by the district
- d. Any attempt to seek reimbursement for the alternate education program may be at the expense of the parent/guardian or other person holding the right to make educational decisions for the student

CSBA NOTE: Pursuant to Education Code 48853.5, the education of a foster youth may continue in the school of origin under the circumstances stated below. Elementary and high school districts should delete any Item (#3b or c) that is not applicable to the grade levels served by the district.

- 3. At the initial placement or any subsequent change in placement, the student exercises the right to continue in the school of origin, as defined above:

In any such circumstance, the following shall apply:

- a. The student may continue in the school of origin for the duration of the court's jurisdiction
- b. If the court's jurisdiction over a grade K-8 student is terminated prior to the end of a school year, the student may continue in the school of origin for the remainder of the school year
- c. If the court's jurisdiction is terminated while the student is in high school, the student may continue in the school of origin through graduation
- d. If the student is transitioning between school grade levels, the student shall be allowed to continue in the district in the same attendance area to provide the student the benefit of matriculating with the student's peers in accordance with the established feeder patterns of school in the district:

 A student who is transitioning to a middle school or high school shall be allowed to enroll in the school designated for matriculation in another school district.

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

The district liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the foster youth, recommend that the foster youth's right to attend the school of origin be waived and the foster youth be enrolled in any school that students living in the attendance area in which the foster youth resides are eligible to

attend. All decisions shall be made in accordance with the foster youth's best interests. (Education Code 48853.5)

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

CSBA NOTE: Pursuant to Education Code 48853.5, a district is required to immediately enroll any foster youth transferring into the district even when the foster youth has outstanding fees, fines, textbooks, or other moneys due to the last school attended or the district has not received the foster youth's academic or medical records, as listed in Items #1-3 below. However, pursuant to Health and Safety Code 120341, if a district does not receive a foster youth's immunization records prior to enrollment, the district ~~must~~ **is required to** take steps, after the foster youth is enrolled, to obtain the immunization records or ensure that the foster youth is properly immunized. See BP/AR 5141.31 - Immunizations.

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

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

CSBA NOTE: Education Code 48853 and 48853.5 specify that, if a dispute arises regarding school placement, then the district ~~shall~~ **is required to** use an existing dispute resolution process available to any district student. The following paragraph should be modified to reflect district practice.

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

If any dispute arises regarding the request of a foster youth to remain in the school of origin, the

foster youth has the right to remain in the school of origin pending resolution of the dispute. (Education Code 48853.5)

CSBA NOTE: A district that operates an intersession program is required to grant priority access to a foster youth, pursuant to Education Code 48853.5. If any such student will be moving during an intersession period, the student's educational rights holder, or Indian custodian in the case of an Indian child, shall determine which school the student attends for the intersession period.

When the district offers an intersession program, priority access shall be given to students who are foster youth. If a foster student will be moving during an intersession period, the student's educational rights holder, or Indian custodian in the case of an Indian child, shall determine which school the student attends for the intersession period. (Education Code 48853.5)

Transportation

CSBA NOTE: Pursuant to Education Code 48853.5, a district may, but is not required to, provide transportation to enable a foster youth to attend a school or school district of origin, except when it is otherwise required by federal law or pursuant to the individualized education program of a student with a disability. In accordance with 20 USC 6312, districts are mandated to collaborate with the local child welfare agency to develop clear written procedures governing how transportation will be provided, arranged, and funded to enable foster youth to attend their school of origin, when it is in their best interest to do so. The local child welfare agency may reimburse the district for any additional costs of such transportation, or the district may agree to pay for or share the costs with the child welfare agency. The following section may be revised to reflect the procedures established in collaboration with the child welfare agency, or such procedures may be incorporated into a memorandum of understanding or other document.

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

CSBA NOTE: Pursuant to Education Code 39807.5, as amended by AB 181, districts that provide home-to-school transportation and other transportation as expressly provided by law, and charge fees for such transportation, are required to waive transportation fees for foster youth. See BP 3250 - Transportation Fees and AR 3260 - Fees and Charges.

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

Effect of Absences on Grades

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

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

Transfer of Coursework and Credits

CSBA NOTE: The following section is for use by districts maintaining high schools. Education Code 51225.2, as amended by SB 532 (Ch. 918, Statutes of 2022), addresses the transferability of coursework and credits completed by foster youth, as provided below.

Education Code 51225.2, as amended by SB 532, requires the transferring school to include in the foster youth's educational record a determination of days of enrollment and/or seat time and an official transcript with full and partial credits and grades earned, or any measure of full or partial coursework being satisfactorily completed.

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

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

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

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

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

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

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

CSBA NOTE: Pursuant to Education Code 51225.2, districts are not authorized to require a foster youth who has completed an entire course to retake the course.

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

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

CSBA NOTE: Although Education Code 51225.2 requires districts to award partial credits to foster youth who transfer from school to school, there is no uniform system for calculating and awarding partial credits. To ensure consistency in the treatment of foster youth, the California Child Welfare Council (CCWC), in its, "Partial Credit Model Policy and Practice Recommendations," available on its web site, recommends the approach be transferred as specified in the following optional paragraph, which may be revised to reflect district practice: Education Code 51225.2 and Board Policy and Administrative Regulation 6146.3 – Reciprocity of Academic Credit.

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

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

Applicability of Graduation Requirements

CSBA NOTE: The following section is for use by districts maintaining high schools. Also see BP 6146.1 - High School Graduation Requirements.

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

However, when a foster youth who has completed the second year of high school transfers into the district from another school district or transfers between high schools within the district, the foster youth shall be exempted from all district-established coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to

complete the additional requirements in time to graduate from high school by the end of the fourth year of high school. Within 30 calendar days of the foster youth's transfer, the Superintendent or designee shall notify the foster youth, the person holding the right to make educational decisions for the foster youth, and the foster youth's social worker of the availability of the exemption and whether the foster youth qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student is no longer a foster youth. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, to determine whether a foster youth with significant gaps in school attendance is in the third or fourth year of high school, the student's age as compared to the average age of students in the third or fourth year of high school may be used.

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

CSBA NOTE: Education Code 51225.1, as amended by SB 532, requires the district to exempt a foster youth who qualifies for an exemption from district-established graduation requirements, under the circumstances described below.

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

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, the district is required to reevaluate a foster youth's eligibility for an exemption from district-established graduation requirements, as described below

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

If, upon reevaluation, it is determined that the foster youth is not reasonably able to complete the

district-established graduation requirements in time to graduate from high school by the end of the foster youth's fourth year of high school, the Superintendent or designee shall provide the foster youth with the option to receive an exemption from district-established graduation requirements or stay in school for a fifth year to complete the district-established graduation requirements upon agreement with the foster youth, or if under 18 years of age, the person holding the right to make educational decisions for the foster youth, and provide notifications in accordance with Education Code 51225.1. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, the district is required to consult with a foster youth who is granted an exemption from district-established graduation requirements and the person holding the right to make educational decisions for the foster youth, as described below.

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

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

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

CSBA NOTE: Education Code 51225.1 prohibits the district from requiring a foster youth who is eligible for an exemption from district-established graduation requirements from accepting the exemption or being denied enrollment, as described below.

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

CSBA NOTE: Education Code 51225.1 prohibits the district from revoking a foster youth's exemption from district-established graduation requirements.

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

CSBA NOTE: Pursuant to Education Code 51225.1, the district may not require or request a foster youth who is exempted from district-established graduation requirements and completes statewide coursework requirements before the end of the foster youth's fourth year or high school to graduate early, as described below.

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

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, if the district determines that a foster youth who is eligible for the exemption from district-established graduation requirements is reasonably able to complete those requirements in time to graduate from high school by the end of the foster youth's fifth year, the district is required to provide the following.

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

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

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, until January 1, 2028, when a foster youth who has completed the second year of high school transfers into the district from another school district or transfers between high schools within the district, and is not reasonably able to complete the district-established graduation requirements, but is reasonably able to complete the statewide coursework requirements within the foster youth's fifth year of high school, the district is required to exempt the foster youth from the district-established graduation requirements and provide the foster youth with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, consultation with the foster youth and the person holding the right to make educational decisions for the foster youth is required, as provided below.

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

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

Applicability of Graduation Requirements

A foster student who transfers to a district school shall be expected to complete all courses and fulfill graduation requirements as specified in Board Policy 6146.1 - High School Graduation Requirements, unless the student has completed the second year of high school and thereby exempted from such requirements in accordance with Education Code 51225.1.

Eligibility for Extracurricular Activities

CSBA NOTE: Education Code 48850 provides that, when a foster youth's residence changes pursuant to a court order or decision of a child welfare worker, the student shall be immediately deemed to meet all residency requirements for participation in extracurricular activities and interscholastic sports. For additional information about eligibility requirements, see BP 6145 - Extracurricular and Cocurricular Activities.

A foster youth whose residence changes pursuant to a court order or decision of a child welfare worker shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

Notification and Complaints

CSBA NOTE: Education Code 48853, 49069.5, 51225.1, and 51225.2 require that the district's annual uniform complaint procedures notification include specified information regarding the educational rights of foster youth. See AR 1312.3 - Uniform Complaint Procedures for further information regarding this notification. Pursuant to Education Code 48853.5, the California Department of Education (CDE), in consultation with the California Foster Youth Education Task Force, developed a standardized notice of the educational rights of foster youth, available on CDE's [web site](#) website.

Information regarding the educational rights of foster youth shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

CSBA NOTE: Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2 provide that complaints of noncompliance with specified requirements related to the education of foster youth may be filed in accordance with the uniform complaint procedures specified in 5 CCR 4600-4670. As with other complaints covered under the uniform complaint procedures, a complainant may appeal the district's decision to CDE and, if the district or CDE finds any merit in the complaint, the district **mustis required to** provide a remedy to the affected student. See BP/AR 1312.3 - Uniform Complaint Procedures.

Any complaint alleging that the district has not complied with requirements regarding the education of foster youth may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. If the district finds merit in a complaint, the district shall provide a remedy to the affected student. A complainant not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE) and shall receive a written decision regarding the appeal within 60 days of CDE's receipt of the appeal. If CDE finds merit in an appeal, the district shall provide a remedy to the affected student. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

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

State	Description
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 39807.5	Payment of transportation costs by parents/guardians; waiver for foster youth
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 42920-42926	Foster children educational services
Ed. Code 48645-48647	Juvenile court schools
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48915.5	Recommended expulsion; foster youth with disabilities
Ed. Code 48918.1	Notice of recommended expulsion
Ed. Code 49061	Definitions; directory information
Ed. Code 49069.5	Students in foster care; grades and credits
Ed. Code 49076	Access to student records
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 56055	Rights of foster parents pertaining to foster youth's education
<u>W&I Code 10553.1</u>	<u>Indian and tribal organizations</u>
H&S Code 120341	Foster youth; school placement and immunization records
H&S Code 1522.41	Training and certification of group home administrators
W&I Code 16000-16014	Foster care placement
W&I Code 300	Minors subject to jurisdiction
W&I Code 309	Investigation and release of child
W&I Code 317	Appointment of legal counsel
W&I Code 361	Limitations on parental control
W&I Code 366.27	Educational decision by relative providing living arrangements
W&I Code 602	Minors violating law; ward of court

W&I Code 726

Limitations on parental control

W&I Code 727

Order of care; ward of court

Federal

Description

20 USC 1415

Procedural safeguards

20 USC 6311

State plan

29 USC 794

Rehabilitation Act of 1973; Section 504

42 USC 11431-11435

McKinney-Vento Homeless Assistance Act

42 USC 670-679b

Federal assistance for foster care programs

Management Resources

Description

Alliance for Children's Rights Publication

Foster Youth Education Toolkit, December 2016

California Child Welfare Council
Publication

Partial Credit Model Policy and Practice Recommendations,
September 2013

California Foster Youth Education Task
Force Pub

California Foster Youth Education Law Fact Sheets, January
2021

Cities, Counties and Schools Partnership
Pub.

Our Children: Emancipating Foster Youth, A Community
Action Guide

CSBA Publication

Our Foster Youth: What School Boards Can Do, May 2016

CSBA Publication

Foster Youth: Supports for Success, Governance Brief, May
2016

U.S. Department of Education
Publication

Ensuring Educational Stability for Children in Foster Care,
Non-Regulatory Guidance, June 2016

Website

CSBA District and County Office of Education Legal Services

Website

Alliance for Children's Rights

Website

Foster Ed

Website

National Center for Youth Law

Website

California Department of Education, Foster Youth Services

Website

California Department of Social Services, Foster Youth
Ombudsman Office

Website

California Foster Youth Education Task Force

Website

California Youth Connection

Website

Cities Counties and Schools Partnership

Website

CSBA

Cross References

Code	Description
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
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
3100	Budget
3100	Budget
3250	Transportation Fees
3250	Transportation Fees
3260	Fees And Charges
3260	Fees And Charges
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3540	Transportation
3541	Transportation Routes And Services
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals

4131	Staff Development
4231	Staff Development
4331	Staff Development
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5116.2	Involuntary Student Transfers
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5123	Promotion/Acceleration/Retention
5123	Promotion/Acceleration/Retention
5125	Student Records
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5132	Dress And Grooming
5132	Dress And Grooming

5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.26	Tuberculosis Testing
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.6	School Health Services
5141.6	School Health Services
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
5145.9	Hate-Motivated Behavior
5147	Dropout Prevention
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6000	Concepts And Roles
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities

6145.2	Athletic Competition
6145.2	Athletic Competition
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6159	Individualized Education Program
6159	Individualized Education Program
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.4	Behavioral Interventions For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children

6174	Education For English Learners
6174	Education For English Learners
6177	Summer Learning Programs
6179	Supplemental Instruction
6184	Continuation Education
6184	Continuation Education
6190	Evaluation Of The Instructional Program
9320	Meetings And Notices

Policy 6173.2: Education Of Children Of Military Families

Status: ADOPTED

Original Adopted Date: 11/01/2009 | **Last Revised Date:** ~~10/02/01/2017~~2026 | **Last Reviewed Date:** ~~10/02/01/2017~~2026

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

Pursuant to Education Code 51255, the California Department of Education (CDE) is required to establish a California Purple Star School Designation Program to reduce the burden on military-connected students and their families by (1) articulating the most critical transition supports for military-connected students and their families, (2) publicly recognizing and designating public schools that meet certain requirements, and (3) signaling which schools are the most committed and best equipped to meet military-connected students, and their families', unique needs.

The Governing Board recognizes that children of military families face challenges to their academic success caused by the frequent moves or deployments of their parents/guardians in fulfillment of military service. The district shall provide such students with academic resources, services, and opportunities for extracurricular and enrichment activities that are available to all district students.

CSBA NOTE: Pursuant to Education Code 49700-49704, the Interstate Compact on Educational Opportunity for Military Children is applicable to California school districts. Education Code 49700-49701 establish uniform means of assisting children of military families, as defined in the accompanying administrative regulation, by reducing or eliminating the barriers to their educational success caused by the frequent moves and deployments of their parents/guardians. Among other things, Education Code 49701 requires that districts be flexible in applying certain local rules to such students in order to facilitate their enrollment, placement, advancement, eligibility for extracurricular activities, and on-time graduation.

The Superintendent or designee may waive district policies or rules when necessary to facilitate the enrollment, placement, advancement, eligibility for extracurricular activities, or on-time graduation of children of military families, in accordance with the Interstate Compact on Educational Opportunity for Military Children as ratified in Education Code 49700-49704.

CSBA NOTE: The following optional paragraph reflects a recommendation in the California Department of Education's (CDE) CDE's, "Final Report to the Legislature on the Interstate Compact on Educational Opportunity for Military Children."

The Superintendent or designee shall provide information and/or training to administrators, other appropriate district staff, and military families regarding the provisions of the Interstate Compact and the educational rights of children of military families.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Each branch of the military appoints school liaison officers or comparable positions to serve as the primary point of contact for school-related matters. Their duties include coordinating with local school systems and assisting military families with school issues.

The Superintendent or designee shall collaborate with parents/guardians, school liaison officers from military installations, and/or other agencies within and outside the state to facilitate the transition of children of military families into and out of the district.

CSBA NOTE: The following paragraph may be revised to reflect district practice. Pursuant to 20 USC 6311, as amended by the Every Student Succeeds Act (P.L. 114-95), states and districts are required to issue an annual report card which mustis required to include state achievement results for students who have parents/guardians who are members of the Armed Forces on active duty or full-time National Guard duty. The CDE has updated the California Longitudinal Pupil Achievement Data System to indicate such students. These students will be assigned a national identification number that will facilitate monitoring of their academic progress as they move across military bases and from state to state.

The Superintendent or designee shall annually report to the Board and the public on the educational outcomes of children of military families. Such reports may include, but are not limited to, school attendance, student achievement test results, promotion and retention rates by grade levels, and graduation rates.

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State	Description
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 35160.5	District policies; rules and regulations
Ed. Code 35179	Interscholastic athletics; associations or consortia
Ed. Code 35181	Governing board authority to set policy on responsibilities of students
Ed. Code 35351	Assignment of students to particular schools
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48050-48054	Nonresidents
Ed. Code 48200-48208	Children ages 6-18; compulsory full-time attendance
Ed. Code 48300-48316	Student attendance alternatives; school district of choice program
<u>Ed. Code 49603</u>	<u>Military services; definition</u>
Ed. Code 49700-49704	Education of children of military families
<u>Ed. Code 51225.1</u>	<u>Exemptions from graduation requirements</u>
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements

Ed. Code 51240-51246

Exemptions from requirements

Ed. Code 51250-51251

Assistance to military dependents

[Ed. Code 51255](#)

[Purple star school designation program](#)

[Ed. Code 56325](#)

[Unofficial transcripts for transfer students](#)

Ed. Code 66204

Certification of high school courses as meeting university admission criteria

Federal

Description

10 USC 101

Definitions

10 USC 1209

Transfer to inactive status list instead of separation

10 USC 1211

Members on temporary disability retired list: return to active duty; promotion

20 USC 1400-1482

Individuals with Disabilities Education Act

20 USC 6311

State plan

29 USC 794

Rehabilitation Act of 1973; Section 504

Management Resources

Description

California Child Welfare Council
Publication

Partial Credit Model Policy and Practice Recommendations,
September 2013

California Department of Education
Publication

Final Report to the Legislature on the Interstate Compact on
Educational Opportunity for Military Children, April 2014

Website

CSBA District and County Office of Education Legal Services

Website

Military Interstate Children's Compact Commission

Website

California Department of Education, Educational Options
Office

Website

CSBA

Website

California Child Welfare Council

Cross References

Code

Description

0500

Accountability

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

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4231	Staff Development
4331	Staff Development
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
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5111	Admission
5111.1	District Residency
5111.1	District Residency
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5123	Promotion/Acceleration/Retention
5123	Promotion/Acceleration/Retention
5125	Student Records
5125	Student Records
5141	Health Care And Emergencies
5141	Health Care And Emergencies
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Regulation 6173.2: Education Of Children Of Military Families

Status: ADOPTED

Original Adopted Date: 03/01/2016 | Last Revised Date: ~~12/02/01/2018~~2026 | Last Reviewed Date: ~~12/02/01/2018~~2026

CSBA NOTE: The following administrative regulation is optional. Pursuant to Education Code 49701, districts are required to be flexible in applying their local rules to children of military families in order to facilitate their enrollment, placement, advancement, eligibility for extracurricular activities, and on-time graduation.

~~In addition~~ Additionally, Education Code 51251 authorizes the Governing Board to establish a course credit transfer policy, provided that, under the policy, students would still be substantially meeting district graduation requirements. Pursuant to Education Code 51251, the district may provide early entry transfer, pretranscript evaluation, student support services, and other similar assistance to any school-aged child of a military service member who is on active duty, or within one year of discharge, or when the student's transfer to a new school is a direct result of the military transfer or discharge of a parent/guardian.

Definitions

Children of military families are school-aged children in the household of: (Education Code 49701)

1. Members who are in full-time duty status in the active uniformed service of the United States, including any member of the National Guard and Reserve on active duty order pursuant to 10 USC 1209 or 1211
2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired, for one year after their medical discharge or retirement
3. Members of the uniformed services who have died while on active duty or as a result of injuries sustained on active duty, for one year after their death

CSBA NOTE: Pursuant to Education Code 49701, for purposes of the Interstate Compact on Educational Opportunity for Military Children, "uniformed services" includes the United States Space Force.

Uniformed services means the United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration and the United States Public Health Services. (Education Code 49071)

Enrollment and Residency

The Superintendent or designee shall facilitate the enrollment of children of military families and ensure that they are not placed at a disadvantage due to difficulty in the transfer of their records from previous school districts and/or variations in entrance or age requirements. (Education Code 49701)

A child of a military family shall be deemed to meet district residency requirements if the parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within the state. The Superintendent or designee shall accept electronic submission of such a student's application for enrollment, including enrollment in a specific school or program within the district, and for course registration. (Education Code 48204.3)

CSBA NOTE: Pursuant to Education Code 56325, as amended by AB 1412 (Ch. 453, Statutes of 2025), when a child of a military family who is a student with disabilities enrolls in the district, the district is required to accept unofficial records provided by the student's parent/guardian pending validation by the official records, in accordance with the requirements of the Interstate Compact on Educational Opportunity for Military Children.

When a child of a military family is transferring into the district, the Superintendent or designee shall enroll the student based on unofficial education records, if official records are not yet available. Upon enrollment, the Superintendent or designee shall immediately request the student's official records from the student's previous district. The Superintendent or designee shall allow the student 30 days from the date of enrollment to obtain all required immunizations. (Education Code 49701, 56325)

~~CSBA NOTE: Education Code 48204.6, as added by AB 2949 (Ch. 327, Statutes of 2018), requires districts to allow a child of a military family to continue attending the school of origin (i.e., the school in which the student is enrolled at the time that a change in residence occurs), as specified below.~~ If the child of a military family is a student with disabilities, the district shall take reasonable steps to promptly obtain, from the previous school in which the student was enrolled, the student's records, including the individualized education program (IEP) and supporting documents and any other records relating to the provision of special education and related services to the student. (Education Code 56325)

A child of a military family shall be allowed to continue attending the school of origin, regardless of any change of residence of the family during that school year, for the duration of the student's status as a child of a military family. (Education Code 48204.6)

CSBA NOTE: The following paragraph may be revised to reflect the grade levels offered by the district and feeder patterns with other districts. Unified school districts and high school districts may delete ~~item~~ Item #2 below.

To provide a child of a military family the benefit of matriculating with peers in accordance with the established feeder patterns of the district, the following shall apply: (Education Code 48204.6)

1. If the student is transitioning between grade levels, the student shall be allowed to continue in the school district of origin in the same school attendance areas:
2. If the student is transitioning to a middle or high school and the school designated for matriculation is in another district, the student shall be allowed to continue to the school designated for matriculation in that school district:

The principal or designee of the new school shall ensure that the student is immediately enrolled even if the student has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended or is unable to produce clothing or records normally required for enrollment, such as previous academic records, medical records, including, but not limited to, records or other proof of immunization history pursuant to Health and Safety Code 120325-120480, proof of residency, other documentation, or school uniforms. (Education Code 48204.6)

CSBA NOTE: Items #1-2 may be revised to reflect the grade levels offered by the district.

