

Cuyama Joint Unified School District

Board Policy

Vision

BP 0000

Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board believes that a clearly stated purpose and direction for the district provide the foundation for continuous improvement and accountability. The Board shall adopt a long-range vision for district programs and activities that focuses on the achievement and well-being of all students and reflects the importance of preparing students for the future academically, professionally, and personally. The vision shall recognize the unique role of students, parents/guardians, staff, and community partners in contributing to a high-quality education for all students. The district's vision may be incorporated into its mission or purpose statement, philosophy or motto, long-term goals, short-term objectives, and comprehensive plans such as the local control and accountability plan (LCAP).

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

(cf. 0400 - Comprehensive Plans)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 9000 - Role of the Board)

The Superintendent or designee shall recommend an appropriate process, with clearly defined procedures, timelines, and responsibilities, for establishing, reviewing, and updating the district's vision statements. This process shall include a review of relevant district documents and data including, but not limited to, information about student demographics, student achievement, current programs, and emerging educational issues. The process shall incorporate an analysis and identification of district strengths and areas in which growth is needed. Input shall be solicited from parents/guardians, students, staff, and community members through methods such as surveys, focus groups, advisory committees, and/or public meetings and forums.

(cf. 1220 - Citizen Advisory Committees)

(cf. 2230 - Representative and Deliberative Groups)

(cf. 6020 - Parent Involvement)

The Board shall review the district's vision statements annually, in conjunction with the update to the LCAP, to ensure consistency among all documents that set direction for the district. Following these reviews, the Board may revise or reaffirm the direction it has established for the district.

The Superintendent or designee shall communicate the district's vision to staff, parents/guardians, and the community.

(cf. 1113 - District and School Web Sites)
(cf. 1100 - Communication with the Public)

Board decisions regarding curriculum, policies, the budget, collective bargaining agreements, and other district operations shall be aligned with the district's vision. In addition, the Superintendent or designee shall ensure that staff's implementation of district programs and activities supports attainment of the district's vision.

The Superintendent or designee shall regularly report to the Board regarding district progress toward the vision.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

52060-52077 Local control and accountability plan

Management Resources:

CSBA PUBLICATIONS

The School Board Role in Creating the Conditions for Student Achievement: A Review of the Research, May 2017

Governing to Achieve: A Synthesis of Research on School Governance to Support Student Achievement, August 7, 2014

Defining Governance, Issue 4: Governance Decisions, Governance Brief, June 2014

Defining Governance, Issue 3: Governance Practices, Governance Brief, April 2014

WEB SITES

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

1st Reading: September 14, 2017

2nd Reading: October 12, 2017

Adopted: October 12, 2017

Cuyama Joint Unified School District

Board Policy

Philosophy

BP 0100

Philosophy, Goals, Objectives and Comprehensive Plans

In order to establish and support a guiding vision for the district, the Governing Board shall develop, articulate, and regularly review an overarching set of fundamental principles which describe the district's core beliefs, values, and tenets. The Board and district staff shall incorporate these principles into all programs, activities, and operations of the district.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 9000 - Role of the Board)

It is the philosophy of the district that:

1. All students can learn and succeed.
2. Every student should have an opportunity to receive a quality education regardless of his/her social, cultural, or economic background.

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

3. Every student in the district has a right to be free from discrimination, harassment, intimidation, and bullying, as prohibited by law or district policy.
4. The future of our nation and community depends on students possessing the skills to be lifelong learners, collaborative and creative problem solvers, and effective, contributing members of a global and technologically advanced society.
5. Highly skilled and dedicated teachers and educational support staff have the capacity to guide students toward individual achievement and growth, and have a direct and powerful influence on student learning and life experiences.
6. A safe, nurturing environment and positive school climate are necessary for learning, academic achievement, and student development.

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

7. Parents/guardians have a right and an obligation to be engaged in their child's education and to be involved in the intellectual, physical, emotional, and social development and well-being of their child.

(cf. 6020 - Parent Involvement)

8. The needs of the whole child must be addressed, as the ability of children to learn is affected by social, health, and economic conditions and other factors outside the classroom.

9. Early identification of learning and behavioral difficulties and timely and appropriate support and intervention contribute to student success.

10. Students and staff are encouraged and motivated by high expectations and recognition for their accomplishments.

11. School improvement is a dynamic process requiring flexibility and innovation to meet the needs of students in a changing world.

12. Professional development for the Board and district staff is essential for the growth and success of the district and its students.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 9240 - Board Training)

13. The diversity of the student body and school staff enriches the learning experience, promotes cultural awareness and acceptance, and serves as a model for citizenship in a global society.

14. A common set of norms and protocols is crucial to effective governance.

15. Communication, trust, respect, collaboration, and teamwork strengthen the relationship among Board members and between the Board and Superintendent, and contribute to the effectiveness of the governance team.

16. The community and district are inextricably connected partners, wherein the community's engagement in issues that impact the schools enhances the district's programs and student learning.

(cf. 1000 - Concepts and Roles)

17. Two-way communication with all stakeholders is essential for establishing continuity, support, and shared goals both within the district and with the surrounding community.

18. The Board has a responsibility to advocate on behalf all students, keep current on legislative issues affecting education, and build positive relationships with local, state, and federal representatives.
19. A fiscally sound budget which is reflective of the district's vision is imperative to the financial stability of the district and to the attainment of its goals.
20. Responsibility for district programs and operations is shared by the entire educational community, with ultimate accountability resting with the Board as the basic embodiment of representative government.