If the student's status changes during a school year due to the end of military service of the student's parent/guardian, the following shall apply: (Education Code 48204.6)

1. If the student is in grades K-8, the student shall be allowed to continue attending the school of origin through the duration of that academic school year:
2. If the student is in high school, the student shall be allowed to continue attending the school of origin through graduation:

CSBA NOTE: Pursuant to Education Code 48307, a district ~~must~~ may not deny a student whose parent/guardian is on active military duty from transferring out of the district to any other district. ~~In addition~~ Additionally, Education Code 46600 provides that a district ~~must~~ may not prohibit the transfer of such a student out of the district to any other district that approves the transfer, regardless of whether ~~or not~~ an interdistrict transfer agreement exists or a permit is issued. ~~Also~~ For more information regarding interdistrict attendance, see BP 5117 - Interdistrict Attendance.

A child of an active military duty parent/guardian shall not be prohibited from transferring out of the district, if the school district of proposed enrollment approves the application for transfer. (Education Code 46600, 48307)

When a child of a military family is transferring out of the district, the Superintendent or designee

shall provide the student's parents/guardians with a complete set of the student's records or, if the official student record cannot be released, an unofficial or "hand-carried" record. Upon request from the new district, the Superintendent or designee shall provide a copy of the student's record to the new district within 10 days. (Education Code 49701)

Transportation

CSBA NOTE: Education Code 48204.6, as added by AB 2949, does not require the district to provide transportation to allow a child of a military family to attend the school of origin, as specified above, unless otherwise required by federal law.

The Superintendent or designee may, but is not required to, provide transportation to enable a child of a military family to attend the school of origin or to matriculate to a feeder school as described above, except when indicated in the individualized education program (IEP) of a student with a disability or otherwise required by federal law. (Education Code 48204.6)

Placement

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Pursuant to Education Code 51251, the district may provide pretranscript evaluations, as described below, in order to address the needs of children of military families.

Whenever a student's parent/guardian is serving on active duty or has been discharged from military service within the last year and the student transfers to a new school as the direct result of the military transfer or discharge, the Superintendent or designee may, prior to the receipt of official transcript(s) or the arrival of the student, review the student's coursework to date, including any unofficial transcript(s), to determine the appropriate placement of the student in classes. The evaluation shall also include communication with school counselors and teachers at the former school by videoconferencing, email, and/or telephone calls. (Education Code 51251)

The Superintendent or designee shall initially honor the placement of any child of a military family in educational courses and programs based on the student's enrollment and/or assessment in the previous school. The Superintendent or designee may, to the extent permitted by Board policy, waive course or program prerequisites, preconditions, and/or application deadlines when making decisions regarding placement of children of military families and their eligibility for extracurricular academic, athletic, and social activities. (Education Code 49701)

CSBA NOTE: Pursuant to Education Code 49701, the district is required to provide a child of a military family who has been identified as a student with a disability eligible for services under the Individuals with Disabilities Education Act (20 USC 1400-1482) or Section 504 of the federal Rehabilitation Act (29 USC 794) with services based on the student's current individualized education program or Section 504 plan, as appropriate. See BP/AR 6159 - Individualized Education Program and BP/AR 6164.6 - Identification and Education Under Section 504.

When a child of a military family transferring into the district has been identified as an individual with a disability pursuant to 20 USC 1400-1482, the Superintendent or designee shall provide comparable services based on the student's current IEP. ~~In addition~~**Additionally**, when the child of a military family transferring into the district is eligible for services under Section 504 of the federal Rehabilitation Act, the Superintendent or designee shall make reasonable accommodations and modifications to address the needs of the student subject to the student's existing Section 504 plan. The district may authorize subsequent evaluations of the student to ensure appropriate placement. (Education Code 49701)

Transfer of Coursework and Credits

CSBA NOTE: The following section is for use by districts maintaining high schools.

~~When a child of a military family transfers into a district school, the district shall accept and issue full credit for any coursework that the student has satisfactorily completed while attending another public school, a nonpublic, nonsectarian school or agency, or a juvenile court school and shall not require the student to retake the course. (Education Code 51225.2)~~

~~If the student did not complete the entire course, the student shall be issued partial credit for the coursework completed and shall be required to take only the portion of the course not completed at the previous school. However, the district may require the student to retake the portion of the course completed if, in consultation with the student's parent/guardian, the district finds that the student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued, the student shall be enrolled in the same or equivalent course, if applicable, so that the student may continue and complete the entire course. (Education Code 51225.2)~~

CSBA NOTE: Although Education Code 51225.2 requires districts to award partial credits to children of military families who transfer between schools, there is no uniform system for calculating and awarding partial credits. The following optional paragraph reflects a recommendation for how to award partial credit by the California Child Welfare Council's Partial Credit Model Policy and Practice Recommendations and should be revised to reflect district practice.

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject.

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

When a child of a military family transfers into a district school, the student's coursework and credits shall be transferred as specified in Education Code 51225.2 and Board Policy and Administrative Regulation 6146.3 – Reciprocity of Academic Credit.

Absences

CSBA NOTE: The California Department of Education's (CDE), "Final Report to the Legislature on the Interstate Compact on Educational Opportunity for Military Children," available on its [website](#), contains a sample letter that may be provided to parents/guardians to report deployment-related absences.

When a student's parent/guardian is an active duty member and is called to duty for, is on leave from, or is immediately returned from deployment to a combat zone or to combat support posting, the Superintendent or designee may grant additional excused absences to the student to visit with the parent/guardian. (Education Code 49701)

Graduation Requirements

CSBA NOTE: [The following section is for use by districts maintaining high schools.](#)

To obtain a high school diploma, a child of a military family shall [be expected to](#) complete all courses required by Education Code 51225.3 and shall generally fulfill any additional graduation requirements prescribed by the Governing [as specified in](#) Board:

However, when a child of a military family who [Policy 6146.1 - High School Graduation Requirements, unless the student](#) has completed the second year of high school transfers into the district from another school district or transfers between high schools within the district, the student shall be [and thereby](#) exempted from all district-adopted coursework and other district-established graduation [such](#) requirements that are in addition to the statewide coursework requirements specified in Education Code 51225.2, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of the fourth year of high school. Within 30 calendar days of the student's transfer, the Superintendent or designee shall notify the student and parent/guardian of the availability of the exemption and whether the student qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student no longer meets the definition of a child of a military family pursuant to Education Code 49701. (Education Code 51225.1)

To determine whether a child of a military family is in the third or fourth year of high school, the district shall use either the number of credits earned as of the date of the transfer or the length of school enrollment, whichever qualifies the student for the exemption. [\(in accordance with](#) Education Code 51225.1)

The Superintendent or designee shall notify any child of a military family who is granted an exemption and the student's parent/guardian how any requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.1)

The district shall not require or request a child of a military family to transfer schools in order to qualify for an exemption; and no child of a military family or parent/guardian shall be permitted to request a transfer solely to qualify for an exemption. (Education Code 51225.1)

If a child of a military family is exempted from local graduation requirements, the exemption shall continue to apply after the student no longer meets the definition of a child of a military family while enrolled in school or upon transfer to another school or school district. (Education Code 51225.1)

If the Superintendent or designee determines that a child of a military family is reasonably able to complete district graduation requirements within a fifth year of high school, the Superintendent or designee shall: (Education Code 51225.1)

1. Inform the student and, if under 18 years of age, the student's parent/guardian of the option available to the student to remain in school for a fifth year to complete the district's graduation requirements and how that will affect the student's ability to gain admission to a postsecondary educational institution
2. Provide information to the student about transfer opportunities available through the California Community Colleges
3. Upon agreement with the student, or with the parent/guardian if the student is under 18 years of age, permit the student to stay in school for a fifth year to complete the district's graduation requirements

Notification and Complaints

CSBA NOTE: Education Code 51225.1 and 51225.2 provide that complaints of noncompliance with specified requirements related to the educational rights of children of military families may be filed in accordance with the uniform complaint procedures specified in 5 CCR 4600-4670. As with other complaints covered under the uniform complaint procedures, a complainant may appeal the district's decision to CDE and, if the district or CDE finds any merit in the complaint, the district must provide a remedy to the affected student. See BP/AR 1312.3 - Uniform Complaint Procedures.

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

Any complaint alleging that the district has not complied with requirements regarding the education

of children of military families, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures.

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

State	Description
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 35160.5	District policies; rules and regulations
Ed. Code 35179	Interscholastic athletics; associations or consortia
Ed. Code 35181	Governing board authority to set policy on responsibilities of students
Ed. Code 35351	Assignment of students to particular schools
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48050-48054	Nonresidents
Ed. Code 48200-48208	Children ages 6-18; compulsory full-time attendance
Ed. Code 48300-48316	Student attendance alternatives; school district of choice program
<u>Ed. Code 49603</u>	<u>Military services; definition</u>
Ed. Code 49700-49704	Education of children of military families
<u>Ed. Code 51225.1</u>	<u>Exemptions from graduation requirements</u>
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51240-51246	Exemptions from requirements
Ed. Code 51250-51251	Assistance to military dependents
<u>Ed. Code 51255</u>	<u>Purple star school designation program</u>
<u>Ed. Code 56325</u>	<u>Unofficial transcripts for transfer students</u>
Ed. Code 66204	Certification of high school courses as meeting university admission criteria
Federal	Description
10 USC 101	Definitions

10 USC 1209	Transfer to inactive status list instead of separation
10 USC 1211	Members on temporary disability retired list: return to active duty; promotion
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 6311	State plan
29 USC 794	Rehabilitation Act of 1973; Section 504

Management Resources

California Child Welfare Council
Publication

California Department of Education
Publication

Website

Website

Website

Website

Website

Description

Partial Credit Model Policy and Practice Recommendations,
September 2013

Final Report to the Legislature on the Interstate Compact on
Educational Opportunity for Military Children, April 2014

CSBA District and County Office of Education Legal Services

Military Interstate Children's Compact Commission

California Department of Education, Educational Options
Office

CSBA

California Child Welfare Council

Cross References

Code

0500

1312.3

1312.3

1312.3-E(1)

1312.3-E(2)

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Regulation 6173.3: Education For Juvenile Court School Students

Status: ADOPTED

Original Adopted Date: 12/01/2016 | **Last Revised Date:** ~~12/02/01/2023~~2026 | **Last Reviewed Date:** ~~12/02/01/2023~~2026

CSBA NOTE: The following optional administrative regulation is for use by districts that maintain secondary schools. Juvenile court schools are operated by county offices of education pursuant to Education Code 48645-48650 and serve students who are under the protection or authority of the county juvenile justice system. Pursuant to Education Code 48645.2, such schools may be administered either by the County Superintendent of Schools or by the ~~board~~Governing Board of the district in which the juvenile court school is located, through a contract between the County Board of Education and the district's ~~governing~~ board.

Education Code 48647, 51225.1, and 51225.2, establish educational rights of former juvenile court school students who transition into a district school. These include rights related to the immediate enrollment of such students, the immediate transfer of educational records, the transfer of coursework and credits, the option to remain in school for a fifth year to complete graduation requirements upon agreement with the student or the student's educational rights holder, and exemption from district-established graduation requirements under certain conditions. For more information regarding high school graduation requirements and exemptions from such requirements, see BP 6146.1 - High School Graduation Requirements and AR 6146.3 - Reciprocity of Academic Credit.

The following optional paragraph reflects the intent expressed in Education Code 48647 to encourage collaboration between the district and county agencies to ensure effective communication, enrollment, and placement practices.

The Superintendent or designee shall collaborate with the County Superintendent of Schools and the county probation department to facilitate the transition of students from a juvenile court school into the regular schools of the district. Such collaboration may include, but not be limited to, the development of data-sharing systems, communication strategies, and other structures that aid in the enrollment, placement, and continuous educational progress of such students.

Enrollment

CSBA NOTE: Education Code 48645.5 requires the immediate enrollment of a student who has had contact with the juvenile justice system. Pursuant to Education Code 48645.5 and 48853.5, such a student ~~must~~is required to be enrolled even if the student (1) has outstanding fees, fines, textbooks, or other items or monies due to the previous school, (2) does not have clothing normally required by the school, such as school uniforms, or (3) is unable to produce records normally required for enrollment.

A former juvenile court school student transferring into a regular district school shall be immediately enrolled in the school. The Superintendent or designee shall not deny enrollment to a student solely on the basis of an arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other contact with the juvenile justice system. (Education Code 48645.5)

Transfer of Coursework and Credits

CSBA NOTE: The following section is for use by districts maintaining high schools. Education Code 51225.2, as amended by SB 532 (Ch. 918, Statutes of 2022), addresses the transferability of coursework and credits completed by a student enrolled in a juvenile court, as provided below.

Education Code 51225.2, as amended by SB 532, requires the transferring school to include in the student's educational record a determination of days of enrollment and/or seat time and an official transcript with full and partial credits earned, or any measure of full or partial coursework being satisfactorily completed.

CSBA NOTE: The following section is for use by districts maintaining high schools.

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

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

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

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

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

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

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

CSBA NOTE: Pursuant to Education Code 51225.2, districts may not require a student who has completed an entire course to retake the course.

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

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

CSBA NOTE: The following paragraph should be revised to reflect district practice, consistent with district policy related to partial credit awarded to homeless students and foster youth. Although Education Code 51225.2 requires districts to award partial credits to former juvenile court school students who transfer from school to school, there is no uniform system for calculating and awarding partial credits. The following paragraph reflects a recommendation in the California Child Welfare Council's Partial Credit Model [transferred as specified in Education Code 51225.2 and Board Policy and Practice Recommendations](#) and is consistent with the approach provided in AR 6173 - Education for Homeless Children and AR 6173.1 - Education for Foster Youth. [Administrative Regulation 6146.3 - Reciprocity of Academic Credit.](#)

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject.

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

Applicability of Graduation Requirements

CSBA NOTE: [The following section is for use by districts maintaining high schools.](#)

If a student completes district graduation requirements while being detained in a juvenile facility, the district shall issue the student a diploma from the school the student last attended, unless the County Superintendent issues the diploma. (Education Code 48645.5)

CSBA NOTE: The remainder of this section addresses the completion of graduation requirements by students who transfer from a juvenile court school to a district school after completing two years of high school. Education Code 51225.1 exempts such students from district-established graduation requirements under certain conditions.

A student who transfers to a district school from a juvenile court school shall generally be expected to complete all courses required by Education Code 51225.3 and to fulfill any additional graduation requirements prescribed by the Governing Board.

However, when a student who has completed the second year of high school transfers from a juvenile court school into a district school, the student shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of the student's fourth year of high school. Within 30 calendar days of the student's transfer, the Superintendent or designee shall notify the student, the student's educational rights holder, and the student's social worker or probation officer of the availability of the exemption and whether the student qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the termination of the court's jurisdiction over the student. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, to determine whether a student with significant gaps in school attendance is in the third or fourth year of high school, the student's age as compared to the average age of students in the third or fourth year of high school may be used.

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

CSBA NOTE: Education Code 51225.1, as amended by SB 532, requires the district to exempt a student who qualifies for an exemption from district-established graduation requirements, under the circumstances described below.

If a former juvenile court school student was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the student's educational rights holder may request the exemption and the Superintendent or designee shall exempt the student within 30 days of the request. A student may request the exemption even if the student is no longer a juvenile court student. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, the district is required to reevaluate a student's eligibility for an exemption from district-established graduation requirements, as described below.

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

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

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, the district is required to consult with a former juvenile court student who is granted an exemption from district-established graduation requirements and the student's educational rights holder, as described below.

When a former juvenile court student is exempted from district-established graduation requirements, the Superintendent or designee shall consult with the student and the student's educational rights holder about the following: (Education Code 51225.1)

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

The district shall not require or request a former juvenile court student to transfer schools in order to qualify for an exemption and shall not grant any request made by a former juvenile court student,

the student's educational rights holder, or the district liaison on behalf of the student, for a transfer solely to qualify for an exemption. (Education Code 51225.1)

CSBA NOTE: Education Code 51225.1 prohibits the district from requiring a student who is eligible for an exemption from district-established graduation requirements from accepting the exemption or being denied enrollment, as described below.

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

CSBA NOTE: Education Code 51225.1 prohibits the district from revoking a student's exemption from district-established graduation requirements.

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

CSBA NOTE: Pursuant to Education Code 51225.1, the district may not require or request a student who is exempted from district-established graduation requirements and completes statewide coursework requirements before the end of the student's fourth year of high school to graduate early, as described below.

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

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, if the district determines that a student who is eligible for the exemption from district-established graduation requirements is reasonably able to complete those requirements in time to graduate from high school by the end of the student's fifth year, the district is required to provide the following.

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

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

- 2.—Consult with and provide information to the student about transfer opportunities available through the California Community Colleges
- 3.—Upon agreement with the student or with the student's educational rights holder if under 18 years of age, permit the student to stay in school for a fifth year to complete the district-established graduation requirements

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, until January 1, 2028, when a student enrolled in a juvenile court school who has completed the second year of high school transfers into the district or transfers between high schools within the district, and is not reasonably able to complete the district-established graduation requirements, but is reasonably able to complete the statewide coursework requirements, within the student's fifth year of high school, the district is required to exempt the student from the district-established graduation requirements and provide the student with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, consultation with the student and the student's educational rights holder is required, as provided below.

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

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

Notification and Complaints

Information regarding the educational rights of former juvenile court school students, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint

procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)

CSBA NOTE: Education Code 51225.1 and 51225.2 provide that complaints of noncompliance with specified requirements related to the educational rights of former juvenile court school students may be filed in accordance with the uniform complaint procedures specified in 5 CCR 4600-4670. As with other complaints covered under the uniform complaint procedures, a complainant may appeal the district's decision to the California Department of Education (CDE) and, if the district or CDE finds any merit in the complaint, the district must provide a remedy to the affected student. See BP/AR 1312.3 - Uniform Complaint Procedures.

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

A former juvenile court school student who transfers to a district school shall be expected to complete all courses and fulfill graduation requirements as specified in Board Policy 6146.1 - High School Graduation Requirements, unless the student has completed the second year of high school and thereby exempted from such requirements in accordance with Education Code 51225.1.

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Policy Reference Disclaimer:

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State	Description
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 48645-48650	Juvenile court schools
Ed. Code 48853.5	Immediate enrollment
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
W&I Code 602	Minors violating law; ward of court
W&I Code 880-893	Wards and dependent children; juvenile homes, ranches and camps
Management Resources	Description
California Child Welfare Council Publication	Partial Credit Model Policy and Practice Recommendations, September 2013
Website	CSBA District and County Office of Education Legal Services

Website	California Child Welfare Council
Website	California Department of Education, Juvenile Court Schools
Website	CSBA
Website	Youth Law Center
Youth Law Center Publication	Educational Injustice: Barriers to Achievement and Higher Education for Youth in California Juvenile Court Schools, 2016

Cross References

Code	Description
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5125	Student Records
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5132	Dress And Grooming
5132	Dress And Grooming
5141.26	Tuberculosis Testing
5141.31	Immunizations
5141.31	Immunizations
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
6143	Courses Of Study
6143	Courses Of Study

6146.1

High School Graduation Requirements

6146.3

Reciprocity of Academic Credit

6146.3

Reciprocity of Academic Credit

Policy 6173.4: Education For American Indian Students

Status: ADOPTED

Original Adopted Date: 06/01/2023 | **Last Revised Date:** 02/01/2026 | **Last Reviewed Date:**
~~06/01/2023~~2026

CSBA NOTE: The following policy may be revised to reflect district practice. Districts that receive federal Title VI Indian education funding (20 USC 7401-7492), which supports local educational agencies, Indian tribes and organizations, and other entities in meeting the unique cultural, language, and educational needs of American Indian students, are **mandated** to adopt policy and procedures to ensure that the program will be operated and evaluated in consultation with, and with the involvement of, parents/guardians and family members of American Indian students and community representatives; see the section entitled, "Title VI Indian Education Program," for more information regarding this mandate, see "Title VI Indian Education Program," below.

The terms "American Indian," "Native American," and "Indian" are used in various state and federal laws but do not always refer to the same groupings of people or are not defined. For purposes of Title VI, 20 USC 7491 defines "Indians" to include Alaska natives. The following policy may be revised to reflect terminology preferred by the district and local tribes.

The Governing Board recognizes that American Indian students may have unique cultural, language, and educational needs that may be addressed by increasing student knowledge about American Indian history, including the history and culture of local tribes, and by providing American Indian students with access to education and other services necessary for such students to meet the same challenging academic standards as other students.

The Superintendent or designee shall provide all students with culturally relevant curriculum related to local American Indian tribes and implement strategies necessary for the improvement of the academic achievement of American Indian students.

CSBA NOTE: The following paragraphs address the involvement of a California Indian Education Task Force. Pursuant to Education Code 33391, as added by AB 1703 (Ch. 477, Statutes of 2022), districts are encouraged to form a California Indian Education Task Force with Indian tribes local to their region; or historically located in the region, to assist in the development of curriculum related to local tribes; and in the identification of, ~~and strategies to close,~~ any achievement gaps between American Indian students and other students in the district, and strategies to close them.

The Native American Studies Model Curriculum, available on the University of California at Davis' Native American Studies website, is a state funded comprehensive, standards-aligned curriculum dedicated to Native American Studies that offers lessons that integrate Native perspectives across academic disciplines.

In order to discuss, gain a shared understanding of, and develop curriculum for use within the district, and to identify the extent and nature of any achievement gaps between American Indian students and other district students, and strategies to address any such gaps, the district may form a California Indian Education Task Force with tribes local to the region. Participants in the task force meetings may consider issues of mutual concern, which include: (Education Code 33391)

1. Developing a thorough, shared understanding of accurate, high-quality curricular materials about the history, culture, and government of local tribes, and developing such materials for use within the district that include tribal experiences and perspectives
2. Developing a shared understanding of proper or improper instructional materials when these materials use depictions of Native Americans
3. Encouraging the adoption of the curriculum developed by the California Indian Education Task Force
4. Identifying the extent and nature of any achievement gap between American Indian students and other students, and strategies necessary to close it

If formed, the California Indian Education Task Force shall, within one year and thereafter annually, submit a report to the California Department of Education on the findings, including progress of work on Items #1-4, above. (Education Code 33391)

The Superintendent or designee shall identify American Indian students most at-risk of not meeting state academic standards and provide to such students the needed support(s), including making referrals, as appropriate, for special education services or services under Section 504 of the federal Rehabilitation Act of 1973, or other school-based services such as counseling and health services, supplemental instruction, before- or after-school services, and summer learning programs.

CSBA NOTE: Education Code 48432.5, as amended by AB 740 (Ch. 400, Statutes of 2022), provides protections for American Indian students prior to an involuntary transfer to a continuation school. Additionally, Education Code 48853.5, 48911, 48911.1, 48915.5, and 48918.1, as amended by AB 740, provide protections for American Indian students regarding suspension and expulsion proceedings and assignments to supervised suspension classrooms. In such instances, written notice must be provided to an American Indian student's tribal social worker and, if applicable, the county social worker. See AR 5144.1 - Suspension and Expulsion/Due Process, AR 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities), AR 6173.1 - Education for Foster Youth, and AR 6184 - Continuation Education.

Suspension, expulsion, assignment to a supervised suspension classroom, or involuntary transfer to a continuation school of an American Indian student shall be in accordance with law and as specified in Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process, [Administrative Regulation 5144.2 - Suspension and Expulsion/Due Process \(Students with Disabilities\)](#), and [Board Policy/Administrative Regulation 6184 - Continuation Education](#).