Legal Reference:

EDUCATION CODE

51002 Local development of programs based on stated philosophy and goals

51019 Definition of philosophy

51100-51101 Parental involvement

Management Resources:

CSBA PUBLICATIONS

The School Board Role in Creating the Conditions for Student Achievement: A Review of the Research, May 2017

Governing to Achieve: A Synthesis of Research on School Governance to Support Student Achievement, August 7, 2014

Defining Governance, Issue 2: Governing Commitments, Governance Brief, February 2014

WEB SITES

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

National School Climate Center: <http://schoolclimate.org>

1st Reading: September 14, 2017

2nd Reading: October 12, 2017

Adopted: October 12, 2017

Cuyama Joint Unified School District

Board Policy

Goals For The School District

BP 0200

Philosophy, Goals, Objectives and Comprehensive Plans

As part of the Governing Board's responsibility to set direction for the school district, the Board shall adopt long-term goals focused on the achievement of all district students. The district's goals shall be aligned with the district's vision, mission, philosophy, and priorities.

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 9000 - Role of the Board)

In developing goals and identifying strategies to achieve those goals, the Board and Superintendent shall solicit input and review from key stakeholders. The Board shall also review and consider quantitative and/or qualitative data, including data disaggregated by student subgroup and school site, to ensure that district goals are aligned with student needs.

Goals shall be established for all students and each numerically significant subgroup as defined in Education Code 52052, which may include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students and shall address each of the state priorities identified in Education Code 52060 and any additional local priorities established by the Board. These goals shall be incorporated into the district's local control and accountability plan (LCAP). (Education Code 52060, 52062, 52063; 5 CCR 15497.5)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 6159 - Individualized Education Program)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Learners)

The LCAP shall include a clear description of each goal, one or more of the state or local priorities addressed by the goal, any student subgroup(s) or school site(s) to which the goal is applicable, and expected progress toward meeting the goal for the term of the LCAP and in each year. (5 CCR 15497)

Each year the district's update to the LCAP shall review progress toward the goals and describe any changes to the goals. (Education Code 52060-52061)

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

In addition to the goals identified in the LCAP, and consistent with those goals, the district and each school site may establish goals for inclusion in another district or school plan or for any other purpose. Such goals may address the improvement of governance, leadership, fiscal integrity, facilities, community involvement and collaboration, student wellness and other conditions of children, and/or any other areas of district or school operations. As appropriate, each goal shall include benchmarks or short-term objectives that can be used to determine progress toward meeting the goal.

(cf. 0400 - Comprehensive Plans)
(cf. 0420 - School Plans/Site Councils)
(cf. 0440 - District Technology Plan)
(cf. 5030 - Student Wellness)
(cf. 6171 - Title I Programs)
(cf. 7110 - Facilities Master Plan)

Legal Reference:

EDUCATION CODE

17002 State School Building Lease-Purchase Law, including definition of good repair
42238.01-42238.07 Local control funding formula
44258.9 County superintendent review of teacher assignment
51002 Local development of programs based on stated philosophy and goals
51020 Definition of goal
51021 Definition of objective
51041 Evaluation of the educational program
51210 Course of study for grades 1-6
51220 Course of study for grades 7-12
52050-52059 Public Schools Accountability Act, especially:
52052 Academic Performance Index; numerically significant student subgroups
52060-52077 Local control and accountability plan
60119 Sufficiency of textbooks and instructional materials; hearing and resolution
64000-64001 Consolidated application process
CODE OF REGULATIONS, TITLE 5
15497 Local control and accountability plan template
UNITED STATES CODE, TITLE 20
6311 State plan
6312 Local educational agency plan

Management Resources:

CSBA PUBLICATIONS

State Priorities for Funding: The Need for Local Control and Accountability Plans, Fact Sheet, August 2013

WEB SITES

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

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

1st Reading: September 14, 2017

2nd Reading: October 12, 2017

Adopted: October 12, 2017

Cuyama Joint Unified School District

Board Policy

Conduct

BP 5131

Students

The Governing Board believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using district transportation.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.1 - Bus Conduct)

(cf. 5137 - Positive School Climate)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5142 - Safety)

2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

3. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 - Student Disturbances)

4. Willful defiance of staff's authority
5. Damage to or theft of property belonging to students, staff, or the district

(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 5131.5 - Vandalism and Graffiti)

The district shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged.

6. Obscene acts or use of profane, vulgar, or abusive language

(cf. 5145.2 - Freedom of Speech/Expression)

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)

8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose (Penal Code 417.27)

Prior to bringing a laser pointer on school premises for a valid instructional or school-related purpose, a student shall obtain permission from the principal or designee.

9. Use of a cellular/digital telephone, pager, or other mobile communications device during instructional time

Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person.

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health. (Education Code 48901.5)

10. Plagiarism or dishonesty on school work or tests

(cf. 5131.9 - Academic Honesty)
(cf. 6162.54 - Test Integrity/Test Preparation)

(cf. 6162.6 - Use of Copyrighted Materials)

11. Inappropriate attire

(cf. 5132 - Dress and Grooming)

12. Tardiness or unexcused absence from school

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

13. Failure to remain on school premises in accordance with school rules

(cf. 5112.5 - Open/Closed Campus)

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or an administrator for further investigation.

When a school official suspects that a search of a student or his/her belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

(cf. 5145.12 - Search and Seizure)

When a student uses any prohibited device, or uses a permitted device in any unethical or illegal activity, a district employee may confiscate the device. The employee shall store the item in a secure manner until an appropriate time.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or cocurricular activities or other privileges in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 1020 - Youth Services)

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

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5127 - Graduation Ceremonies and Activities)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

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

(cf. 6020 - Parent