CSBA NOTE: Pursuant to Labor Code 3074.2, any district planning to hold a college or career fair is required to identify approved apprenticeship programs in the county and notify such programs that they are hosting a college or career fair. See BP 6164.2 - Guidance/Counseling Services and BP 6178 - Career Technical Education.

The Superintendent or designee shall provide programs to facilitate the successful transition of American Indian students to post-secondary education and employment, which may include college and career fairs in accordance with Labor Code 3074.2 as specified in [Board Policy 6164.2 - Guidance/Counseling Services and Board Policy 6178 - Career Technical Education, apprenticeship and preapprenticeship programs](#), mentorship programs, and counseling services.

As needed, the Superintendent or designee shall provide professional development to teachers and other school staff to assist them in understanding and responding to the unique needs of American Indian students.

At least annually, the Superintendent or designee shall report to the Board on the outcomes of American Indian students including, but not limited to, school attendance, student achievement test results, promotion and retention by grade level, graduation rates, and suspension/expulsion rates.

Title VI Indian Education Program

CSBA NOTE: The following section is for districts that receive Title VI funding pursuant to 20 USC 7401-7492, and should be deleted by districts that do not receive such funding.

With the assistance of federal Title VI funding for the education of children from federally recognized tribes, the district shall offer programs and activities to meet the unique cultural, language, and educational needs of American Indian students, as defined in 20 USC 7491. Program objectives and outcomes shall be based on state academic standards. (20 USC 7424)

CSBA NOTE: The following paragraphs address the involvement of parents/guardians and family members of American Indian students and community representatives in program implementation and evaluation, as ~~mandated~~ [required](#) by 20 USC 7424, and may be expanded to reflect district practice.

In developing, implementing, and evaluating Title VI programs and activities, the Superintendent or designee shall consult with and involve parents/guardians and family members of American Indian students and other community representatives. (20 USC 7424)

The district shall establish a committee that is composed of, and selected by, parents/guardians and family members of American Indian students, representatives of tribes on tribal lands located within 50 miles of any district school that serves any children of the tribes, teachers, and, if appropriate, American Indian students enrolled in secondary schools in the district. The majority of the committee shall be parents/guardians and family members of American Indian students. The committee shall participate in program development and provide written approval for the program. (20 USC 7424)

CSBA NOTE: Pursuant to 20 USC 7425, federal funding for American Indian education programs may be used for any of the services and activities listed in Items #1-13 below. The following list may be revised to reflect district practice.

The district's Title VI program for American Indian education may include any of the following services and activities: (20 USC 7425)

1. Activities that support Native American language programs and Native American language restoration programs, which may be taught by traditional leaders
2. Culturally related activities that support the district's program
3. Early childhood and family programs that emphasize school readiness
4. Enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of state academic standards
5. Integrated educational services in combination with other programs that meet the needs of American Indian students and their families, including programs that promote parent/guardian involvement in school activities and increase student achievement
6. Career preparation activities that enable American Indian students to participate in career technical education programs, including programs for mentoring and apprenticeship
7. Activities to educate individuals so as to prevent violence, suicide, and substance abuse
8. The acquisition of equipment that is essential to achieve program goals
9. Activities that promote the incorporation of culturally responsive teaching and learning strategies into the district's educational program
10. Family literacy services
11. Activities that recognize and support the unique cultural and educational needs of American Indian students, and incorporate appropriately qualified tribal elders and seniors
12. Dropout prevention strategies for American Indian students

13. Strategies to meet the educational needs of American Indian students in correctional facilities, including such strategies that support American Indian students who are transitioning from such facilities to schools served by the district

Any federal funds received to support American Indian education programs shall be used to supplement, not supplant, state or local funds allocated for such purposes. (20 USC 7424)

Program funds may be used to support a Title I schoolwide program pursuant to 20 USC 6314 if approved by the committee established pursuant to 20 USC 7424, provided that the schoolwide program is consistent with the purpose of American Indian education programs and the district's application identifies how the use of such funds in a schoolwide program will produce benefits to American Indian students that would not be achieved if not used in a schoolwide program. (20 USC 7424)

As needed, professional development shall be provided to teachers and other school staff to assist them in working with American Indian students and carrying out Title VI programs. (20 USC 7424)

The Superintendent or designee shall maintain a record of the information establishing the status of each student as an American Indian student eligible for assistance through the federal American Indian education program. (20 USC 7427)

The Superintendent or designee shall periodically assess the progress of all American Indian students, including American Indian students who do not participate in programs funded through Title VI, in meeting program goals and objectives. Assessment results shall be provided to the Board, the committee established pursuant to 20 USC 7424, tribes whose children are served by the district, and the community. (20 USC 7424)

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State

Ed. Code 33380-33384

Ed. Code 33390-33391

[Ed. Code 48432.5](#)

[Ed. Code 48853.5](#)

[Ed. Code 48911](#)

[Ed. Code 48911.1](#)

[Ed. Code 48915.5](#)

Description

California Indian Education Centers

California Indian Education Act

[Involuntary transfers](#)

[Education of foster children](#)

[Suspension or expulsion](#)

[In school suspension](#)

[Suspension or expulsion of students with disabilities](#)

[Ed. Code 48918.1](#)

[Ed. Code 48980](#)

[Ed. Code 52270](#)

[Gov. Code 8450](#)

[Labor Code 3074.2](#)

Federal

2 CFR 200.0-200.521

20 USC 1400-1482

20 USC 6314

20 USC 7401-7492

20 USC 7701-7714

29 USC 794

34 CFR 222.90-222.129

34 CFR 300.1-300.818

Management Resources

Website

[Website](#)

Website

Website

Website

Cross References

Code

0410

0415

0460

0460

0500

[Expulsion hearings](#)

[Apprenticeship programs notifications](#)

[Career fair notification](#)

[Disclosure of financial information](#)

[College and career fairs](#)

Description

Federal uniform grant guidance

Individuals with Disabilities Education Act

Title I schoolwide program

Indian education

Impact Aid

Rehabilitation Act of 1973; Section 504

Impact Aid; special provisions for local educational agencies that claim children residing on Indian lands

Individuals with Disabilities Education Act

Description

CSBA District and County Office of Education Legal Services

[U.C. Davis, Native American Studies](#)

<https://camodelcurricula.ucdavis.edu/native-american-studies>

U.S. Department of Education, Office of Impact Aid

U.S. Department of Education, Office of Indian Education

California Department of Education

Description

Nondiscrimination In District Programs And Activities

Equity

Local Control And Accountability Plan

Local Control And Accountability Plan

Accountability

1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
3230	Federal Grant Funds
3230	Federal Grant Funds
3231	Impact Aid
4131	Staff Development
4231	Staff Development
4331	Staff Development
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5116.2	Involuntary Student Transfers
5141.5	Mental Health
5141.6	School Health Services
5141.6	School Health Services
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5147	Dropout Prevention
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6120	Response To Instruction And Intervention
6162.5	Student Assessment
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams

6164.5	Student Success Teams
6171	Title I Programs
6171	Title I Programs
<u>6173.1</u>	<u>Education for Foster Youth</u>
6177	Summer Learning Programs
6178	Career Technical Education
6178	Career Technical Education
6179	Supplemental Instruction
6184	Continuation Education
6184	Continuation Education

Policy 6175: Migrant Education Program

Status: ADOPTED

Original Adopted Date: 07/01/2003 | **Last Revised Date:** ~~0302~~/01/2024~~2026~~ | **Last Reviewed**

Date: ~~0302~~/01/2024~~2026~~

CSBA NOTE: The following optional policy is for use by districts that have established migrant education programs pursuant to federal Title I, Part C (20 USC 6391-6399) and Education Code 54440-54445. In California, most districts that provide migrant education services operate pursuant to service agreements with regional service centers pursuant to Education Code 54444.1. The district submits a service application to the regional center, which then submits a regional application to the California Department of Education (CDE). The following policy and accompanying administrative regulation should be revised as necessary to reflect the district's agreement with its regional service center.

During the Federal Program Monitoring (FPM) process, CDE will review whether the district is fulfilling the major legal requirements for implementation of the program. Education Code 51225.2 describes this group of highly mobile students as "a pupil who is a migratory child" and CDE's Uniform Complaint Procedures ~~2023-24~~~~2025-26~~ FPM instrument describes this group as "pupils who are migratory²," which is reflected in the use of this description throughout the policy. The following policy may be revised to reflect terminology preferred by the district and local community.

Pursuant to Education Code 41601.6, up to two local educational agencies may request authorization from CDE to provide an extended school year program to specified students who are migratory, which includes average daily attendance funding for such students; [For more information regarding summer school and extended school year programs](#), see the accompanying administrative regulation.

The Governing Board desires to provide a comprehensive program for students who are migratory that attempts to mitigate the impact of educational disruption, cultural and language barriers, social isolation, health-related problems, and other factors that may inhibit their ability to succeed in school. The district shall make use of available funds to provide supplementary services for students who are migratory.

The Superintendent or designee shall cooperate with the regional migrant service center in outreach and identification of eligible students who are migratory and in the provision of migrant education services. ~~The~~[Additionally, the](#) Superintendent or designee shall ~~also~~ coordinate migrant education services with other programs within the district and with other public agencies that serve migrant workers and their families.

CSBA NOTE: 20 USC 6394 establishes priority for services for students who are migratory who are failing or at risk of failing to meet state standards or have dropped out of school. According to CDE's ~~2017~~~~2023~~, "State Service Delivery Plan," for purposes of establishing priority for services, students are considered to be failing or [most](#) at risk of failing to achieve state standards if they (1) score at Level 1-2 (standard not met or standard nearly met) on the English language [and/or](#) mathematics summative assessments of the California Assessment of Student Performance and Progress, or (2)

score at Levels 1-3 (beginning to moderately developed English skills) on the [California English Language Development Test](#) or the English Language Proficiency Assessments for California.

The term "qualifying move" means a move due to economic necessity (1) from one residence to another residence, and (2) from one school district to another school district, with limited exceptions.

The district shall give first priority for services to students who are migratory ~~who~~ and have made a qualifying move within the previous one year period, and are failing, or are most at risk of failing, to meet state academic standards or have dropped out of school. (20 USC 6394, [6399](#))

CSBA NOTE: 20 USC 7881 requires that eligible private school students residing within the district be provided an opportunity to receive services on an equitable basis with public school students, as provided below. See AR 6171 - Title I Programs for further information about requirements pertaining to such participation.

The district shall provide services to eligible private school students residing within the district on an equitable basis with participating public school students. (20 USC 7881; 34 CFR 200.87)

CSBA NOTE: Education Code 54443.1 requires that local migrant education programs conduct an individual assessment of the educational and health needs of each student who is migratory within 30 days of enrollment and prepare a brief individual learning plan in writing listing the services to be provided to each student; For more information regarding program components, see the accompanying administrative regulation. These duties may be performed by either the district or the regional service center depending on their agreement.

The Superintendent or designee shall ensure that each student who is migratory is placed at the appropriate grade level upon enrollment and is provided services in accordance with an individual needs assessment and learning plan.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice, including specific indicators that the Governing Board and Superintendent or designee agree to use in evaluating program effectiveness.

The Superintendent or designee shall annually report to the Board regarding student performance on statewide assessments of core academic subjects and English language development, as appropriate, for students enrolled in the district's migrant education program. ~~In addition~~ Additionally, the Superintendent or designee shall periodically report to the Board regarding the alignment of district services with the needs of students as identified in student needs assessments conducted pursuant to Education Code 54443.1. As necessary, the Board shall seek technical assistance from the migrant education regional service center and/or make changes in the services provided by the district in order to improve student achievement.

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State

5 CCR 3080

Description

Applicability of uniform complaint procedures to complaints regarding students with disabilities

5 CCR 4600-4670

Uniform complaint procedures

Ed. Code 200

Equal rights and opportunities in state educational institutions

Ed. Code 220

Prohibition of discrimination

Ed. Code 234.7

Student protections relating to immigration and citizenship status

Ed. Code 37220

School calendar

Ed. Code 41601.6

Extended school year program for migratory students

Ed. Code 48204.7

Enrollment

Ed. Code 51225.1

Exemption from district graduation requirements

Ed. Code 51225.2

Transfer of coursework and credit

Ed. Code 51225.3

High school graduation requirements

Ed. Code 54440-54445

Migrant children Students who are migratory**Federal****Description**

20 USC 6311

State plan

20 USC 6391-6399

Education of migratory children

20 USC 7881

Participation of private school students

34 CFR 200.81-200.89

Migrant education program

Management Resources**Description**California Child Welfare Council
PublicationPartial Credit Model Policy and Practice Recommendations,
September 2013California Department of Education
Publication2017 State Service Delivery Plan 2023 State Service Delivery
Plan(<https://www.cde.ca.gov/sp/me/mt/documents/ssdp2022.docx>)U.S. Department of Education
PublicationEducation of Migratory Children Under Title I, Part C of the
Elementary and Secondary Education Act of 1965, Non-
Regulatory Guidance, rev. March 2017

Website

CSBA District and County Office of Education Legal Services

Website

California Department of Education, Migrant Education
Office

Website

U.S. Department of Education, Office of Migrant Education

Website	West Ed, Migrant Student Information Network
Website	CSBA

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0500	Accountability
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
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
1445	<u>Response To Immigration Enforcement</u>
1445	<u>Response To Immigration Enforcement</u>
3553	Free And Reduced Price Meals
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Regulation 6175: Migrant Education Program

Status: ADOPTED

Original Adopted Date: 07/01/2003 | Last Revised Date: ~~0302~~/01/2024~~2026~~ | Last Reviewed Date: ~~0302~~/01/2024~~2026~~

CSBA NOTE: The following optional administrative regulation reflects requirements of the migrant education program established pursuant to federal Title I, Part C (20 USC 6391-6399) and Education Code 54440-54445 and should be revised to reflect the district's agreement with the regional service center.

Education Code 51225.2 describes this group of highly mobile students as "a pupil who is a migratory child" and the California Department of Education's (CDE) Uniform Complaint Procedures ~~2023-24~~~~2025-26~~ Federal Program Monitoring (FPM) instrument describes this group as "~~students~~pupils who are migratory," which is reflected in the use of this description throughout the administrative regulation. The following administrative regulation may be revised to reflect terminology preferred by the district and local community.

Eligibility

CSBA NOTE: Student eligibility for migrant education services is based on criteria delineated in 20 USC 6399 and 34 CFR 200.81. Eligibility is established through an interview conducted by a migrant education recruiter, who is employed by either the regional service center or district and has received specialized training and authorization to identify and recruit families for the migrant education program. Recruitment and identification procedures are detailed in CDE's ~~2017~~~~2023~~, "State Service Delivery Plan."

Pursuant to 34 CFR 200.89, regional service centers are required to annually validate eligibility through the re-interview of parents/guardians of a randomly selected sample of students previously identified as migratory.

Students age 3 to 21 years of age shall be eligible for the district's migrant education program if they, their parents/guardians, or their spouses are migratory agricultural workers or fishers who, in the preceding 36 months, moved into the district due to economic necessity and engaged in new temporary or seasonal employment or personal subsistence in agriculture or fishing. If such employment was not secured soon after the move, students may be considered students who are migratory if the student, the student's parents/guardians, or the student's spouse actively sought such new employment and have a recent history of moves for temporary or seasonal agricultural or fishing employment. (20 USC 6399; 34 CFR 200.81)

CSBA NOTE: The last sentence of the following paragraph should be deleted by districts that do not offer classes at the secondary level.

A student who ceases to be a student who is migratory during a school term shall be eligible for services until the end of the term. If comparable services are not available through other programs, a student who is no longer migratory may continue to receive services for one additional school year. Students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation. (20 USC 6394)

Enrollment

A student who is migratory shall be immediately enrolled in the district even if the student:
(Education Code 48204.7)

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

If a student who is migratory experiences a change in residence, the student may remain enrolled in the school of origin for the duration of the student's status as a student who is migratory.
(Education Code 48204.7)

If a student's status as a student who is migratory changes during a school year, the Superintendent or designee shall allow the student to continue at the school of origin through the duration of that school year or, if the student is enrolled in a high school, through graduation. (Education Code 48204.7)

A student who is migratory and is transitioning between school grade levels shall be allowed to continue in the district of origin in the same attendance area to provide the student the benefit of matriculating with peers in accordance with the established feeder patterns of school districts. A student who is migratory and is transitioning to a middle school or high school designated for matriculation in another school district shall be allowed to enroll in that school. (Education Code 48204.7)

The Superintendent or designee shall inform a student who is migratory and the student's parent/guardian of the impact of remaining in the school of origin on the student's eligibility to receive migrant education services pursuant to Education Code 54440-54445. (Education Code 48204.7)

The Superintendent or designee may, but is not required to, provide transportation to enable a student who is migratory to attend the school of origin, unless otherwise required by federal law, or provide programs for online instruction as a substitute for physical attendance. (Education Code

48204.7)

Student Records

CSBA NOTE: Pursuant to 34 CFR 200.89, CDE and agencies operating migrant education programs ~~must~~are required to maintain a Certificate of Eligibility form and any additional documentation needed to confirm each student's eligibility.

Education Code 234.7 prohibits the collection of information or documents regarding the citizenship or immigration status of students or their family members, except as required by law or to administer a state or federally supported educational program. If the district becomes aware of the citizenship or immigration status of any student, it is prohibited from disclosing that information to U.S. Immigration and Customs Enforcement. See BP/AR ~~1445~~5145.13 - Response to Immigration Enforcement.

The Superintendent or designee shall maintain records documenting the eligibility of students enrolled in the district's migrant education program. However, the district shall not collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining eligibility for migrant education services.

CSBA NOTE: 20 USC 6398 requires districts receiving migrant education funds to make student records available at no cost to another district that requests the records, if the request is made to meet the needs of a student who is migratory. State law requiring the transfer of records for all students is reflected in BP/AR 5125 - Student Records. In California, the Migrant Student Information Network, developed and maintained by WestEd, assists CDE and each regional center with data collection and reporting regarding students who are migratory. See the section "Transfer of Coursework and Credits" below ~~for~~For the transfer of the transcript of a high school student who is migratory, see AR 6146.3 - Reciprocity of Academic Credit.

The Superintendent or designee shall acquire education and health records from the previous school districts of a student who is migratory, as appropriate.

When a student who is migratory transfers to another district, the student's records shall be provided to the receiving district upon request at no cost in order to assist that district in meeting the needs of the student. (20 USC 6398)

Program Components

CSBA NOTE: The following section may be revised to reflect the district's service agreement with the regional service center.

The migrant education program shall include all of the following components: (Education Code 54443.1)

1. A general needs assessment summarizing the needs of the population to be served

2. A comprehensive program to meet the educational, health, and related needs of participating students which supplements the district program and includes, but is not limited to:
 - a. Instructional services, including academic, remedial and compensatory, bilingual-crosscultural, and career technical instruction
 - b. Counseling and career education services
 - c. Preschool services in accordance with Education Code 54443
 - d. Other educational services that are not otherwise available in sufficient quantity or quality to eligible students who are migratory
 - e. The acquisition of instructional materials and equipment necessary to adequately provide the appropriate services
 - f. Other related services to meet the special needs of eligible students who are migratory to enable them to participate effectively in instructional services
 - g. The coordination and teaming of existing resources serving students who are migratory, such as bilingual-crosscultural education, health screening, and compensatory education
3. Individual assessment of the educational and relevant health needs of each participating student, within 30 days of enrollment, including assessments concurrently provided pursuant to compensatory education, bilingual-crosscultural education, school improvement programs, and other programs serving the student
4. A brief individual learning plan listing the services to be provided to each student, which shall be given to the parent/guardian in writing or at a parent/guardian conference, annually and when the student moves to a new district
5. Staffing and staff development plans and practices to meet the needs of students and implement the program
6. Parent/guardian and community involvement as specified in Education Code 54444.2, including, but not necessarily limited to, the establishment of a parent/guardian advisory council to actively involve parents/guardians in planning, operating, and evaluating the district's migrant education program

CSBA NOTE: 20 USC 6394 requires "the same" parent/guardian involvement in migrant education programs as is required for Title I programs for disadvantaged students (see BP/AR 6020 - Parent Involvement), unless extraordinary circumstances make such provision impractical. For more information regarding parent/guardian involvement, see BP/AR 6020 - Parent Involvement.

7. The migrant education program shall provide for the same opportunities for parent/guardian involvement that are provided to parents/guardians for federal Title I programs. (20 USC 6394)
8. Evaluations which include annual student progress and overall program effectiveness and quality control reports

Summer School and Extended School Year Program

CSBA NOTE: Pursuant to Education Code 54444.3, each district receiving federal migrant education funding is required to conduct summer school programs for eligible students who are migratory. Before establishing the program, the district mustis required to submit an application for approval to the Superintendent of Public Instruction. The following section may be revised to reflect the grade levels offered by the district.

The district shall conduct summer school program(s) for eligible students who are migratory. The summer school program shall respond to the individual needs of participating students and shall build on and be consistent with the instructional programs offered to these students during the regular school year. Coursework shall be of the same level of difficulty in each subject as that provided to students enrolled in regular classes of instruction within the district in the preceding year. (Education Code 54444.3)

Teachers in the summer school program shall have cultural training or background and understanding of the special needs of students who are migratory and possess the proper credential for the subjects and grade levels to which they are assigned. (Education Code 54444.3)

The program shall comply with the following requirements for instructional time: (Education Code 54444.3)

1. For kindergarten class, a minimum of 180 minutes per day, including recesses, for not less than 20 instructional days
2. For grades 1-8, a minimum of 200 minutes per day, including recesses and passing time but excluding noon intermissions, for not less than 20 instructional days
3. For grades 7-12, a minimum of 240 minutes per day, including passing time but excluding noon intermissions, for not less than 30 instructional days

CSBA NOTE: Pursuant to Education Code 54444.3, holidays on which schools are required to be closed, as specified in Education Code 37220, may be deducted from the required number of

teaching days. For more information regarding holidays on which schools are required to be closed, see AR 6115 - Ceremonies and Observances.

The number of instructional days may be less than as described above if, during the summer school program, there is a holiday for which schools are required to be closed. (Education Code 37220, 54444.3).

When district facilities that are suitable for the summer climate are available, the district shall make facilities available at cost to other agencies that request facilities for the operation of migrant summer school programs, unless just cause for denial exists. When approved by the Superintendent of Public Instruction, the district may jointly offer facilities with a neighboring district to meet the needs of the migrant summer school program for the entire area. (Education Code 54444.3)

CSBA NOTE: Pursuant to Education Code 41601.6, to mitigate lost instructional time due to family movement related to migratory agricultural employment, up to two local educational agencies may request authorization from CDE to provide an extended school year program to students who are migratory who, due to family movement, enroll in transitional kindergarten, kindergarten, or any of grades 1-6, on or after March 1 of the school year and depart on or before December 1 of the next school year, which includes the receipt of specified average daily attendance funding for such students.

If the district receives authorization and average daily attendance funding from the California Department of Education to provide an extended school year program to students who are migratory who, due to family movement, enroll in transitional kindergarten, kindergarten, or any of grades 1-6, on or after March 1 of the school year and depart on or before December 1 of the next school year, the Superintendent or designee shall operate the program in accordance with Education Code 41601.6. (Education Code 41601.6)

Transfer of Coursework and Credits

CSBA NOTE: The following section is for use by districts maintaining high schools. Education Code 51225.2 addresses the transferability of coursework and credits completed by a student enrolled in a migrant education program, as provided below:

Education Code 51225.2 requires the transferring school to include in the student's educational record a determination of days of enrollment and/or seat time and an official transcript with full and partial credits earned, or any measure of full or partial coursework being satisfactorily completed.

When a student enrolled in a migrant education program **who is migratory** transfers into a district school, the district will receive an official transcript from the transferring school or district which reflects full and partial credits and grades earned by the student and includes: (Education Code 51225.2)

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

Partial coursework satisfactorily completed includes any portion of an individual course,

even if the student did not complete the entire course

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

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

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

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

CSBA NOTE: Pursuant to Education Code 51225.2, districts are not authorized to require a student who is migratory who has completed an entire course to retake the course.

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

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

CSBA NOTE: Although Education Code 51225.2 requires districts to award partial credits to students who are migratory who transfer from school to school, there is no uniform system for calculating and awarding partial credits. To ensure consistency in the treatment of foster youth, the California Child Welfare Council, in its, "Partial Credit Model Policy and Practice Recommendations," available on its website, recommends the approach transferred as specified in the following optional paragraph, which may be revised to reflect district practice.

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

In no event shall the district prevent a student who is migratory from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2) [Education Code 51225.2](#) and [Board Policy/ Administrative Regulation 6146.3 - Reciprocity of Academic Credit](#).

Applicability of Graduation Requirements

CSBA NOTE: The following section is for use by districts maintaining high schools.

To obtain a high school diploma, a student who is migratory shall [that transfers to a district school shall be expected to](#) complete all courses required by Education Code 51225.3 and shall generally fulfill any additional local graduation requirements prescribed by the [as specified in](#) Board.

However, when a [Policy 6146.1 - High School Graduation Requirements](#), [unless the](#) student who is migratory has completed the second year of high school and transfers into a district school, the student shall be [is thereby](#) exempted from all district-adopted coursework and other district-established graduation [such](#) requirements; unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of the student's fourth year of high school. Within 30 calendar days of the student's transfer, the Superintendent or designee shall notify the student and the student's parent/guardian of the availability of the exemption and whether the student qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the termination of the court's jurisdiction over the student. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, to determine whether a student with significant gaps in school attendance is in the third or fourth year of high school, the student's age as compared to the average age of students in the third or fourth year of high school may be used.

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

CSBA NOTE: Education Code 51225.1 requires the district to exempt a student who qualifies for an exemption from district-established graduation requirements, under the circumstances described below.

If a student who is migratory was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the student's educational rights holder may request

the exemption and the Superintendent or designee shall exempt the student within 30 days of the request. A student may request the exemption even if the student is no longer a student who is migratory. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1 the district is required to reevaluate a student's eligibility for an exemption from district-established graduation requirements, as described below.

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

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

CSBA NOTE: Pursuant to Education Code 51225.1, the district is required to consult with a student who is migratory who is granted an exemption from district-established graduation requirements and the student's educational rights holder, as described below.

When a student who is migratory is exempted from district-established graduation requirements, the Superintendent or designee shall consult with the student and the student's educational rights holder about the following: (Education Code 51225.1)

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

The district shall not require or request a student who is migratory to transfer schools in order to qualify for an exemption and shall not grant any request made by a student who is migratory or the student's parent/guardian for a transfer solely to qualify for an exemption. (Education Code 51225.1)

CSBA NOTE: Education Code 51225.1 prohibits the district from requiring a student who is eligible for an exemption from district-established graduation requirements from accepting the exemption or being denied enrollment, as described below.

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

CSBA NOTE: Education Code 51225.1 prohibits the district from revoking a student's exemption from district-established graduation requirements.

If a student who is migratory is exempted from district-established graduation requirements, the exemption shall not be revoked. Additionally, the exemption shall continue to apply after the student no longer meets the definition of a student who is migratory while still enrolled in the school or if the student transfers to another school, including a charter school, or school district. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, the district may not require or request a student who is exempted from district-established graduation requirements and completes statewide coursework requirements before the end of the student's fourth year of high school to graduate early, as described below.

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

CSBA NOTE: Pursuant to Education Code 51225.1, if the district determines that a student who is eligible for the exemption from district-established graduation requirements is reasonably able to complete those requirements in time to graduate from high school by the end of the student's fifth year, the district is required to provide the following.

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

- 1.—Consult with the student and, if under 18 years of age, the student's educational rights holder, of the option to remain in school for a fifth year to complete the district-established graduation requirements and how that will affect the student's ability to gain admission to a

postsecondary educational institution

- 2.—Consult with and provide information to the student about transfer opportunities available through the California Community Colleges
- 3.—Upon agreement with the student or with the student's educational rights holder if under 18 years of age, permit the student to stay in school for a fifth year to complete the district-established graduation requirements

CSBA NOTE: Pursuant to Education Code 51225.1, until January 1, 2028, when a student who is migratory has completed the second year of high school transfers into the district or transfers between high schools within the district, and is not reasonably able to complete the district-established graduation requirements, but is reasonably able to complete the statewide coursework requirements, within the student's fifth year of high school, the district is required to exempt the student from the district-established graduation requirements and provide the student with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, consultation with the student and the student's educational rights holder is required, as provided below.

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

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

Parent Advisory Council

The parent advisory council shall be comprised of members who are knowledgeable of the needs of students who are migratory and shall be elected by the parents/guardians of students enrolled in the district's migrant education program. The composition of the council shall be determined by the parents/guardians at a general meeting to which all parents/guardians of participating students shall be invited. The parents/guardians shall be informed, in a language they understand, that they have the sole authority to decide on the composition of the council. (Education Code 54444.2)

At least two-thirds of the advisory council shall consist of parents/guardians of students who are migratory. (Education Code 54444.2)

All parent/guardian candidates for the council shall be nominated by parents/guardians. Nonparent candidates, such as teachers, administrators, other school personnel, or students, shall be nominated by the groups they represent. All other community candidates shall be nominated by the parents/guardians. (Education Code 54444.2)

The parent/guardian advisory council shall meet at least six times during the year and shall: (Education Code 54444.4)

1. Establish program goals, objectives, and priorities
2. Review annual needs and year-end assessments, program activities for each school, and individual learning plans
3. Advise on the selection, development, and reassignment of migrant education program staff
4. Participate actively in planning and negotiating program applications and service agreements
5. Perform all other responsibilities required under state and federal laws or regulations

The Superintendent or designee shall establish and implement a training program for advisory council members to enable them to carry out their responsibilities. The training program shall be developed in consultation with the council and shall include appropriate training materials in a language understandable to each member. (Education Code 54444.2)

The Superintendent or designee shall provide the council, without charge, a copy of all applicable state and federal migrant education statutes, rules, regulations, guidelines, audits, monitoring reports, and evaluations. Upon request, these materials also shall be provided without charge to each member of the council. (Education Code 54444.2)

Notification and Complaints

CSBA NOTE: Education Code 51225.1 and 51225.2 provide that complaints of noncompliance with specified requirements related to the educational rights of students who are migratory may be filed in accordance with the uniform complaint procedures specified in 5 CCR 4600-4670. As with other complaints covered under the uniform complaint procedures, a complainant may appeal the district's decision to CDE and, if the district or CDE finds any merit in the complaint, the district must provide a remedy to the affected student. See BP/AR 1312.3 - Uniform Complaint Procedures.

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

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

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

State	Description
5 CCR 3080	Applicability of uniform complaint procedures to complaints regarding students with disabilities
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 37220	School calendar
Ed. Code 41601.6	Extended school year program for migratory students
Ed. Code 48204.7	Enrollment
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Transfer of coursework and credit
Ed. Code 51225.3	High school graduation requirements

Ed. Code 54440-54445

Migrant children Students who are migratory

Federal

Description

20 USC 6311

State plan

20 USC 6391-6399

Education of migratory children

20 USC 7881

Participation of private school students

34 CFR 200.81-200.89

Migrant education program

Management Resources

Description

California Child Welfare Council
Publication

Partial Credit Model Policy and Practice Recommendations,
September 2013

California Department of Education
Publication

2017 State Service Delivery Plan 2023 State Service Delivery
Plan

(<https://www.cde.ca.gov/sp/me/mt/documents/ssdp2022.docx>)

U.S. Department of Education
Publication

Education of Migratory Children Under Title I, Part C of the
Elementary and Secondary Education Act of 1965, Non-
Regulatory Guidance, rev. March 2017

Website

CSBA District and County Office of Education Legal Services

Website

California Department of Education, Migrant Education
Office

Website

U.S. Department of Education, Office of Migrant Education

Website

West Ed, Migrant Student Information Network

Website

CSBA

Cross References

Code

Description

0410

Nondiscrimination In District Programs And Activities

0415

Equity

0500

Accountability

1220

Citizen Advisory Committees

1220

Citizen Advisory Committees

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
1445	<u>Response To Immigration Enforcement</u>
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3553	Free And Reduced Price Meals
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4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
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5111.1	District Residency
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5125	Student Records
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5132	Dress And Grooming
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5141.32	Health Screening For School Entry
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5141.6	School Health Services
<u>5145.13</u>	<u>Response To Immigration Enforcement</u>

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Response To Immigration Enforcement

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Parent/Guardian Notifications

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Reciprocity of Academic Credit

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Guidance/Counseling Services

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Student Success Teams

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Education For English Learners

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Education For English Learners

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Summer Learning Programs

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Career Technical Education

Bylaw 9250: Remuneration, Reimbursement And Other Benefits

Status: ADOPTED

Original Adopted Date: 11/01/2001 | **Last Revised Date:** 08/02/01/2013/2026 | **Last Reviewed Date:** 08/02/01/2013/2026

Compensation

CSBA NOTE: Education Code 35120 authorizes Governing Board members to receive compensation for their services; with a maximum amount prescribed based on the district's average daily attendance (ADA) for the prior school year.

The district should select the appropriate option below. If the Board selects Option 1, it may, at its discretion, revise the paragraph to reflect the maximum amount applicable to its ADA. If the Board elects to receive less than the maximum amount provided in law, it should select Option 2 and specify the amount.

OPTION 1: Each member of the Governing Board may receive, as amended by AB 1390 (Ch. 639, Statutes of 2025), increases the maximum monthly compensation as provided for in Education Code 35120.

OPTION 1 ENDS HERE

OPTION 2: Each member of the Governing Board may receive a amount. For a chart with the maximum monthly compensation of \$ _____. (Education Code 35120)

OPTION 2 ENDS HERE

OPTION 3: The members of the Governing Board view their Board service as a voluntary contribution to the community and elect not to receive the compensation to which they are entitled amounts per ADA range, see Exhibit (2).

Additionally, pursuant to Education Code 35120.

OPTION 3 ENDS HERE

CSBA NOTE: The remainder of this section, the Board may annually increase the monthly compensation of Board members beyond the applicable maximum amount delineated in Education Code 35120 by an amount not to exceed five percent.

Notwithstanding Education Code 35120, compensation for certain boards may be governed by the applicable city or county charter, or both. This bylaw is for use by districts that selected Option 1 or 2 above written based on state law but should be modified to the extent a city or county charter applies.

Each member of the Governing Board shall be provided monthly compensation of \$ [REDACTED], less any amounts deducted for meeting absences which are not excused by the Board. (Education Code 35120)

Board members are not required to accept the monthly compensation.

~~On an annual basis, the Board may~~ On an annual basis, the Board may amend this Bylaw to increase the compensation of Board members beyond the limit delineated in Education Code 35120 in an amount not to exceed five percent based on the present monthly rate of compensation. (~~Education Code 35120~~)

Board members are not required to accept payment for meetings attended.

Any member who does not attend all Board meetings during the month is eligible to receive only a percentage of the monthly compensation equal to the percentage of meetings he/she attended, unless otherwise authorized by the Board in accordance with law. (~~Education Code 35120~~)(Education Code 35120)

CSBA NOTE: In order to receive the entire compensation amount for a given month, a Board member is required to attend all Board meetings held that month, including special and emergency Board meetings. Pursuant to Education Code 35120, the Board may adopt a a Board member who is absent from a meeting shall not receive the pro rata monthly compensation for that meeting unless the Board finds, via resolution authorizing a, that the Board member was absent due to be compensated for meetings he/she missed under one or more specified circumstances. See the accompanying exhibit for For a sample resolution:

A member may be compensated authorizing compensation for meetings he/she missed when the an absent Board; by member, see Exhibit (1).

A Board member who is absent from a Board meeting shall not receive the pro rata monthly compensation for that meeting unless the Board finds, via resolution, finds that he/shethat at the time of the Board meeting the Board member was performing designatedabsent due to the need to perform services for the district at the time of the meeting or that he/she was absent because of, illness, jury duty, or a hardship deemed acceptable by the Board. (Education Code 35120)

Student Board members shall receive no member compensation for meetings attended. (~~Education Code 35012~~)shall be provided in accordance with Board Bylaw 9150 - Student Board Members.

CSBA NOTE: The following optional paragraph is for use by any board whose quorum also serves as another legislative body that receives additional compensation. Pursuant to Government Code 54952.3, the disclosure requirements described below are not applicable if the compensation of the legislative body is set by statute.

Whenever a quorum of Board members serves as another legislative body which will meet simultaneously or in serial order to a Board meeting, the Board clerk or a member of the Board shall, when required by law, verbally announce the amount of any additional compensation or stipend

that each member will be entitled to receive as a result of convening the simultaneous or serial meeting. (Government Code 54952.3)

Reimbursement of Expenses

CSBA NOTE: Pursuant to Education Code 35044, the district is allowed ~~required~~ to reimburse Board members for expenses incurred ~~individual Board members for travel expenses incurred when performing services directed by the Board. Additionally, pursuant to Education Code 35160, the Board may otherwise act in any manner which is not in conflict with or inconsistent with, or otherwise preempted by, any law, and which is not in conflict with the purposes for which districts are established. Based on this authority, the Board may authorize reimbursement for individual Board members for expenses incurred generally~~ when performing district business. Pursuant to ~~However, Article XVI, section 6, of the California Constitution generally prohibits gifts of public funds and~~ Government Code 8314, it is unlawful for any elected official to ~~prohibits the~~ use or permit others to use ~~of~~ public resources for ~~campaign activity or~~ personal purposes which are not authorized by law. As defined, "personal purposes" include activities for personal enjoyment, private gain or advantage, or an outside endeavor not related to agency business, but do not include the incidental and minimal use of public resources (e.g., equipment or office space) for personal purposes, including an occasional telephone call.

Board members ~~The district~~ shall be reimbursed ~~reimburse individual Board members~~ for actual and necessary expenses incurred when performing authorized services for the district. Expenses, ~~including services directed by the Board. The timelines and procedures~~ for travel, telephone, business meals, or other authorized purposes ~~reimbursement~~ shall be in accordance with policies ~~the same as those~~ established for district personnel and at the same rate of reimbursement. (Education Code 31560, 35044; Government Code 8314)

CSBA NOTE: Education Code 35044 authorizes reimbursement for Board members for travel expenses incurred when performing services directed by the Board. If the district wishes to require prior Board approval for travel and/or for certain kinds of trips (e.g., out-of-state travel), it should modify the ~~The~~ following paragraph accordingly.

Board members shall be reimbursed for travel expenses incurred when performing services directed by the Board. (Education Code 35044)

CSBA NOTE: The remainder of this section is optional and may be revised ~~paragraphs should be modified~~ to reflect district practice.

Authorized purposes may include, but are not limited to, attendance at educational seminars or conferences designed to improve Board members' skills and knowledge; participation in regional, state, or national organizations whose activities affect the district's interests; attendance at district or community events; and meetings with state or federal officials on issues of community concern. ~~All other expenses, including personal expenses, shall be the responsibility of individual Board members and shall not be paid or reimbursed by the district. (Government Code 8314)~~

Personal expenses shall be the responsibility of individual Board members. Personal expenses

Personal expenses shall include, but are not limited to, the personal portion of any trip, tips or gratuities, alcohol, entertainment, laundry, expenses of any family member who is accompanying the Board member on district-related business, personal use of an automobile, and personal losses and traffic violation fees incurred while on district business.

Any Board member with questions regarding the propriety of a particular type of expense ~~should be resolved by~~ shall seek and receive guidance from the Superintendent or designee before the expense is incurred.

Credit Cards

CSBA NOTE: The following optional paragraph should be deleted if the Although some districts issue district does not issue credit cards to Board members: A, a policy statement issued by the Institute for Local Government, although primarily applicable to city and county governments, indicates that many local agencies have decided not to issue credit cards to local officials because of the potential for confusing an agency credit card with a personal card and the negative consequences of personal use of an agency card. The following optional paragraph should be deleted if the district does not issue credit cards to Board members.

Board members may use district-issued credit cards while on official district business and consistent with the limits established for district personnel. Personal expenses shall not be charged on a district-issued credit card, even if the Board member intends to subsequently reimburse the district for the personal charges.

Health and Welfare Benefits for Current Board Members

CSBA NOTE: The following section is optional. The Pursuant to Government Code 53201 and 53205, the district has the option of providing health and welfare benefits to Board members ~~pursuant to Government Code 53201 and 53205~~ and has flexibility in selecting the types of coverage and the methods of payment for such coverage. Pursuant to Government Code 53200, health and welfare benefits may include, but are not limited to, hospital, medical, surgical, dental, disability, group life, legal expense, and income protection insurance or benefits. However, Internal Revenue Service Publication 571, which was last revised in January 2025, indicates that, as elected officials, Board members are not eligible to participate in district programs for the purchase of tax sheltered annuities pursuant to 26 USC 403 and 26 CFR 1.403(b)-2.

Pursuant to Government Code 53208.5, the health and welfare benefits of a Board member ~~can~~ may not be ~~no~~ greater than that received by nonsafety employees of the district or, if the district has different benefit structures, ~~no~~ not greater than the most generous schedule of benefits being received by any category of nonsafety employees. Nonsafety employees are those employees not otherwise included in Government Code 20420-20445 defining "safety members" for purposes of membership in the Public Employees' Retirement System. Additionally, Government Code 53208.5 also provides that Board members shall not be eligible to accrue multiple health and welfare benefits from two or more public agencies for concurrent service, unless the Board member serves as a regular full-time employee in a separate public agency.

Government Code 53202 authorizes the district to contract with one or more insurers, health service organizations, or legal service organizations for health and welfare benefits. Alternatively, the district may approve an existing health care arrangement between a Board member and an insurer or health care provider. In 83 Ops.Cal.Atty.Gen. 124 (2000), the Attorney General opined that, if the district chooses to approve such an arrangement, the district may pay for this benefit by way of reimbursement to the Board member who has paid for the benefit instead of direct district payment to the insurer. However, according to the Attorney General, a district may not make cash payments to Board members in lieu of providing them with health insurance benefits. For districts considering the reimbursement of Board members for the cost of health and welfare benefits, it is recommended that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Board members may participate in the health and welfare benefits program provided for district employees:

Health as permitted by law. However, health and welfare benefits for Board members shall be no greater than that received by the district's nonsafety employees with the most generous schedule of benefits. (Government Code 53201, 53205, 53208.5)

CSBA NOTE: The district may choose and/or revise any of the following options to reflect district practice.

OPTION 1: (District pays premium)

The district shall pay the premiums required for Board members electing to participate in the district health and welfare benefits program to the same extent that it pays for district employees.

OPTION 1 ENDS HERE

OPTION 2: (Board member pays premium/portion of premium and district reimburses)

Board members who elect to participate in the district health and welfare benefit program or in any approved health plans shall pay _____ toward the full cost of premiums.

OPTION 2 ENDS HERE

OPTION 3: (District reimburses Board members for costs paid for approved health plans)

The district shall pay \$_____ as a reimbursement for costs of approved health plans that have been paid by Board members.

OPTION 3 ENDS HERE

CSBA NOTE: The following optional paragraph is for use by districts that Pursuant to Government Code 53205.1, a district may choose to pay all or a portion of premiums, dues, or other charges for

health and welfare benefits for a Board member's spouse or dependent children, as authorized by Government Code 53205.1. The district may revise the paragraph to specify a different portion of payment.

Pursuant to Family Code 297.5, registered domestic partners have the same rights, protections, and benefits as spouses under California law. Therefore, to the extent that the district provides health benefits under state law to spouses of Board members, the same coverage must be provided to registered domestic partners.

Pursuant to Health and Safety Code 1373 and Insurance Code 10277, the age at which a person ceases to be a dependent child is age 26 years of age or higher as specified in the health plan, unless otherwise provided under a plan that qualifies as a grandfathered plan pursuant to 42 USC 18011. ~~In addition~~ Additionally, a health services plan or insurer is required to continue coverage for a dependent child who attains the age specified in the plan if ~~he/she~~ the child is incapable of self-sustaining employment by reason of a physically or mentally disabling injury, illness, or condition and is chiefly dependent on the subscriber or insured for support. In addition, Health and Safety Code 1373 and Insurance Code 10277 ~~also~~ require that, if the plan provides coverage for a dependent child who is over 26 years of age ~~26~~ and enrolled at a secondary or postsecondary educational institution, continued coverage must be provided during any break in the school calendar and during a medical leave of absence as specified.

The following paragraph should be deleted or modified to reflect district practice.

Health and welfare benefits provided to Board members shall be extended at the same level to their spouse/registered domestic partner and to their eligible dependent children as specified in law and the health plan. (Family Code 297.5; Government Code 53205.1)

Health and Welfare Benefits for Former Board Members

CSBA NOTE: The following section is optional. Government Code 53201 authorizes the district to pay premiums for health and welfare benefits for former Board members under the limited circumstances described below. Any district that does not offer benefits to former Board members should delete this entire section:

CSBA NOTE: Pursuant to Government Code 53201, the district may pay premiums for health and welfare benefits for former Board members under very limited circumstances. It is recommended that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel before adding, modifying, or deleting the following paragraph.

Former Board members, and a former Board member's spouse/registered domestic partner and eligible dependent children, may participate in the health and welfare benefits program provided for district employees ~~under the conditions specified below.~~

CSBA NOTE: Government Code 53208.5 provides that Board members may not receive benefits greater than those provided to district employees, only as provided below. Thus, if a district's collective bargaining agreement specifies that employee eligibility for benefits terminates at age 65, then Board member benefits will also terminate at that time. Districts with such circumstances may expand the following paragraph to indicate the limits of the benefits.

Health and welfare benefits for former Board members shall be no greater than those received permitted by district nonsafety employees with the most generous schedule of benefits. (Government Code 53208.5)

CSBA NOTE: Pursuant to Government Code 53201, a district may pay premiums for health and welfare benefits for former Board members only if all of the following conditions are satisfied: (1) the district paid for benefits for former Board members before January 1, 1994; (2) the former Board member served in office after January 1, 1981; (3) the former Board member's term began before January 1, 1995; and (4) the former Board member served for 12 or more years. If the district did not pay benefits for former Board members before January 1, 1994, benefits may be provided to former Board members only on a self-pay basis, even if a former member has served in office for the requisite amount of time.

Note: In *Thorning v. Hollister School District*, the court of appeal ruled that a board policy adopted during the board member's term of office has the effect of vesting him/her with those benefits and that the board cannot subsequently unilaterally withdraw those benefits from those board members.

Option 1 below is for use only by districts that paid health and welfare benefits for former board members before January 1, 1994 and choose to continue to do so. Option 2 is for use by districts that are either ineligible to pay for such benefits because they did not pay for former board member benefits before January 1, 1994, have no qualified board members, or choose not to pay for such benefits.

Because this is a complex area of law, it is strongly recommended that the district consult with legal counsel before offering paid health benefits to former Board members.

OPTION 1: (Benefits paid by district)

The district shall pay the premiums for health and welfare benefits of any former Board member who served in office after January 1, 1981, began his/her term before January 1, 1995, and has served for 12 or more years. (Government Code 53201)

OPTION 1 ENDS HERE

CSBA NOTE: The following paragraph is optional. If the district allows Board members elected on or after January 1, 1995 to continue benefits at their own expense after leaving service, as authorized

by Government Code 53201, it may revise the following paragraph to require more than one term of service at its discretion.

Any other former Board member who served at least one term may participate in the health and welfare benefits program at his/her own expense if coverage is in effect at the time he/she leaves office. (Government Code 53201)

OPTION 2: (Benefits paid by former Board member)

CSBA NOTE: At its discretion, the Board may revise the following paragraph to require more than one term of office.

Any former Board member leaving the Board after at least one term of office may participate in the health and welfare benefits program at his/her own expense if coverage is in effect at the time of retirement. (Government Code 53201)

OPTION 2 ENDS HERE

CSBA NOTE: The following optional paragraph is for use by all districts. Government Code 53205.1 authorizes the district to fund health and welfare benefits for spouses and dependent children of former Board members.

Health and welfare benefits provided to a former Board member shall be extended, at his/her expense and at the same level, to his/her spouse/registered domestic partner and eligible dependent children as specified in law and the health plan.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

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State

[Cal. Const. Art. XVI, Sec. 6](#)
Ed. Code 33050-33053

Ed. Code 33362-33363

Ed. Code 35012

Ed. Code 35044

Ed. Code 35120

[Ed. Code 35160](#)

Ed. Code 35172

Description

[Prohibition on gifts of public funds](#)
General waiver authority

Reimbursement of expenses; board member or member-elect

Board members; number, election, and terms

Payment of traveling expenses of representatives of board

[Student board membership](#)[Board member compensation](#)

[School Board authority](#)

Promotional activities

Ed. Code 44038	Cash deposits for transportation purchased on credit
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 20322	Elective officers; election to become member
Gov. Code 20420-20445	Membership in Public Employees' Retirement System; definition of safety employees
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Gov. Code 53200-53209	Group insurance
Gov. Code 54952.3	Simultaneous or serial meetings; announcement of compensation
Gov. Code 8314	Use of public resources
H&S Code 1373	Health services plan; coverage for dependent children
Ins. Code 10277-10278	Group and individual health insurance; coverage for dependent children
Federal	Description
26 CFR 1.403(b)-2	Tax-sheltered annuities; definition of employee
26 USC 403	Tax-sheltered annuities
42 USC 18011	Right to maintain existing health coverage
Management Resources	Description
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 124 (2000)
Attorney General Opinion	91 Ops.Cal.Atty.Gen. 37 (2008)
Court Decision	Thorning v. Hollister School District (1992) 11 Cal.App.4th 1598
Court Decision	Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County (1979) 93 Cal.App.3d 578
Institute for Local Government Publication	Sample Expense and Use of Public Resources Policy Statement, January 2006
Internal Revenue Service Publication	Tax-Sheltered Annuity Plans (403(b) Plans) for Employees of Public Schools and Certain Tax-Exempt Organizations, Publication 571, rev. February 2013 <u>January 2025</u>
Website	CSBA District and County Office of Education Legal Services
Website	Public Employees' Retirement System

Website	Institute for Local Government
Website	Internal Revenue Service
Website	CSBA

Cross References

Code	Description
1160	Political Processes
3100	Budget
3100	Budget
3350	Travel Expenses
3513.1	Cellular Phone Reimbursement
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
9110	Terms Of Office
9150	Student Board Members
9240	Board Training
9324	Minutes And Recordings

Exhibit 9250-E(1): Remuneration, Reimbursement And Other Benefits Status: ADOPTED

Original Adopted Date: 08/01/2013 | Last Revised Date: 02/01/2026 | Last Reviewed Date:
0802/01/20132026

RESOLUTION ON EXCUSING BOARD MEMBER ABSENCE FOR PURPOSES OF MONTHLY COMPENSATION FOR MISSED MEETINGS

CSBA NOTE: Pursuant to Education Code 35120 and the accompanying Board Bylaw, a Governing Board member who is absent from a meeting shall not receive the pro rata monthly compensation for that meeting unless the Board finds, via resolution, that the Board member was absent due to one or more specified circumstances. The following optional exhibit is provides such a resolution for use by districts that offer monthly compensation to members of the Governing Board for their service; see Options #1 and 2 in the accompanying board bylaw. Pursuant to Education Code 35120, a Board member may receive compensation for Board meetings that he/she missed if the Board makes a finding, by resolution, that one or more specified circumstances exist Board.

WHEREAS, the members of the Governing Board of the _____ School District appreciates the services provided by members of the Board and provides (Board) receive monthly compensation for meeting attendance in accordance with Education Code 35120 (EC 35120) and Board Bylaw 9250; and - Remuneration, Reimbursement and Other Benefits (BB 9250);

WHEREAS, Education Code 35120 provides that the monthly compensation provided to Board members shall be commensurate with the percentage of meetings attended during the month unless otherwise authorized by Board resolution pursuant to EC 35120 and BB 9250, a Board member who is absent from a Board meeting shall not receive the pro rata monthly compensation for that meeting unless the Board finds, via resolution, that the Board member was absent due to the need to perform services for the district, illness, jury duty, or a hardship deemed acceptable by the Board at the time of the Board meeting; and

WHEREAS, Education Code 35120 specifies limited circumstances under which the Board is authorized to compensate a Board member for meetings he/she missed; and

WHEREAS, the Board finds that { _____ (name of Board member) did not attend was absent from the Board meeting(s) on {dates} _____ (date(s)).

NOW THEREFORE BE IT RESOLVED, the Board finds that the absence of _____ (name of Board member) from the Board meeting(s) on _____ (date(s)) is excused for the following reason(s): (check applicable reasons)

(s):

- Performance of other designated duties for the district during the time of the meeting
- Illness or jury

Jury duty

Hardship deemed acceptable by the Board

NOW THEREFORE ; and

BE IT FURTHER RESOLVED that, the Board of the _____ School District approves full compensation authorizes _____ (name of the Board member) to be compensated for the month of _____.

PASSED AND ADOPTED THIS _____ day of _____, _____ at a regular meeting, by the following vote:

AYES: _____ NOES: _____ ABSENT: _____

Attest:

Secretary

President

Board meeting(s) on _____ (date(s)).

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State

Cal. Const. Art. XVI, Sec. 6

Ed. Code 33050-33053

Ed. Code 33362-33363

Ed. Code 35012

Ed. Code 35044

Ed. Code 35120

Ed. Code 35160

Ed. Code 35172

Ed. Code 44038

Fam. Code 297-297.5

Gov. Code 20322

Description

Prohibition on gifts of public funds

General waiver authority

Reimbursement of expenses; board member or member-elect

Board members; number, election, and terms

Payment of traveling expenses of representatives of board

Student board membership Board member compensation

School Board authority

Promotional activities

Cash deposits for transportation purchased on credit

Rights, protections, benefits under the law; registered domestic partners

Elective officers; election to become member

Gov. Code 20420-20445	Membership in Public Employees' Retirement System; definition of safety employees
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Gov. Code 53200-53209	Group insurance
Gov. Code 54952.3	Simultaneous or serial meetings; announcement of compensation
Gov. Code 8314	Use of public resources
H&S Code 1373	Health services plan; coverage for dependent children
Ins. Code 10277-10278	Group and individual health insurance; coverage for dependent children
Federal	Description
26 CFR 1.403(b)-2	Tax-sheltered annuities; definition of employee
26 USC 403	Tax-sheltered annuities
42 USC 18011	Right to maintain existing health coverage
Management Resources	Description
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 124 (2000)
Attorney General Opinion	91 Ops.Cal.Atty.Gen. 37 (2008)
Court Decision	Thorning v. Hollister School District (1992) 11 Cal.App.4th 1598
Court Decision	Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County (1979) 93 Cal.App.3d 578
Institute for Local Government Publication	Sample Expense and Use of Public Resources Policy Statement, January 2006
Internal Revenue Service Publication	Tax-Sheltered Annuity Plans (403(b) Plans) for Employees of Public Schools and Certain Tax-Exempt Organizations, Publication 571, rev. February 2013 <u>January 2025</u>
Website	CSBA District and County Office of Education Legal Services
Website	Public Employees' Retirement System
Website	Institute for Local Government
Website	Internal Revenue Service
Website	CSBA

Cross References

Code **Description**

1160	Political Processes
3100	Budget
3100	Budget
3350	Travel Expenses
3513.1	Cellular Phone Reimbursement
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
9110	Terms Of Office
9150	Student Board Members
9240	Board Training
9324	Minutes And Recordings

Exhibit 9250-E(2): Remuneration, Reimbursement And Other Benefits Status: ADOPTED

Original Adopted Date: 02/01/2026 | **Last Revised Date:** 02/01/2026

CHART OF BOARD MEMBER MONTHLY COMPENSATION

CSBA NOTE: Education Code 35120 authorizes Governing Board members to receive compensation for their services based on the district's average daily attendance (ADA) for the prior school year and, as amended by AB 1390 (Ch. 639, Statutes of 2025), increases the maximum monthly compensation amount. The following chart provides the maximum statutory monthly compensation amount for each ADA range.

Additionally, pursuant to Education Code 35120, the Board may annually increase the monthly compensation of Board members beyond the applicable maximum amount delineated in the chart by an amount not to exceed five percent.

Notwithstanding Education Code 35120, compensation for certain boards may be governed by the applicable city or county charter, or both. This chart would not be applicable to such districts.

District's Prior Average Daily Attendance	Monthly Compensation Limit
1,000 or less	\$600
1,001 to 10,000	\$1,200
10,001 to 25,000	\$2,000
25,001 to 60,000	\$3,000
60,001 or more	\$4,500

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State	Description
Cal. Const. Art. XVI, Sec. 6	Prohibition on gifts of public funds
Ed. Code 33050-33053	General waiver authority
Ed. Code 33362-33363	Reimbursement of expenses; board member or member-elect
Ed. Code 35012	Board members; number, election, and terms
Ed. Code 35044	Payment of traveling expenses of representatives of board
Ed. Code 35120	Board member compensation

Ed. Code 35160	School Board authority
Ed. Code 35172	Promotional activities
Ed. Code 44038	Cash deposits for transportation purchased on credit
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 20322	Elective officers; election to become member
Gov. Code 20420-20445	Membership in Public Employees' Retirement System; definition of safety employees
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Gov. Code 53200-53209	Group insurance
Gov. Code 54952.3	Simultaneous or serial meetings; announcement of compensation
Gov. Code 8314	Use of public resources
H&S Code 1373	Health services plan; coverage for dependent children
Ins. Code 10277-10278	Group and individual health insurance; coverage for dependent children
Federal	Description
26 CFR 1.403(b)-2	Tax-sheltered annuities; definition of employee
26 USC 403	Tax-sheltered annuities
42 USC 18011	Right to maintain existing health coverage
Management Resources	Description
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 124 (2000)
Attorney General Opinion	91 Ops.Cal.Atty.Gen. 37 (2008)
Court Decision	Thorning v. Hollister School District (1992) 11 Cal.App.4th 1598
Court Decision	Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County (1979) 93 Cal.App.3d 578
Institute for Local Government Publication	Sample Expense and Use of Public Resources Policy Statement, January 2006
Internal Revenue Service Publication	Tax-Sheltered Annuity Plans (403(b) Plans) for Employees of Public Schools and Certain Tax-Exempt Organizations, Publication 571, rev. January 2025
Website	CSBA District and County Office of Education Legal Services
Website	Public Employees' Retirement System

Website	Institute for Local Government
Website	Internal Revenue Service
Website	CSBA

Cross References

Code	Description
1160	Political Processes
3100	Budget
3100	Budget
3350	Travel Expenses
3513.1	Cellular Phone Reimbursement
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
9110	Terms Of Office
9150	Student Board Members
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9324	Minutes And Recordings

Bylaw 9320: Meetings And Notices

Status: ADOPTED

Original Adopted Date: 03/01/2008 | Last Revised Date: 03/02/01/20242026 | Last Reviewed
Date: 03/02/01/20242026

CSBA NOTE: The following bylaw is mandated pursuant to Education Code 35140 and Government Code 54954, which require the Governing Board to fix the time and location for its regular Board meetings by rule and regulation. See "Regular Meetings" below for language fulfilling this mandate.

Meetings of the Governing Board are conducted for the purpose of accomplishing district business. ~~In~~The Board may meet in open session or closed session, as necessary, in accordance with applicable open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide the opportunity for members of the public to directly address the Board. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations and Board Bylaw 9320.1 - Remote Meetings and Attendance, Board Bylaw 9321 - Closed Session, Board Bylaw 9322 - Agenda/Meeting Materials, and Board Bylaw 9323 - Meeting Conduct.

A Board meeting exists whenever a majority of Board members ~~gather~~gathers at the same time and location, including teleconference location as permitted by Government Code 54953 remotely or electronically, to hear, discuss, deliberate, or take action upon any item within the subject matter jurisdiction of the Board. (Government Code 54952.2)

CSBA NOTE: The Brown Act prohibits serial Board meetings, which are defined under by Government Code 54952.2 as a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of district business.

This prohibition against serial Board meetings also applies to communications via technology. Email exchanges, text/chat threads, or comments posted on a blog or social media account that result in a majority of the Governing Board "discussing among themselves" an item within the subject matter jurisdiction of the Board could result in a Brown Act violation. Pursuant to Government Code 54952.2, Board members may engage in separate conversations or communications with members of the public on an ~~Internet-based~~ social media platform that is open and accessible to the public as long as a majority of the Board does not use the platform to ~~discuss~~directly communicate among themselves ~~business~~regarding matters within the subject matter jurisdiction of the Board and members do not comment on or use digital icons (e.g., "likes" or emojis) to express reactions to communications made by other Board members. Additionally, a Board member is prohibited from responding directly to any communication from other members of the Board on a social media platform regarding matters that are within the subject matter jurisdiction of the Board. See BB 9012 - Board Member Electronic Communications.

In 84 Ops.Cal.Atty.Gen. 30 (2001), the Attorney General opined that Government Code 54952.2 prohibits a majority of the Board from sending emails to each other to develop a collective concurrence as to action to be taken by the Board even if the emails are (1) sent to the secretary and chairperson, (2) posted on the district's website, and (3) distributed (in a printed version) at the next meeting. Although the Attorney General recognized that those three conditions would allow the deliberations to be conducted, to some extent, "in public," the emails were prohibited by the Brown Act because all debate would be completed before the meeting and members of the public who did not have Internet access would be excluded from the debate.

In accordance with law and as specified in Board Bylaw 9012 - Board Member Electronic Communications, a majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, including social media and other electronic communications, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. [For more information regarding Board member communications via technology, see BB 9012 - Board Member Electronic Communications.](#)

[However, Government Code 54952.2 specifies that briefings between less than a quorum of the Board and staff, whether in-person, virtual, or via email.](#) CSBA NOTE: Government Code 54952.2 specifies that briefings between staff and Board members are permissible in order to answer questions or to provide information, as long as the briefing is not used to communicate the comments or position of any other Board member.

[It is recommended that districts with questions regarding serial Board meetings consult CSBA's District and County Office of Education Legal Services or district legal counsel.](#)

In accordance with law and as specified in Board Bylaw 9012 - Board Member Electronic Communications, a majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, including social media and other electronic communications, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

[In accordance with Board Bylaw 9012 - Board Member Electronic Communications, a majority of the Board shall not use a series of communications of any kind, directly or through intermediaries or technology, including official or personal social media accounts, to discuss, deliberate, or take action on any matter that is within the subject matter jurisdiction of the Board. \(Government Code 54952.2\)](#)

CSBA NOTE: Government Code 54952.2 specifies that briefings between staff and Board members are permissible in order to answer questions or to provide information, as long as the briefing is not used to communicate the comments or position of any other Board member.

However, the Superintendent or designee may engage in separate conversations or communications with Board members in order to answer questions or provide information regarding ~~an item~~[any matter](#) within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

CSBA NOTE: Government Code 54953.2 requires that all Board meetings meet the protections of the Americans with Disabilities Act (ADA) (42 USC 12132) and implementing regulations. Such protections require the district to ensure that the meeting is accessible to persons with disabilities and, upon request, to provide disability-related accommodations, such as auxiliary aids and services. Auxiliary aids and services may include accommodations at the actual meeting, such as a sign-language interpreter, or accommodations to the supporting documentation, such as Braille translation of the agenda packet. Government Code 54954.2 requires that the agenda specify how, when, and to whom a request for accommodation should be made; see BB 9322 - Agenda/Meeting Materials.

Government Code 54953 requires the Board to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the ADA, and to resolve any doubt in favor of accessibility.

In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. Any doubt about a request for accommodation shall be resolved in favor of accessibility. Notice of the procedure for receiving and resolving such requests for accommodation shall be given in each instance in which notice of the time of a meeting is otherwise given or the agenda for the meeting is otherwise posted. (Government Code 54953, 54953.2, 54954.1, 54954.2)

Regular Meetings

CSBA NOTE: Education Code 35140 and Government Code 54954 **mandate** the Board to fix the time and location for its regular **Board** meetings by rule and regulation. The following paragraph should be revised to reflect district practice.

Unless otherwise determined by the Board, the Board shall hold _____ regular **Board** meeting(s) each month starting at _____ p.m. on the _____ (day(s)) of the month at _____ (name of facility and address).

CSBA NOTE: Pursuant to Government Code 54954.2, the agenda for a regular **Board** meeting **mustis required to** be posted at least 72 hours prior to the meeting, at a location that is freely accessible to the public. **Additionally**, Government Code 54954.2 also requires that the agenda be posted on the district's website. Other posting requirements may apply where Board members are participating by teleconference **attend and participate remotely** as specified below in **BB 9320.1 - Remote Meetings and Attendance**.

The Attorney General has determined in 78 Ops.Cal.Atty.Gen. 327 (1995) that weekend hours may be counted as part of the 72-hour period for posting of the agenda prior to a regular **Board** meeting. In the same opinion, the Attorney General found that the term "freely accessible" requires that the agenda be posted in a location where it can be read by the public at any time during the 72 hours immediately preceding the meeting. For example, if a building where the agenda is posted is closed during the evening hours, the agenda **mustis required to** also be posted in a location accessible during evening hours, such as a lighted display case outside of the building. **TheAdditionally, the**

Attorney General also opined in 88 Ops.Cal.Atty.Gen. 218 (2005) that the agenda may be posted on a touch screen electronic kiosk, in lieu of a paper copy on a bulletin board, as long as the kiosk is accessible without charge to the public 24 hours a day, seven days a week.

At least 72 hours prior to a regular **Board** meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and, on the district's website, and at any location required by Board Bylaw 9320.1 - Remote Meetings and Attendance. (Government Code 54954.2)

CSBA NOTE: Pursuant to Government Code 54957.5, the agenda ~~must~~ is required to list the address where the public can inspect agenda materials that are distributed to Board members less than 72 hours before a regular **Board** meeting. Pursuant to Government Code 54957.5, when agenda materials are distributed to all or a majority of the Board less than 72 hours before a regular **Board** meeting and outside of regular business hours, the materials may be posted on the district's website in satisfaction of the Brown Act if specified requirements are met. Districts ~~It is~~ recommended that districts with questions regarding this exception are ~~encouraged~~ to consult CSBA's District and County Office of Education Legal Services or district legal counsel. Also ~~For more~~ information on distributing agenda materials to Board members, see BB 9322 - Agenda/Meeting Materials.

~~In addition~~ Additionally, pursuant to the California Public Records Act (Government Code 7920.000 - 7930.215), agenda materials related to an open session of a Board's regular **Board** meeting are "public records" and are subject to inspection by any member of the public as specified in BP/AR 1340 - Access to District Records.

Consistent with Government Code 54957.5 and Board Bylaw 9322 - Agenda/Meeting Materials, whenever agenda materials relating to an open session of a regular **Board** meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose. The records shall be posted on the district website at the time the materials are distributed to all or a majority of the Board if distributed outside of business hours. (Government Code 54957.5)

Special Meetings

CSBA NOTE: Government Code 54956 permits the Board president or a majority of the Board to call a special **Board** meeting. When a majority of the Board has requested a special **Board** meeting on the same specific topic, the Superintendent or designee shall inform the Board and the meeting shall be organized and called. If an individual Board member desires a special **Board** meeting on a specific topic that has not been called by the Board president, the Board member should inform the Superintendent or designee rather than other Board members in order to comply with the Brown Act.

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members on any topic within the subject matter jurisdiction of the Board unless otherwise prohibited by law or as specified in BB 9323.2 - Actions by the Board. (Government Code 54956)

At least 24 hours before the noticed start time of the meeting, written notice of a special meeting ~~meetings~~Board meeting shall be delivered: (Government Code 54953.8, 54953.8.3, 54956)

1. Delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted
2. Posted on the district's website, and, at least 24 hours before the time of the meeting, in a location freely accessible to the public.
3. Posted in any location required by Board Bylaw 9320.1 - Remote Meetings and Attendance

The notice shall specify the time and location of the special Board meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the special Board meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Education Code 35144; Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

Emergency Meetings

CSBA NOTE: The emergency Board meeting provisions in Government Code 54956.5 differ from the provisions in Government Code 54953.8.2, as added by SB 707 (Ch. 327, Statutes of 2025), that permit a remote Board meeting based on a proclaimed state of emergency or local emergency. The former permits the Board to hold an urgent Board meeting without the 24-hour notice and posting requirements, while the latter permits the Board to meet remotely without the requirement to post the physical location of Board members.

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency Board meeting ~~without complying~~as long as it complies with all requirements of a special Board meeting, except the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956.requirements. (Government Code 54956.5)

The Board may meet in closed session during an emergency ~~meetings~~Board meeting so long as two-thirds of the members present at the meeting agree or, if less than two-thirds of the members are

present, by unanimous vote of the members present. (Government Code 54956.5)

The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

CSBA NOTE: Government Code 54956.5 requires the Board president or designee to give notice of an emergency Board meeting by telephone at least one hour before the meeting to the local media that have requested notice of special Board meetings or, as amended by AB 2350 (Ch. 565, Statutes of 2024), by email.

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency **Board** meeting by telephone **or email** at least one hour before the meeting to the local media that have requested notice of special **Board** meetings. ~~All~~**As applicable, all** telephone numbers **or email addresses** provided by the media in the most recent request for notification shall be exhausted. If telephone **or internet** services are not functioning, the notice requirement of one hour is waived and, as soon after the **emergency Board** meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time notification **as** is given to the other members of the Board. (Government Code 54956.5)

The minutes of the **emergency Board** meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon **as possible** after the meeting as possible. (Government Code 54956.5)

An *emergency* means a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board. (Government Code 54956.5)

A *dire emergency* means a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency **Board** meeting may endanger the public health and/or safety as determined by a majority of the members of the Board. (Government Code 54956.5)

Adjourned/Continued Meetings

The Board may adjourn/continue any regular or special **Board** meeting to a later time and location that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn/continue such a meeting. If no Board members are present, the secretary or the clerk may declare the **Board** meeting adjourned/continued to a later time and location and shall give notice in the same manner required for special **Board** meetings. (Government Code 54955)

Within 24 hours after the time of adjournment/continuance, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the location where

the Board meeting was held. (Government Code 54955)

Study Sessions, Retreats, Public Forums, and Discussion Meetings

CSBA NOTE: The following section is optional and may be revised to reflect district practice. Pursuant to Government Code 54954.2, the Board ~~must still~~ is required to comply with the public notice requirements when holding a study session, retreat, public forum, or other such Board meeting.

The Board may convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public. ~~The~~ Additionally, the Board may ~~also~~ convene a retreat ~~or discussion meeting~~ to discuss Board roles and relationships. Any such Board meeting, regardless of title or topic, shall be held as a regular or special Board meeting, as appropriate, and shall comply with all other requirements for regular or special Board meetings. (Government Code 54956)

Other Gatherings

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board established pursuant to Board Bylaw 9130 - Board Committees, provided that the Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a Board member and any other person that are not part of a series of communications prohibited by the Brown Act are permitted. (Government Code 54952.2)

Location of Meetings

Unless the Board is holding a ~~teleconference~~ remote Board meeting during a proclaimed state of emergency or local emergency in accordance with Board Bylaw 9320.1 - Remote Meetings and Attendance, all Board meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel ~~for~~ to meet in closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
10. Interview a potential employee from another district

All Board meetings, regardless of location, shall comply with the applicable notice and open meeting requirements. Additionally, no such meeting may be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, which is inaccessible to individuals with disabilities, or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

If a fire, flood, earthquake, or other emergency renders the posted regular or special **Board** meeting location unsafe and the deadline for posting the location has passed, the meeting shall be held at a location designated by the Board president or designee, who shall so inform all news media who have requested notice of meetings pursuant to Government Code 54956 by the most rapid available means of communication.

Traditional Teleconferencing

A Board member may participate in any meeting by teleconference, which includes both audio or video/audio so long as the following conditions are met: (Government Code 54953)

- 1.—All votes taken during the meeting are by rollcall
- 2.—The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency
- 3.—The location of the Board member participating by teleconference is open and accessible to the public during the meeting, except during closed session, such that members of the public may observe in person the Board member participating by teleconference, may hear/listen to the meeting to the same extent as the Board member participating by teleconference, and may make public comment during the same portion of the agenda as others members of the public from the same location as the Board member participating by teleconference
- 4.—The location of the Board member participating by teleconference is noted in the agenda and the agenda is posted at the location of the Board member participating by teleconference in advance of the meeting as statutorily required based on the type of meeting
- 5.—At least a quorum of the members is within the district boundaries.

Teleconferencing by Individual Board Member Due to Just Cause

CSBA NOTE: Government Code 54953, as amended by AB 557 (Ch. 534, Statutes of 2023), authorizes a Board member, until January 1, 2026, to participate in a meeting by teleconference for just cause, as described below. Districts should be aware that the choice to participate in a meeting by teleconference due to just cause is at the sole discretion of the Board member and can be exercised at any time. Therefore, it is recommended that districts consider including teleconference access, as described below, as part of every meeting. Districts are also encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel to determine the best means of complying with Government Code 54953.

Until January 1, 2026, when there is "just cause" preventing a Board member from attending a Board meeting in person, that Board member may participate in that meeting by teleconference without: (Government Code 54953)

- 1.—Including the location of the Board member participating by teleconference in the agenda
- 2.—Making the location of the Board member participating by teleconference open and accessible to the public
- 3.—Posting the agenda at the location of the Board member participating by teleconference

A Board member needing to participate by teleconference for just cause shall notify the Board at the earliest possible opportunity, including at the start of a regular meeting, of the need to do so and include a general description of the circumstances relating to the need to appear by teleconference at the given meeting. (Government Code 54953)

For the Board member to participate by teleconference under this section, all of the following are required: (Government Code 54953)

- 1.—All votes taken during the meeting are by rollcall
- 2.—At least a quorum of the Board participates in person from a singular physical location clearly identified on the agenda
- 3.—The Board member participating by teleconference utilizes both audio and visual technology to participate in the meeting

CSBA NOTE: Government Code 54953 requires Board members participating by teleconference due to just cause to publicly disclose whether any individual 18 years of age or older is present at the Board member's location and, if so, the general nature of the member's relationship with each such individual before "any" Board action is taken, but does not specify the frequency of such disclosures. One option is for the Board member to make the initial disclosure at the start of the meeting and then make additional disclosures, if needed, each time an individual 18 years of age or older enters or exits the Board member's location. Another option is for the Board member to make separate disclosures before each Board action. Districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel to determine the best means of complying with this requirement.

- 4.—The Board member participating by teleconference publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the Board member's location and the general nature of the member's relationship with each such individual

- 5.—The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person

The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the district

- 6.—The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)

A Board member shall be permitted to participate by teleconference for just cause for no more than two meetings per calendar year. (Government Code 54953)

For purposes of this section, "just cause" may exist for any of the following: (Government Code 54953)

- 1.—A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a Board member to participate remotely
- 2.—A contagious illness prevents a Board member from attending in person
- 3.—A Board member has a need related to a physical or mental disability not otherwise reasonably accommodated
- 4.—A Board member is traveling while on official business of the Board or another state or local agency

Teleconferencing by Individual Board Member Due to Emergency Circumstances

CSBA NOTE: Government Code 54953, as amended by AB 557 (Ch. 534, Statutes of 2023), authorizes a Board member, until January 1, 2026, to participate in a meeting by teleconference due to emergency circumstances, as described below.

Until January 1, 2026, when a physical or family medical emergency would prevent a Board member from attending a Board meeting in person, that Board member may request to participate in such meeting by teleconference. The Board member requesting to appear remotely shall submit the request as soon as possible and include a concise general description of the emergency that necessitated the request. The Board member shall not be required to disclose any disability, medical diagnosis, or personal medical information exempt under existing law. (Government Code 54953)

If the request is received timely, it shall be added to the agenda as the first item of business at the

meeting, even before any closed session items. If the request is not received timely, it shall be taken up by the Board before the first item of business at the meeting. The request shall only be granted upon a vote by the majority of the Board. (Government Code 54953, 54954.2)

If the request is granted by the Board, the Board member may participate by teleconference without: (Government Code 54953)

1. Including the location of the Board member participating by teleconference in the agenda
2. Making the location of the Board member participating by teleconference open and accessible to the public
3. Posting the agenda at the location of the Board member participating by teleconference

For the Board member to participate by teleconference due to emergency circumstances, all of the following are required: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. At least a quorum of the Board participates in person from a singular physical location clearly identified on the agenda
3. The Board member participating by teleconference utilizes both audio and visual technology to participate in the meeting

CSBA NOTE: Government Code 54953 requires Board members participating by teleconference due to emergency circumstances to publicly disclose whether any individual 18 years of age or older is present at the Board member's location and, if so, the general nature of the member's relationship with each such individual before "any" Board action is taken, but does not specify the frequency of such disclosures. One option is for the Board member to make the initial disclosure at the start of the meeting and then make additional disclosures, if needed, each time an individual 18 years of age or older enters or exits the Board member's location. Another option is for the Board member to make separate disclosures before each Board action. Districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel to determine the best means of complying with this requirement.

1. The Board member participating by teleconference publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the Board member's location and the general nature of the member's relationship with each such individual
2. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person

The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the district

3. The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board shall not take action on any agenda item until the disruption is resolved. (Government Code 54953)

In total, a Board member may not participate by teleconference due to emergency circumstances alone, or together with teleconference due to just cause, as specified above, for more than 20 percent of the Board's regular meetings or for more than three consecutive months. If the Board meets less than 10 times in a calendar year, a Board member may not appear remotely due to emergency circumstances for more than two meetings. (Government Code 54953)

Teleconference Meetings During a Proclaimed State of Emergency

CSBA NOTE: Pursuant to Government Code 54953, as amended by AB 557 (Ch. 534, Statutes of 2023), boards are authorized to conduct board meetings by teleconference as specified below when holding a board meeting during a proclaimed state of emergency.

The Board may conduct a Board meeting entirely by teleconference during a proclaimed state of emergency pursuant to Government Code 8625-8629 in any of the following circumstances: (Government Code 54953)

1. For the purpose of determining whether meeting in person would present imminent risks to the health or safety of attendees due to the emergency
2. When the Board has been determined, pursuant to Item #1 above, that meeting in person would present imminent risks to the health or safety of attendees due to the emergency

The Board may hold a meeting by teleconference during a proclaimed state of emergency without: (Government Code 54953):

1. Including the location of Board members in the agenda
2. Making the locations of Board members open and accessible to the public
3. Posting the agenda at the locations of Board members

For the Board to hold such meeting, all of the following are required: (Government Code 54953)

1.—All votes taken during the meeting are by rollcall

2.—The public is able to access the meeting via a call-in service or an internet-based platform or service, with real-time public comment being allowed via the platform or service

If an internet-based platform or service is utilized, it may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the district

3.—The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)

For any public comment period with a time limit, the Board may not close that public comment period or the opportunity to register until the full time for public comment has elapsed. For any other public comment period, the Board shall allow a reasonable amount of time to allow members of the public to provide public comment and to register to do so. (Government Code 54953)

The Board may continue to conduct all meetings by teleconference throughout one or more 45-day periods so long as, prior to the beginning of each 45-day period, the Board has reconsidered the circumstances of the state of emergency and determines that it continues to directly impact the ability of the Board to meet safely in person. (Government Code 54953) ([Government Code 54954](#))

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

State	Description
Ed. Code 35140	Time and place of meetings
Ed. Code 35143	Annual organizational meetings; date and notice
Ed. Code 35144	Special meeting
Ed. Code 35145	Public meetings
Ed. Code 35145.5	Agenda; public participation and regulations
Ed. Code 35146	Closed sessions; student matters
Ed. Code 35147	Open meeting laws exceptions

Gov. Code 11135	Prohibition of discrimination
Gov. Code 3511.1	Local agency executives
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54953	<u>Oral summary of recommended salary and benefits of superintendent</u>
Gov. Code 54954	<u>Time and place of regular meetings</u>
Gov. Code 54954.2	<u>Agenda posting requirements; board actions</u>
Gov. Code 54956	<u>Special meetings</u>
Gov. Code 54956.5	<u>Emergency meetings</u>
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 8625-8629	California Emergency Services Act
Federal	Description
28 CFR 35.160	Effective communications for individuals with disabilities
28 CFR 36.303	Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services
42 USC 12101-12213	Americans with Disabilities Act
Management Resources	Description
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 327 (1995)
Attorney General Opinion	79 Ops.Cal.Atty.Gen. 69 (1996)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 181 (2001)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 30 (2001)
Attorney General Opinion	88 Ops.Cal.Atty.Gen. 218 (2005)
Court Decision	Knight First Amendment Institute at Columbia University v. Trump (2019) 928 F.3d 226
Court Decision	Garnier v. Poway Unified School District (S.D. Cal. September 26, 2019) No. 17-cv-2215-W (JLB), 2019 WL 4736208
Court Decision	Wolfe v. City of Fremont (2006) 144 Cal.App. 4th 533
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2023
Institute for Local Government Publication	The ABCs of Open Government Laws
League of California Cities Publication	Open and Public V: A Guide to the Ralph M. Brown Act, 2016

Website	CSBA District and County Office of Education Legal Services
Website	CSBA, GAMUT Meetings
Website	Institute for Local Government
Website	League of California Cities
Website	California Attorney General's Office
Website	CSBA

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0420.43	Charter School Revocation
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1160	Political Processes
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1330	Use Of School Facilities
1330	Use Of School Facilities
1340	Access To District Records
1340	Access To District Records
1431	Waivers

2000	Concepts And Roles
2111	Superintendent Governance Standards
2120	Superintendent Recruitment And Selection
2121	Superintendent's Contract
2210	Administrative Discretion Regarding Board Policy
3100	Budget
3100	Budget
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3311	Bids
3311	Bids
3312	Contracts
3314	Payment For Goods And Services
3314	Payment For Goods And Services
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
4117.14	Postretirement Employment
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4312.1	Contracts
4317.14	Postretirement Employment
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
6112	School Day
6112	School Day
6117	Year-Round Schedules
6173.1	Education For Foster Youth

6173.1	Education For Foster Youth
7150	Site Selection And Development
7150	Site Selection And Development
7214	General Obligation Bonds
7214	General Obligation Bonds
7310	Naming Of Facility
9000	Role Of The Board
9005	Governance Standards
9012	Board Member Electronic Communications
9100	Organization
9121	President
9130	Board Committees
9140	Board Representatives
9220	Governing Board Elections
9220-E(1)	Governing Board Elections
9230	Orientation
9240	Board Training
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9310	Board Policies
<u>9320.1</u>	<u>Remote Meetings and Attendance</u>
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials
9323	Meeting Conduct
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board
9324	Minutes And Recordings

Bylaw 9320.1: Remote Meetings and Attendance

Status: ADOPTED

Original Adopted Date: 02/01/2022 || **Last Reviewed Date:** 02/01/2026

CSBA NOTE: The following Board bylaw specifies the circumstances in which the Governing Board is legally permitted to meet remotely and in which individual Board members are permitted to attend and participate remotely in a Board meeting.

The Governing Board recognizes the need, when permitted by law, to hold Board meetings in which the Board members meet remotely or in which individual Board members attend and participate remotely.

Definitions

Local emergency means either of the following that impacts persons under the jurisdiction of the district or property within the boundaries of the district: (Government Code 54953.8.2)

1. A condition of extreme peril proclaimed by a city, county, or city and county pursuant to Government Code 8630
2. A local health emergency proclaimed pursuant to Health and Safety Code 101080

Remote means not being physically present at the primary in-person location of a Board meeting, and includes the terms “teleconference” and “virtual.”

Remote attendance and participation means the ability to attend and participate in a Board meeting by electronic means, through either audio or visual technology, or both.

Remote Board Member means a Board member, not physically present at the Board meeting, who nonetheless seeks to attend and participating in a Board meeting.

State of Emergency means state of emergency proclaimed pursuant to Government Code 8625.

Traditional Method of Remote Attendance

A remote Board member may attend and participate in a Board meeting so long as all of the following conditions are met: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board
3. The physical location of the remote Board member is open and accessible to the public during the meeting, except during closed session, such that members of the public may observe in person the remote Board member; may hear, listen to, or watch the meeting to the same extent as the remote Board member; and may make public comment during the same portion of the agenda as other members of the public from the same location as the

remote Board member

4. The location from which the remote Board member will attend the meeting is noted in the agenda and the agenda is posted at that location in advance of the meeting as statutorily required based on the type of meeting
5. At least a quorum of the Board is within district boundaries

Remote Attendance as an Accommodation

CSBA NOTE: In 107 Ops.Cal.Atty.Gen. 107, the Attorney General opined that a Board member with a qualifying disability under the federal Americans with Disability Act (ADA) is required to be offered remote attendance and participation as a reasonable accommodation. While the Attorney General did not prescribe all of the conditions and requirements of such a reasonable accommodation, the opinion found that it is required to be “done in a manner that simulates in-person attendance.” Additionally, Government Code 54953, as amended by SB 707 (Ch. 327, Statutes of 2025), permits remote attendance and participation as a reasonable accommodation for a Board member with a disability but requires that the Board member (1) participate through both audio and visual technology, except that any Board member with a disability may participate only through audio technology if a physical condition related to their disability results in a need to participate off camera, and (2) disclose at the Board meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the Board member, and the general nature of the member’s relationship with any of those individuals. The remote Board member in this circumstance is considered to be attending in-person at the physical meeting location for all purposes, including any requirement that a quorum participate from any particular location.

With respect to the requirement to disclose whether any other individuals 18 years of age or older are present in the room at the location with the remote Board member, and the general nature of the member’s relationship with any of those individuals, Government Code 54953, as amended by SB 707, does not specify the frequency of such disclosures. One option is for the remote Board member to make the initial disclosure at the start of the Board meeting and then make additional disclosures, if needed, each time an individual 18 years of age or older enters or exits the room. Another option is for the remote Board member to make separate disclosures before each Board action. It is recommended that districts consult CSBA’s District and County Office of Education Legal Services or district legal counsel to determine the best means of complying with this requirement.

A Board member with a qualifying disability under the Americans with Disabilities Act that precludes the Board member from attending a Board meeting in person or from attending and participating remotely in a Board meeting using the method specified in “Traditional Method of Remote Attendance” above may request to attend and participate remotely as a reasonable accommodation for the Board member’s disability.

If the request is granted based on the district’s process for reviewing reasonable accommodations, the remote Board member shall be permitted to attend and participate in the Board meeting as long as the following requirements are met: (Government Code 54953)

CSBA NOTE: While Government Code 54953 does not require that all votes be taken by rollcall when a remote Board member attends and participates as an accommodation, it is the practice

required for every other situation in which there is remote attendance and participation as a means to ensure vote clarity. Item #1 below incorporates this approach and should be modified to reflect district practice.

1. All votes taken during the meeting are by rollcall
2. The remote Board member utilizes both audio and visual technology to participate in the meeting, except no visual technology shall be required if a physical condition related to their disability results in a need to participate off camera
3. The remote Board member publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the Board member's location and the general nature of the member's relationship with each such individual

In this circumstance, the following conditions are not required: (Government Code 54953)

1. Including the location of the remote Board member in the agenda
2. Making the location of the remote Board member open and accessible to the public
3. Posting the agenda at the location of the remote Board member

Additionally, in this circumstance, the remote Board member shall be considered to be attending in-person at the physical meeting location for all purposes, including any requirement that a quorum participate from any particular location. (Government Code 54953)

These requirements and conditions may be modified as required by law or the district may offer another reasonable accommodation as appropriate.

Remote Attendance Due to Just Cause

CSBA NOTE: Government Code 54953.8.3, as added by SB 707, authorizes a remote Board member to attend and participate in a Board meeting for "just cause," as described below. This authorization, which goes into effect July 1, 2026, replaces prior provisions which authorized a remote Board member to attend and participate in a Board meeting for "just cause" or "emergency circumstances."

Beginning July 1, 2026, a remote Board member may attend and participate in a Board meeting based on any of the following "just cause" reasons: (Government Code 54953.8.3)

1. A childcare or caregiving need of a Board member's child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires the Board member to attend and participate remotely
2. A contagious illness that prevents a Board member from attending in person

CSBA NOTE: Item #3 below is for a Board member's physical or mental condition for which remote attendance is not required as a reasonable accommodation under the ADA. For more information about reasonable accommodations under the ADA, see "Remote Attendance as an Accommodation" above.

3. A need related to a Board member's physical or mental condition not otherwise reasonably accommodated
4. A Board member is traveling while on official business of the Board or another state or local agency
5. An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of a Board member requires the Board member to attend and participate remotely
6. A physical or family medical emergency prevents a Board member from attending in person
7. Military service obligations that result in a Board member being unable to attend in person because the Board member is serving under official written orders for active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the Board member to be at least 50 miles outside the boundaries of the district

The remote Board member shall notify the Board at the earliest possible opportunity, including at the start of a Board meeting, of the need to attend and participate remotely for just cause, including the general circumstances of the Board member's need to attend and participate remotely. The remote Board member need not disclose any medical diagnosis or disability, or any personal medical information that is otherwise exempt under existing law. The minutes for the Board meeting shall identify the specific provision that is the basis for the just cause. (Government Code 54953, 54953.8.3)

Additionally, when a remote Board member attends and participates in a Board meeting based on just cause, all of the following conditions shall be met: (Government Code 54953, 54953.8, 54953.8.3)

1. All votes taken during the meeting are by rollcall
2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board
3. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person

The platform or service may require members of the public to register in order to make public comments as long as the platform or service is not controlled by the district.

4. The agenda for the meeting includes information describing how members of the public can access the platform or service and how members of the public can offer public comment
5. The minutes of the Board meeting state that the remote Board member attended and participated remotely
6. At least a quorum of the Board participates in person from a singular physical location clearly identified on the agenda and which is within district boundaries and is open to the public
7. The remote Board member utilizes both audio and visual technology to participate in the meeting

CSBA NOTE: Government Code 54953.8.3, as added by SB 707, requires a remote Board member attending and participating due to just cause to publicly disclose whether any individual 18 years of age or older is present in the room with the remote Board member and, if so, the general nature of the member's relationship with each such individual before "any" Board action is taken, but does not specify the frequency of such disclosures. One option is for the remote Board member to make the initial disclosure at the start of the Board meeting and then make additional disclosures, if needed, each time an individual 18 years of age or older enters or exits the room. Another option is for the remote Board member to make separate disclosures before each Board action. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel to determine the best means of complying with this requirement.

8. The remote Board member publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the Board member's location and the general nature of the member's relationship with each such individual

In this circumstance, the agenda need not include the location of the remote Board member or be posted at that location, and the location of the remote Board member need not be open and accessible to the public. (Government Code 54953, 54953.8)

The Board shall give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. (Government Code 54953.8)

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the Board meeting may continue but the Board may not take action on any agenda item until public access to the meeting is restored. (Government Code 54953.8)

CSBA NOTE: Government Code 54953.8.3, as added by SB 707, sets an annual limit on the number of times a remote Board member can attend and participate in a Board meeting for just cause, which is based on the frequency of the Board's regular meetings. Districts should select the option below which best aligns with its regular Board meeting frequency.

OPTION 1: (For Boards that generally hold no more than one regular meeting per month)

A remote Board member may attend and participate in no more than two Board meetings per year for just cause. (Government Code 54953.8.3)

OPTION 1 ENDS HERE

OPTION 2: (For Boards that generally hold two regular meetings per month)

A remote Board member may attend and participate in no more than five Board meetings per year for just cause. (Government Code 54953.8.3)

OPTION 2 ENDS HERE

OPTION 3: (For Boards that generally hold at least three regular meetings per month)

A remote Board member may attend and participate in no more than seven Board meetings per year for just cause. (Government Code 54953.8.3)

OPTION 3 ENDS HERE

CSBA NOTE: Pursuant to Government Code 54953.8.3, as added by SB 707, a “meeting,” for the purpose of counting remote attendance and participation, is defined as any number of Board meetings that begin on the same calendar day.

A remote Board member’s attendance and participation in multiple Board meetings that begin on the same calendar day shall only count as one Board meeting for purposes of this limit.

Remote Board Meetings During a Proclaimed State of Emergency

CSBA NOTE: Government Code 54953.8.2, added by SB 707, supplanted the authority previously contained in Government Code 54953 related to remote Board meetings during a proclaimed state of emergency and expanded that authority to address local emergencies.

The Board may conduct a remote Board meeting during a proclaimed state of emergency or local emergency in either of the following circumstances: (Government Code 54953.8.2)

1. For the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees due to the emergency
2. When the Board, pursuant to Item #1 above, has determined that meeting in person would present imminent risks to the health or safety of attendees due to the emergency

In either such circumstance, the Board may hold a remote Board meeting without: (Government Code 54953.8, 54953.8.2)

1. Including the location of Board members in the agenda
2. Making the locations of Board members open and accessible to the public
3. Posting the agenda at the locations of Board members
4. Having at least a quorum of the Board members within the district boundaries

When the Board holds such a meeting, all of the following shall be followed: (Government Code 54953.8, 54953.8.2)

1. All votes taken during the meeting are by rollcall
2. The public is able to access the meeting via a call-in or audiovisual platform or service, with real-time observation of the meeting and public comment being allowed via the platform or service

The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the district.

3. The agenda for the meeting includes information describing how members of the public can access the platform or service

The Board may continue to conduct all Board meetings remotely throughout one or more 45-day periods as long as, prior to the beginning of each 45-day period, the Board has reconsidered the circumstances of the proclaimed state of emergency or local emergency and determined that it continues to directly impact the ability of the Board to meet safely in person. (Government Code 54953.8.2)

Policy Reference UPDATE Service

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Ed. Code 35146	Closed sessions; student matters
Ed. Code 35147	Open meeting laws exceptions
Gov. Code 11135	Prohibition of discrimination
Gov. Code 3511.1	Local agency executives
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 8625-8629	California Emergency Services Act
Gov. Code 8630	Local emergency
H & S Code 101080	Local health emergency
Federal	Description
28 CFR 35.160	Effective communications for individuals with disabilities
28 CFR 36.303	Nondiscrimination on the basis of disability; public accommodations, auxiliary aids, and services
42 USC 12101-12213	Americans with Disabilities Act
Management Resources	Description
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 327 (1995)
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Attorney General Opinion	107 Ops.Cal.Atty.Gen. 107 (2024)
Court Decision	Knight First Amendment Institute at Columbia University v. Trump (2019) 928 F.3d 226

Court Decision	Garnier v. Poway Unified School District (S.D. Cal. September 26, 2019) No. 17-cv-2215-W (JLB), 2019 WL 4736208
Court Decision	Wolfe v. City of Fremont (2006) 144 Cal.App.4th 533
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2023
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Website	CSBA District and County Office of Education Legal Services
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Website	CSBA

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1113	District And School Websites
1113	District And School Websites
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4312.1	Contracts
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9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials
9323	Meeting Conduct
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board
9324	Minutes And Recordings
9400	Board Self-Evaluation

Bylaw 9322: Agenda/Meeting Materials

Status: ADOPTED

Original Adopted Date: 03/01/2008 | Last Revised Date: ~~06~~02/01/2023~~2026~~ | Last Reviewed Date: ~~06~~02/01/2023~~2026~~

Agenda Content

Governing Board meeting agendas shall reflect the district's vision and goals and the Board's focus on student learning and well-being.

CSBA NOTE: Government Code 54954.2 requires Governing Board meeting agendas to briefly describe each item to be discussed, including closed session items, and states that a brief general description of an item generally need not exceed 20 words. For information regarding the different types of meetings and meeting location requirements, including teleconferenced meetings, see BB 9320 - Meetings and Notices. For information regarding remote meetings and attendance, see BB 9320.1 – Remote Meetings and Attendance. For agenda requirements regarding closed session agenda items, see BB 9321 - Closed Session.

Each agenda shall state the meeting time and location(s) and shall briefly describe each item to be transacted or discussed listed in the agenda, including items to be discussed in closed session: in accordance with Board Bylaw 9321 – Closed Session. (Government Code 54954.2)

For a regular meeting, the Board may consider an item not included in the posted agenda in accordance with Board Bylaw 9323.2 – Actions by the Board.

Public Comment

CSBA NOTE: Education Code 35145.5 mandates the Board to adopt regulations which ensure that the public can address the Board regarding matters within the subject matter jurisdiction of the Board.

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda for a regular meeting shall also provide members of the public an opportunity, including items to address the be considered in closed session in accordance with Board regarding matters within the subject matter jurisdiction of the Board which are not Bylaw 9321 – Closed Session and items listed on the consent agenda. (Education Code 35145.5; Government Code 54954.3)

CSBA NOTE: Government Code 54954.3 authorizes reasonable regulations regarding public comment, including establishing limits on the total amount of time allocated for public testimony and for each individual speaker.

There are different practices regarding public comment. Option 1 below reflects that members of the public are provided with one opportunity to address the Board on all open session agenda items. Option 2 below reflects that members of the public are provided with separate opportunities to address the Board on each open session agenda item. Districts should select and complete the option below that reflects district practice or modify an option below to reflect district practice.

OPTION 1 (ONE PUBLIC COMMENT ITEM FOR ALL OPEN SESSION AGENDA ITEMS)

Before any other open session agenda item, there shall be one public comment item on every meeting agenda to give members of the public the opportunity to address the Board on any item on the open session agenda. The public comment period shall last no longer than [REDACTED] minutes unless extended in accordance with Board Bylaw 9323 – Meeting Conduct. No member of the public may be permitted to speak more than once during this item.

OPTION 1 ENDS HERE

OPTION 2 (SEPARATE PUBLIC COMMENT FOR EACH OPEN SESSION AGENDA ITEM)

As part of every open session item, there shall be an opportunity for members of the public to address the Board on that item. The time set aside for public comment on each item shall last no longer than [REDACTED] minutes unless extended in accordance with Board Bylaw 9323 – Meeting Conduct. No member of the public may be permitted to speak more than once on each item.

OPTION 2 ENDS HERE

CSBA NOTE: Government Code 54954.3 provides an exception to the public comment requirement when the item was previously considered by a committee comprised exclusively of Board members and, as amended by SB 707 (Ch. 327, Statutes of 2025), imposes additional requirements for when the exceptions may apply.

The agenda does not need to not provide an opportunity for public comment on an item that has previously been considered at an open meeting by a committee comprised exclusively of Board members, provided that ~~members~~all of the following conditions were met: (Government Code 54954.3)

1. Members of the public were afforded an opportunity to comment on the item, before or during the committee's consideration of the item; and the item has not been substantially changed since the committee considered it. (Government Code 54954.3)

The notice and agenda shall describe the means available for the public to access the meeting and provide public comment in-person and, if a Board member is appearing remotely due to an emergency circumstance or for just cause pursuant to Government Code 54953, through an internet-based service or call-in option. (Government Code 54953)

2. The item has not been substantially changed since the committee considered it

3. A quorum of the committee attended and participated in the committee meeting at which the item was considered from a singular physical location that was clearly identified on the agenda, open to the public, and situated within the boundaries of the district

4. Any other applicable provisions of Government Code 54954.3

Additionally, the agenda for a regular meeting shall provide members of the public with an opportunity to address the Board regarding matters within the subject matter jurisdiction of the Board which are not on the agenda. (Education Code 35145.5; Government Code 54954.3)

The notice and agenda shall include information describing how members of the public can access the platform or service and how members of the public can offer public comment if required pursuant to Board Bylaw 9320.1 – Remote Meeting and Attendance.

Disability-Related Accommodations or Modifications

CSBA NOTE: Government Code 54954.2 requires that the agenda include information regarding how, when, and to whom a request for a disability-related accommodation or modification may be made. Additionally, Government Code 54953.8, as amended ~~added~~ by AB 2449 (Ch. 285, Statutes of 2022), ~~requires~~ SB 707, restates the requirements from Government Code 54953 which provides that boards to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the Americans with Disabilities Act, (ADA) (42 USC 12132), and to resolve any doubt in favor of accessibility. See ~~BB~~ 9320 - Meetings and Notices. The following paragraph should be modified to reflect district practice as to when and to whom such a request should be made.

The agenda shall include information regarding how, when, and to whom a request for disability-related accommodations or modifications, including auxiliary aids and services, may be made by an individual who requires accommodations or modifications in order to participate in the Board meeting, as well as the procedure for receiving and resolving such requests as required by law. (Government Code 54953.8, 54954.2; 54953)

CSBA NOTE: Pursuant to Government Code 54957.5, the agenda for a regular meeting ~~must~~ is required to include the address of the location where the public can inspect any materials that are related to an open session item and are distributed to the Board less than 72 hours before that meeting. In *Fowler v. City of Lafayette*, the ~~court~~ California Appellate Court clarified that the disclosure requirements of Government Code 54957.5 also apply to claims or written threats of litigation pursuant to Government Code 54956.9.

See For more information regarding the section below entitled "dissemination of agenda materials to the public, see "Regular Meeting Agenda Dissemination to Members of the Public:" and "Special Meeting Agenda Dissemination to Members of the Public" below.

Each agenda for a regular meeting shall list the address designated by the Superintendent or designee for public inspection of documents related to an open session item, or for records of a statement threatening litigation against the district to be discussed in closed session, when such documents have been distributed to the Board less than 72 hours before the meeting. (Government Code 54956.9, 54957.5)

CSBA NOTE: The following paragraph is optional. Pursuant to Education Code 49073.2, the Board is prohibited from including in its minutes a student's directory information, as defined in Education Code 49061, or a parent/guardian's personal information, as defined in Education Code 49073.2, when the student or parent/guardian has provided the Board with a written request that such information be excluded; for more information on regarding minutes, see BB 9324 - Minutes and Recordings. In order to notify students and parents/guardians of the right to request that such information be withheld, the Board should consider following paragraph requires including such a statement in each agenda and should be modified to reflect district practice.

Each agenda shall include a statement regarding the option for students and parents/guardians to request that directory information or personal information of the student or parent/guardian, as defined in Education Code 49061 and/or 49073.2, be excluded from the minutes. The Additionally, the agenda shall also state that the request must be made in writing to the secretary or clerk of the Board. (Education Code 49073.2)

Agenda Preparation

CSBA NOTE: It is common practice for the Board president and the Superintendent to work together to develop the agenda for each meeting. However, some Boards prefer that the Board president makes the final decision regarding the agenda. The following paragraph reflects collaboration between the Board president and Superintendent and should be modified to reflect district practice.

The Board president and the Superintendent, as secretary to the Board, shall work together to develop the agenda for each regular and special meeting meeting, including whether an item requires Board action and whether an item shall be considered in open or closed session.

CSBA NOTE: Education Code 35145.5 **mandates** that the Board adopt reasonable regulations to ensure that members of the public can place matters directly related to district business on ~~Board~~ meeting agendas. The following paragraph, including the timeline, should be revised to reflect district practice. Districts are free to establish their own timeline for placing an item on the agenda, taking into account staff time and resources, as long as the established timeline is a reasonable one. In *Caldwell v. Roseville Joint Union High School District*, a federal district court upheld a district bylaw requiring members of the public to submit a written request in order to place items on a meeting agenda. The case involved an alleged violation of the plaintiff's First Amendment rights when the district did not place an item on the agenda in response to the plaintiff's oral request because the district disagreed with the plaintiff's religious beliefs. However, the court held that the district's bylaw requiring that requests first be made in writing was content-neutral and thus a reasonable restriction. The following paragraph requires that members of the public submit a written request and should be revised to reflect district practice.

Any Board member or member of the public, or an individual Board member acting in that Board member's capacity as a member of the public, may request that a matter within the subject matter jurisdiction of the Board be placed on the agenda of a regular meeting. The request shall be submitted in writing to the Superintendent or designee with supporting documents and information. (Education Code 35145.5)

CSBA NOTE: In *Mooney v. Garcia*, the California appeals court Appellate Court reaffirmed the Board's discretion in determining whether an agenda item is within the subject matter jurisdiction of a governing board the Board.

The Board president and Superintendent shall decide whether such a request from a member of the public is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may shall not be placed on the agenda. In addition, before placing the item on the agenda, the Additionally, if the Board president and Superintendent shall determine if that the item request is merely a request for information, and if so, respond accordingly then the request shall not be placed on the agenda.

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

If the Board president and Superintendent deny a request from a Board member to place an item on the agenda, the Board member may request the Board take action during a Board meeting to determine whether the item shall be placed on the agenda.

The Board president and Superintendent shall also decide whether an agenda item is appropriate for discussion in open or closed session, whether the item should be an action item subject to Board vote or an information item, and when the item is placed on the agenda.

CSBA NOTE: It is common practice for individual Board members to be permitted to request that matters within the subject matter jurisdiction of the Board be placed on an agenda. However, even if no such explicit permission exists, Board members may do so as members of the public pursuant to Government Code 35145.5. The following two paragraphs, which should be modified to reflect district practice, create separate authority for individual Board members to request that matters within the subject matter jurisdiction of the Board be placed on an agenda and a process by which that request can be voted on by the Board if it is denied.

A Board member may request in writing, at a meeting as part of a related open session item, or at a meeting as part of an open session item intended for this purpose that a specific matter within the subject matter jurisdiction of the Board be placed on an upcoming Board agenda. Within thirty (30) days of receiving the request, the Board member shall be informed by the Board president if the request has been approved or denied by the Board president and Superintendent.

If the request is approved, the Board president and Superintendent shall inform the Board member of the general timeframe that the matter will be placed on an agenda, on which part of the agenda the item will appear, and whether the item requires action by the Board. If the request is denied, the Board president and Superintendent fail to provide a response to the request, or the requesting Board member disagrees with the timeframe that the matter will be placed on an agenda, on which part of the agenda the item will appear, or whether the item requires action by the Board, then the Board member may appeal the response to the request to the Board. The Board president and Superintendent shall place the appeal on the next upcoming regular meeting agenda for Board action, but only as to whether, when, and how to agendize the requested matter. If a majority of the Board agrees with the appeal, the item will be considered in accordance with the decision of the majority of the Board.

CSBA NOTE: The following optional paragraph is for boards that use the consent agenda or calendar to take action on matters of a routine nature for which discussion may not be necessary. It

is important for such boards to limit the use of the consent agenda to noncontroversial matters and to establish rules that help ensure that any use of the consent agenda does not reduce transparency in the Board's conduct of district business or result in violation of the open meeting laws. In addition, Additionally, boards should be aware that, by law, certain items may not be placed on the consent agenda. For example, pursuant to Government Code 54960.2, a board's decision to approve or rescind its unconditional commitment to refrain from taking certain actions in violation of the Brown Act must be made as a separate For more information regarding what item and may not be placed on the consent agenda. See, see BB 9323.2 - Actions by the Board.

In order to promote efficient meetings, the Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda, except as required by law. Consent items shall be items of a routine nature and items for which Board discussion is not anticipated and for which the Superintendent recommends approval. ~~When any Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a separate agenda item.~~

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item unless such item has been previously considered at an open meeting of a committee comprised exclusively of Board members. (Government Code 54954.3)

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

Agenda Dissemination to Board Members

CSBA NOTE: The following section is optional and should be modified to reflect district practice. CSBA NOTE: Pursuant to Government Code 7921.310, when the Board, in the conduct of its duties, is authorized by law to access any writing of the Board or district, including the agenda and supporting documents, the district is prohibited from discriminating between or among Board members as to when and which writing will be made available.

CSBA's GAMUT Meetings, an electronic board meeting agenda service for use by districts, county offices of education, and the public allows development of and access to Board meeting agendas, supporting documents, and minutes from any computer that has Internet access. Further information can be found on CSBA's website.

At least 72 hours before each regular meeting, each Board member shall be provided a copy of the agenda and agenda packet, including all related materials such as the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, and others; and other available supporting documents pertinent to the meeting.

Additionally, the Superintendent or designee may distribute to the Board additional materials related to agenda items less than 72 hours before each regular meeting, as permitted by law.

CSBA NOTE: Government Code 54956, as amended by SB 707, only refers to the authority to "call" and "notice" a special meeting. However, in practice these terms, particularly "notice," are synonymous with "agenda." The following paragraph utilizes the term "agenda" and should be modified to reflect district practice.

When a special meeting is called, Board members shall receive, the agenda and all related materials at least 24 hours prior to the meeting; notice of the business to be transacted. (Government Code 54956)

Board members shall review the agenda and all related materials before each regular or special meeting. Individual Board members may confer directly with the Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of Board members shall not, outside of a noticed meeting, directly or through intermediaries or electronic means, discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

Regular Meeting Agenda Dissemination to Members of the Public

Agenda The agenda and all related materials distributed to the Board related to a regular meeting shall be made available to the public upon request without delay. However, only those documents which are disclosable public records under the California Public Records Act (PRACCPRA) and which relate to an agenda item scheduled for the open session portion of a regular meeting or which contain a claim or written threat of litigation which will be discussed in closed session shall be made available to the public. (Government Code 54956.9, 54957.5)

CSBA NOTE: Pursuant to Government Code 54954.2, the agenda for a regular meeting of the Board must be posted at least 72 hours prior to the meeting on the district's website, if it has one, and at a location that is freely accessible to the public. The Attorney General has determinedCSBA NOTE: The Attorney General opined in 78 Ops.Cal.Atty.Gen. 327 (1995) that weekend hours may be counted as part of the 72-hour period for posting of the agenda prior to a regular meeting. In the same opinion, the Attorney General found that the term "freely accessible" requires that requirement for the agenda to be posted in a "freely accessible" location where means that it can be read by the public at any time, including evening hours, during the 72 hours immediately preceding the meeting. Also see BB 9320 - Meetings and Notices.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

CSBA NOTE: Government Code 54954.2 requires that the agenda be posted on the homepage of the district website, if it has one, in accordance with law. Districts that use an integrated agenda management platform, such as CSBA's GAMUT Meetings, may provide a direct link on the homepage of the district's website to access agendas posted on the platform. Pursuant to Government Code 54954.2, the link mustis required to not be solely accessible through a contextual menu, and the agenda must be posted in a format which is retrievable, downloadable, indexable, electronically searchable by commonly used Internet search applications, available to the public free of charge, and without any restriction that would impede the reuse or redistribution of

the agenda.

The Attorney General has opined in 99 Ops. Cal. Atty. Gen. 11 (2016) that the Brown Act regular meeting online agenda posting provision contained within Government Code 54954.2 is not necessarily violated when a local agency's website experiences technical difficulties that cause the agenda to become inaccessible to the public for a portion of the 72 hours that precede the scheduled meeting. If the local agency has otherwise substantially complied with the Brown Act agenda posting requirements, the legislative body may lawfully hold its regular meeting as scheduled.

Pursuant to Government Code 54957.5, as amended by AB 2647 (Ch. 971, Statutes of 2022), the district may post on the district's website any writing related to an open session item of a regular Board meeting which is distributed to Board members less than 72 hours before the meeting, when, due to the closure of the location designated for inspection, the writing is not available for inspection by the public. To post such a writing, the requirements specified in Items #1-4 below ~~must~~ **are required to** be met. ~~Districts~~ **It is recommended that districts** with questions regarding this exception are ~~encouraged~~ to consult CSBA's District and County Office of Education Legal Services or district legal counsel.

~~In addition~~ **Additionally**, the Superintendent or designee shall post the agenda on the homepage of the district website. The posted agenda shall be accessible through a prominent direct link to the current agenda or to the district's agenda management platform in accordance with Government Code 54954.2. When the district utilizes an integrated agenda management platform, the link to that platform shall take the user directly to the website with the district's agendas, and the current agenda shall be the first available. (Government Code 54954.2)

If a writing which relates to an open session agenda item or which contains a claim or written threat of litigation which will be discussed in closed session during a regular Board meeting is distributed to the Board less than 72 hours prior to ~~at~~ **the** meeting, the Superintendent or designee shall make the writing available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board. However, if the writing is distributed to at least a majority of the Board at a time when the designated location is closed to the public, this requirement may be satisfied by posting the writing on the district website if the following conditions are met: (Government Code 54957.5)

1. An initial staff report or similar document containing an executive summary and any staff recommendations related to the agenda item is made available for public inspection at the designated location at least 72 hours before the meeting
2. The writing is immediately posted on the district's website in a position and manner that makes it clear that the writing relates to an agenda item for the upcoming meeting
3. The district lists the website address where such writings may be accessed on all Board meeting agendas
4. A physical copy of the document is made available for public inspection at the designated location at the beginning of the next regular business hours, but not less than 24 hours before the relevant Board meeting

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

CSBA NOTE: The following paragraph is for districts that have a website and should be deleted by districts that do not have a website. Pursuant to Government Code 54954.1, any district with a website is required to email a copy of, or a website link to, the agenda or a copy of all the documents constituting the agenda packet if a person requests that such items be delivered by email, as specified below.

The Superintendent or designee shall email a copy of, or a website link to, the agenda or a copy of all the documents constituting the agenda packet to any person who requests such items to be delivered by email. If the Superintendent or designee determines that it is technologically infeasible to do so, a copy of the agenda or a website link to the agenda and a copy of all other documents constituting the agenda packet shall be sent to the person who has made the request in accordance with mailing requirements specified in law. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

CSBA NOTE: The following optional paragraph is for use by districts that charge a fee for mailing the agenda or agenda packet. **CSBA NOTE:** Government Code 54954.1 authorizes districts to charge a fee for mailing the agenda or agenda packet as long as the fee does not exceed the cost of providing the service. Pursuant to Government Code 54957.5, a surcharge may not be imposed for providing the agenda and other public record documents in alternative formats to persons with disabilities. The following optional paragraph is for use by districts that charge a fee for mailing the agenda or agenda packet and should be deleted or modified to reflect district practice.

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Any document prepared by the district or Board and distributed during a publican open meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the PRACCPRA. (Government Code 54957.5)

CSBA NOTE: Pursuant to Government Code 54954.1, upon request, the agenda and supporting documentation must all related materials are required to be made available in appropriate alternative formats to persons with a disability, as required under the Americans with Disabilities Act (42 USC 12132). ADA. Examples of alternative formats, also referred to as "auxiliary aids and services," are listed in 28 CFR 36.303 and include accessible electronic and information technology, audio recordings, or Braille materials.

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

Special Meeting Agenda Dissemination to Members of the Public

CSBA NOTE: The portions of the Brown Act related to the dissemination of the agenda and related materials are inconsistent in regard to whether they apply solely to regular meetings or are silent as to which type of meeting they apply. Out of an abundance of caution and to reflect common practice among districts, the following section, which should be modified to reflect district practice, is written to extend the agenda dissemination requirements for regular meetings to special meetings. It is recommended that districts with questions regarding special meeting agenda dissemination consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The requirements for the dissemination of regular meeting agendas and related materials and writings to members of the public found in "Regular Meeting Agenda Dissemination to Members of the Public" shall be applicable to the dissemination of special meeting agendas and related materials and writings to members of the public except that the 24-hour requirement shall apply rather than the 72-hour requirement.

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

State

Description

Ed. Code 35144

Special meeting

Ed. Code 35145

Public meetings

Ed. Code 35145.5

Agenda; public participation and regulations

Ed. Code 49061

Definitions; directory information

Ed. Code 49073.2

Privacy of student and parent/guardian personal information; minutes of board meeting

Gov. Code 53635.7

Separate item of business for borrowing of \$100,000 or more

Gov. Code 54950-54963

Ralph M. Brown Act

Gov. Code 54953

Meetings; Americans with Disabilities Act accessibility

Gov. Code 54953.8

Remote meeting and attendance

Gov. Code 54953.8.2

State of emergency

Gov. Code 54953.8.3

Just cause

Gov. Code 54954.1

Request for copy of agenda or agenda packet by member of public

Gov. Code 54954.2

Agenda posting requirements; board actions

Gov. Code 54954.3	Opportunity for public to address legislative body
Gov. Code 54954.5	Closed session item descriptions
<u>Gov. Code 54956</u>	<u>Special meetings</u>
Gov. Code 54956.5	Emergency meetings
Gov. Code 54956.9	Meetings
Gov. Code 54957.5	Public records
Gov. Code 54960.2	Challenging board actions; cease and desist
Gov. Code 7920.000-7930.170	California Public Records Act
Gov. Code 95000-95004	California Early Intervention Services Act
Federal	Description
28 CFR 35.160	Effective communications for individuals with disabilities
28 CFR 36.303	Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services
42 USC 12101-12213	Americans with Disabilities Act
Management Resources	Description
Attorney General Opinion	99 Ops. Cal. Atty. Gen. 11 (2016)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 327 (1995)
Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Sierra Watch v. County of Placer (2022) 69 Cal.App.5th 86
Court Decision	Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68
Court Decision	Caldwell v. Roseville Joint Union High School District (2007) U.S. Dist. LEXIS 66318
Court Decision	Mooney v. Garcia (2012) 207 Cal.App.4th 229
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2023
CSBA Publication	Call to Order: A Blueprint for Great Board Meetings
Website	CSBA District and County Office of Education Legal Services
Website	California Attorney General's Office
Website	CSBA

Cross References

Code	Description
0000	Vision

0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
1100	Communication With The Public
1112	Media Relations
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records
1400	Relations Between Other Governmental Agencies And The Schools
2210	Administrative Discretion Regarding Board Policy
3100	Budget
3100	Budget
3312	Contracts
3320	Claims And Actions Against The District
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
4312.1	Contracts
5113.12	District School Attendance Review Board

5113.12	District School Attendance Review Board
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
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
9012	Board Member Electronic Communications
9121	President
9122	Secretary
9130	Board Committees
9150	Student Board Members
9200	Limits Of Board Member Authority
9310	Board Policies
9320	Meetings And Notices
<u>9320.1</u>	<u>Remote Meetings and Attendance</u>
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9323	Meeting Conduct
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board
9324	Minutes And Recordings

CSBA Sample District Policy Manual

CSBA Policy Management Console

Bylaw 9323: Meeting Conduct

Status: ADOPTED

Original Adopted Date: 11/01/2006 | Last Revised Date: ~~12~~02/01/2022~~2026~~ | Last Reviewed Date: ~~12~~02/01/2022~~2026~~

CSBA NOTE: Education Code 35010 mandates the Governing Board to "prescribe and enforce" rules for its own governance. These rules must not be inconsistent with law or with regulations prescribed by the State Board of Education. The following bylaw provides suggested rules and procedures for meeting conduct and reflects provisions of law as applicable.

Meeting Procedures

All Governing Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board bylaws and posted and distributed in accordance with the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

CSBA NOTE: The law does not specify that a particular set of procedures must govern Board meetings. Although Robert's Rules of Order can serve as a useful guide, the Board may adopt any procedure that allows for the efficient and consistent conduct of meetings.

CSBA NOTE: The law does not require a particular set of procedures to govern Governing Board meetings. However, it is common to use Robert's Rules of Order or Rosenberg's Rules of Order. The following paragraph should be modified to reflect district practice.

The Board president shall conduct Board meetings in accordance with Board bylaws and procedures that enable the Board to efficiently consider issues and carry out the will of the majority. The Board chair, who is either the Board president or the Board member chairing the meeting at the time if the Board president is absent, shall conduct Board meetings in accordance with [REDACTED] to enable the Board to efficiently consider issues and carry out the will of the majority. CSBA NOTE: The following optional paragraph limits the length of Board meetings and should be revised to reflect district practice.

The Board believes that late night meetings can deter public participation, ~~can~~ affect the Board's decision-making ability, and ~~can~~ be a burden to staff. Regular Board meetings shall be adjourned by ~~10:30~~ [REDACTED] p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and, if necessary, may subsequently be adjourned to a later date.

CSBA NOTE: In *Rubin v. City of Burbank*, an appellate court held that inclusion of "sectarian prayer" at city council meetings, which communicated a preference for a particular religious faith and advanced one faith over another, was unconstitutional by directing the prayer "in the name of

Jesus." The court held that it would be constitutional to require the city to advise those people conducting the prayer of this limitation. This opinion is consistent with an unpublished 9th Circuit federal court opinion which stated that an invocation "in the name of Jesus" was unconstitutional in that it displayed allegiance to a particular faith.

Some general guidelines for invocations can be found in an Attorney General's opinion (76 Ops.Cal.Atty.Gen. 281 (1993)) which stated that a county board of supervisors could open its sessions with an invocation when the invocation is (1) not required by law as a condition to the official proceedings, (2) not part of the deliberative agenda, (3) not offered, supervised, or approved as to content by a public officer, (4) not officially limited to a particular religion, (5) not disparaging of others, and (6) not directed towards proselytizing. However, because this is an unsettled area of law that is subject to frequent litigation, it is strongly recommended that districts consult CSBA District and County Office of Education Legal Services or district legal counsel if they wish to open meetings with an invocation. Note that a different legal analysis applies to student-led or student-initiated prayer; see BP 5127 - Graduation Ceremonies and Activities.

Quorum and Abstentions

The Board shall act by majority vote of all of the membership constituting the Board. (Education Code 35164)

CSBA NOTE: The Attorney General opined in 61 Ops.Cal.Atty.Gen. 243 (1978) that members of a public body have a duty to vote on issues before them so that the public is represented and receives the services which the public body was created to provide. Issues arise when a motion is tied and one Board member has abstained. The general parliamentary rule is that an abstention is counted as agreeing with the action taken by the majority of those who vote, whether affirmatively or negatively (66 Ops.Cal.Atty.Gen. 336 (1983)). However, a stronger argument could be made that the parliamentary rule is in conflict with Education Code 35164 which requires a majority vote of all of the membership of the Board in order for the Board to act (i.e., a majority of all of the membership of the Board must vote affirmatively in order to approve any action). In 55 Ops.Cal.Atty.Gen. 26 (1972), the Attorney General opined that, when a statutory requirement exists that requires an affirmative action of at least a majority of the members of the Board, the general rule that members not voting were deemed to have agreed with the action taken by the majority of those that voted is not applicable.

The following optional paragraph is consistent with CSBA's opinion that a majority of the Board must vote affirmatively for a motion to carry, but the law is not settled and contrary legal opinions may exist. It is strongly recommended that the district consult with CSBA District and County Office of Education Legal Services or district legal counsel and modify the following paragraph to ensure consistency with district practice.

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them.

CSBA NOTE: The following optional paragraph, which should be revised to reflect district practice, is for boards that use the consent agenda or calendar to take action on matters of a routine nature for which discussion may not be necessary. For more information regarding the use of a consent agenda or calendar, see BB 9322 – Agenda/Meeting Materials.

When any Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a separate agenda item. The Board chair shall determine where on the agenda the former consent item is placed.

Quorum and Abstentions

Except as required by law, the Board shall act by majority vote of all of the membership constituting the Board. (Education Code 35164)

Except when prohibited by law, the Board expects its members to vote on all issues before them.

When a member abstains, the abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

CSBA NOTE: The following paragraph applies only to districts with seven -member boards and should be deleted by districtsboards with a three or five member boardmembers.

Provided the Board typically ~~has~~ consists of seven members and there are no more than two vacancies on the Board, the vacant position(s) shall not be counted for purposes of determining how many members of the Board constitute a majority. ~~In addition~~ Additionally, whenever any provisions of the Education Code require unanimous action of all or a specific number of the members, the vacant position(s) shall not be counted for purposes of determining the total membership constituting the Board. (Education Code 35165)

Public Participation

CSBA NOTE: Pursuant to Government Code 54953.3, members of the public cannot be required to register their names, complete a questionnaire, or provide other information as a condition of attending a Board meeting, except that if the meeting is conducted using remote public participating or with a Board member attending remotely pursuant to Government Code 54953, a member of the public desiring to observe the meeting or provide comment through the use of a third party internet website or online platform may be required to register as required by the third party provider.

Members of the public may be given or asked for non-personal identifying information (e.g., a numbered ticket) to indicate speaking order for public comment. If an attendance list or similar document is posted near the entrance or circulated during the meeting, it ~~must~~ is required to clearly state that signing or completing the document is voluntary.

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, ~~persons~~members of the public attending a Board meetings~~meeting~~ shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting, except that if the meeting is conducted using remote public participation or with a Board member attending remotely pursuant to Government Code 54953, a member of the public desiring to provide desires to observe the meeting or make public comment through the use of a third party internet website or online platform may be required to register as required by the third party provider.

To facilitate public comment, the Board may request that members of the public who wish to give public comment provide their names or other identifying information to determine speaking order.

In order to conduct district business in an orderly and efficient manner, ~~the Board requires that public presentations to the Board comply~~public comment shall occur in accordance with Board Bylaw 9322 - Agenda Meeting/Materials and in compliance with the following procedures:

CSBA NOTE: Education Code 35145.5 mandates the Board to adopt regulations which ensure that the public can address the Board regarding agenda items, as specified below.

CSBA NOTE: District employees have the same right as members of the public to address the Board during a public Board meeting. In 90 Ops.Cal.Atty.Gen. 47 (2007), the Attorney General opined that, under the Ralph M. Brown Act, an administrative district employee cannot be prohibited from attending a Board meeting or from speaking during the public comment period, including comments on an employment-related issue.

- ~~1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board's consideration of the item. (Education Code 35145.5; Government Code 54954.3)~~
- ~~2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Education Code 35145.5; Government Code 54954.2)~~
- ~~3. Without taking action, Board members or district staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, Board members or staff members may ask a question for clarification, make a brief announcement, or make a brief report on their own activities. (Government Code 54954.2)~~

~~Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)~~

4. ~~The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard the item, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)~~
5. ~~A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.~~

CSBA NOTE: Government Code 54954.3 authorizes reasonable regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Such reasonable regulations must ensure that the intent of allowing the public an adequate opportunity to speak to the Board is carried out. The following paragraph should be revised to reflect district practice.

~~In general, individual speakers will be allowed three minutes to address the Board on each agenda or nonagenda item, and the Board will limit the total time for public input on each item to 20 minutes. However, in exceptional circumstances when necessary to ensure full opportunity for public input, the Board president may, with Board consent, adjust the amount of time allowed for public input and/or the time allotted for each speaker. Any such adjustment shall be done equitably so as to allow a diversity of viewpoints. The president may also ask members of the public with the same viewpoint to select a few individuals to address the Board on behalf of that viewpoint.~~

~~In order to ensure that non-English speakers receive the same opportunity to directly address the Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the Board, unless simultaneous translation equipment is used to allow the Board to hear the translated public testimony simultaneously. (Government Code 54954.3)~~

6. ~~The Board president may rule on the appropriateness of a topic, subject to the following conditions:~~
 - a. ~~If a topic would be suitably addressed at a later time, the Board president may indicate the time and place when it should be presented.~~
 - b. ~~The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3)~~

CSBA NOTE: The following optional item addresses the issue of specific charges or complaints against district employees in open Board meetings. Although the Board may inform the speaker of appropriate district complaint procedures, it cannot prohibit criticisms of the district and its employees, no matter how harsh. Board members and staff may briefly respond to the concerns raised by the complainant at

the meeting.

In *Baca v. Moreno Valley Unified School District*, a federal district court issued a preliminary injunction against the district prohibiting it from enforcing its policy barring criticism of employees at public Board meetings. The court found that the district's policy violated the plaintiff's First Amendment rights by restricting the content of her speech. The court further noted that the district could not legally prevent a person from speaking in open session, even if the speech was clearly defamatory. It is recommended that the Board consult CSBA District and County Office of Education Legal Services or district legal counsel if a question arises regarding public criticism of a district employee.

- e. ~~The Board shall not prohibit public criticism of district employees. However, whenever a member of the public initiates specific complaints or charges against an individual employee, the Board president shall inform the complainant of the appropriate complaint procedure.~~

CSBA NOTE: As provided in item #7 below, Government Code 54957.9 authorizes the Board to remove persons who willfully disrupt or disturb a meeting. Examples of disruptive conduct might include conduct that is extremely loud, disturbing, or creates a health or safety risk. In *McMahon v. Albany Unified School District*, the court held that a speaker's constitutional rights were not violated when he was removed from a Board meeting after dumping a substantial amount of garbage on the floor of the meeting room. Because the speaker was not removed based on the content of his speech, the court upheld his conviction for a willful disruption of a public meeting. In *City of San Jose v. Garbett*, the court held that a legislative body may exclude from a meeting a person who has expressed a credible threat of violence that would place reasonable persons in fear for their safety or the safety of their immediate family and that serves no legitimate purpose.

However, the courts have found that a person's conduct must actually disrupt the meeting in order to warrant ejection. In *Norse v. City of Santa Cruz*, the court held that the city council improperly ejected a member of the public who gave the council a silent Nazi salute, on the grounds that the action did not interfere with the proceedings of the meeting.

7. The Board president shall not permit actual disruption of Board meetings. Actual disruption by an individual or group or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the president to terminate the privilege of addressing the Board and remove the individual from the meeting.

CSBA NOTE: Government Code 54957.95, as added by SB 1100 (Ch. 171, Statutes of 2022), authorizes the presiding member of the Board or designee to remove an individual for disrupting a Board meeting, and establishes a procedure for warning the individual prior to removal, as specified below. However, no warning is required before removing an individual if their behavior constitutes a use of force or a true threat of force.

Because of the potential impact on the public's access to open meetings, it is recommended that the Board consult CSBA District and County Office of Education Legal Services or district legal counsel if a question arises regarding the procedures for removing a disruptive individual, or if an individual's behavior warrants removal from a meeting.

1. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law (Education Code 35145.5; Government Code 54954.2)
2. Board members or district staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda (Government Code 54954.2)

Additionally, on their own initiative or in response to questions posed by the public, Board members or staff members may ask a question for clarification, make a brief announcement, or make a brief report on their own activities. (Government Code 54954.2)

In addition, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)

CSBA NOTE: Government Code 54954.3 authorizes reasonable regulations, including the total amount of time allocated for each individual speaker and whether speakers may defer or combine time. The following paragraph may be modified to reflect district practice.

3. A member of the public wishing to be heard by the Board shall first be recognized by the Board chair

An individual speaker shall be allowed a maximum of [REDACTED] minutes to address the Board. However, the Board chair, or a majority of the Board, may adjust the amount of time allowed for public input and/or the time allotted for each speaker. Any such adjustment shall be done equitably so as to allow a diversity of viewpoints. Additionally, the Board chair may ask members of the public with the same viewpoint to select a few individuals to address the Board on behalf of that viewpoint.

In order to ensure that non-English speakers receive the same opportunity to directly address the Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the Board, unless simultaneous translation equipment is used to allow the Board to hear the translated public testimony simultaneously. (Government Code 54954.3)

4. An individual speaker may give some or all of the speaker's time to another speaker, provided that no individual speaker is permitted to speak more than the maximum time permitted per individual speaker pursuant to Board Bylaw 9322 - Agenda/Meeting Materials

5. For any public comment period with a time limit when a remote Board member is attending and participating based on just cause pursuant to Board Bylaw 9320.1 – Remote Meetings and Attendance, the Board may not close that public comment period or the opportunity to register to provide public comment via the two-way audiovisual platform or two-way audio service until the full time for public comment has elapsed (Government Code 54953.8)

For any other public comment period when a remote Board member is attending and participating based on just cause pursuant to Board Bylaw 9320.1 – Remote Meetings and Attendance, the Board shall allow a reasonable amount of time to permit members of the public to provide public comment and to register to do so via the two-way audiovisual platform or two-way audio service. (Government Code 54953.8)

6. The Board chair shall determine whether an individual's public comment is within the scope of the public comment period, subject to the following conditions:
 - a. If the public comment is within the scope of a different public comment period, the Board chair shall so indicate
 - b. Public criticism of the Board, individual Board members, the district, its policies, procedures, programs, services, acts, or omissions shall not be prohibited (Government Code 54954.3)

CSBA NOTE: The following optional item addresses the issue of specific charges or complaints against district employees in open Board meetings. Although the Board may inform the speaker of appropriate district complaint procedures, it cannot prohibit criticisms of the district and its employees, no matter how harsh. Board members and staff may briefly respond to the concerns raised by the complainant at the meeting.

In *Baca v. Moreno Valley Unified School District*, a federal district court issued a preliminary injunction against the district prohibiting it from enforcing its policy barring criticism of employees at public Board meetings. The court found that the district's policy violated the plaintiff's First Amendment rights by restricting the content of her speech. The court further noted that the district could not legally prevent a member of the public from speaking in open session, even if the speech was clearly defamatory. It is recommended that the Board consult CSBA District and County Office of Education Legal Services or district legal counsel if a question arises regarding public criticism of a district employee.

- c. Public criticism of district employees shall not be prohibited

However, whenever a member of the public initiates specific complaints or charges against an individual employee, the Board chair shall inform the complainant of the appropriate complaint procedure.

Disruptions

CSBA NOTE: Government Code 54957.95 authorizes the Board to remove a person who willfully disrupts or disturbs a meeting. Examples of disruptive conduct might include conduct that is extremely loud, disturbing, or creates a health or safety risk. In *McMahon v. Albany Unified School*

District, a California Appellate Court held that a speaker's constitutional rights were not violated when the speaker was removed from a Board meeting after dumping a substantial amount of garbage on the floor of the meeting room. Because the speaker was not removed based on the content of his speech, the court upheld his conviction for a willful disruption of a public meeting. In *City of San Jose v. Garbett*, the court held that a legislative body may exclude from a meeting a person who has expressed a credible threat of violence that would place reasonable persons in fear for their safety or the safety of their immediate family and that serves no legitimate purpose.

However, the courts have found that a person's conduct is required to actually disrupt the meeting in order to warrant ejection. In *Norse v. City of Santa Cruz*, the court held that the city council improperly ejected a member of the public who gave the council a silent Nazi salute, on the grounds that the action did not interfere with the proceedings of the meeting.

Because of the potential impact on the public's access to open meetings, it is recommended that the Board consult CSBA District and County Office of Education Legal Services or district legal counsel if a question arises regarding the procedures for removing a disruptive individual, or if an individual's behavior warrants removal from a meeting.

The Board President or designee may remove ~~chair shall not permit~~ an individual ~~for to~~ actually disrupting the ~~disrupt a Board~~ meeting. Actual disruption by an individual or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the Board chair to terminate the privilege of addressing the Board for that meeting and remove the individual from the meeting. (Government Code 54957.95)

Prior to removal, the individual shall be warned that ~~their~~the individual's behavior is disrupting the meeting and that failure to cease the disruptive behavior may result in removal. If, after being warned, the individual does not promptly cease the disruptive behavior, the Board ~~president~~chair, or designee, may then remove the individual from the meeting. (Government Code 54957.95)

When an individual's behavior constitutes the use of force or a true threat of force, the individual shall be removed from a Board meeting without a warning. (Government Code 54957.95)

Disrupting means engaging in behavior during a Board meeting that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law, or engaging in behavior that constitutes use of force or a true threat of force. (Government Code 54957.95)

True threat of force means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat. (Government Code 54957.95)

Additionally, the Board may order the room cleared if ~~necessary~~when a group or groups of persons willfully interrupts so as to render the orderly conduct of the meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to such a group disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

When disruptive conduct occurs, the Board may decide to recess the meeting to help restore order, or if removing the disruptive individual(s) or clearing the room is infeasible, move the meeting to another location. The Board may direct the Superintendent or designee to contact local law enforcement as necessary.

CSBA NOTE: In *Berkeley People's Alliance v. City of Berkeley*, the California Appellate Court held that Government Code 54957.9 requires a legislative body to clear the meeting room when a meeting is willfully disrupted and order cannot be restored by removing disruptive individuals and does not permit the legislative body to relocate the meeting to a different room in lieu of clearing the meeting room.

When such group disruptive conduct occurs, the Board may decide to recess the meeting to help restore order, remove the disruptive individual(s), or clear the room. Additionally, the Board may adjourn the meeting to another time and location specified in an order of adjournment. The Board chair may direct the Superintendent or designee to contact local law enforcement as necessary. (Government Code 54955, 54957.9, 54957.95, 54957.96)

Recording by the Public

CSBA NOTE: Government Code 54953.5 provides that any personmember of the public attending an open meeting may record it with an audio or video recorder or a still or motion picture camera unless the Board makes a reasonable finding that the recording cannot continue without noise, illumination, or obstruction of view which would persistently disrupt the meeting. Government Code 54953.6 requires a similar finding before the Board can prohibit or restrict a broadcast of its meetings.

The following paragraph extends the right to record an open meeting to include recordings made by other devices such as a cell phone.

Members of the public may record an open Board meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise, illumination, or obstruction of view does not persistently disrupt the meeting. The Superintendent or designee may designate locations from which members of the public may make such recordings without causing a distraction.

If the Board finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

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

State

Code of Civil Procedure 527.8

Description

Workplace violence safety

Ed. Code 32210	Willful disturbance of public school or meeting
Ed. Code 35010	Control of district; prescription and enforcement of rules
Ed. Code 35145.5	Agenda; public participation and regulations
Ed. Code 35163	Official actions, minutes, and journal
Ed. Code 35164	Actions by majority vote
Ed. Code 35165	Effect of vacancies upon majority and unanimous votes by seven member board
Ed. Code 5095	Powers of remaining board members and new appointees
Elec. Code 18430	Prevention or hinderance of electors assembling in public meeting
Gov. Code 54953.3 <u>54950-54963</u>	<u>Meetings to be open and public; remote attendance</u> <u>Brown Act</u>
Gov. Code 54953.5	<u>Audio or video recording of proceedings</u>
Gov. Code 54953.6	<u>Broadcasting of proceedings</u>
Gov. Code 54954.2	<u>Agenda posting requirements; board actions</u>
Gov. Code 54954.3	<u>Opportunity for public to address legislative body</u>
Gov. Code 54957	<u>Closed session personnel matters</u>
Gov. Code 54957.9	<u>Disorderly conduct of general public during meeting; clearing of room</u>
Gov. Code 54957.95	<u>Opening meetings; orderly conduct</u>
Pen. Code 403	Disruption of assembly or meeting
Management Resources	Description
Attorney General Opinion	55 Ops.Cal.Atty.Gen. 26 (1972)
Attorney General Opinion	61 Ops.Cal.Atty.Gen. 243; 253 (1978)
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 215 (1980)
Attorney General Opinion	66 Ops.Cal.Atty.Gen. 336 (1983)
Attorney General Opinion	76 Ops.Cal.Atty.Gen. 281 (1993)
Attorney General Opinion	90 Ops.Cal.Atty.Gen. 47 (2007)
Attorney General Opinion	59 Ops.Cal.Atty.Gen. 532 (1976)
Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003

Court Decision	Baca v. Moreno Valley Unified School District (1996) 936 F. Supp. 719
Court Decision	Berkeley People's Alliance v. City of Berkeley (2025) 114 Cal.App.5th 984
Court Decision	City of San Jose v. William Garbett (2010) 190 Cal.App. 4th 526
Court Decision	McMahon v. Albany Unified School District (2002) 104 Cal.App.4th 1275
Court Decision	Norse v. City of Santa Cruz (9th Cir. 2010) 629 F.3d 966
Court Decision	Rubin v. City of Burbank (2002) 101 Cal.App.4th 1194
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2023
CSBA Publication	Call to Order: A Blueprint for Great Board Meetings
Website	CSBA District and County Office of Education Legal Services
Website	California Attorney General's Office
Website	CSBA

Cross References

Code	Description
1000	Concepts And Roles
1100	Communication With The Public
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1313	Civility
3100	Budget
3100	Budget
3270	Sale And Disposal Of Books, Equipment And Supplies
3270	Sale And Disposal Of Books, Equipment And Supplies
3312	Contracts

9005	Governance Standards
9100	Organization
9121	President
9130	Board Committees
9200	Limits Of Board Member Authority
9230	Orientation
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9310	Board Policies
9320	Meetings And Notices
<u>9320.1</u>	<u>Remote Meetings and Attendance</u>
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board
9324	Minutes And Recordings

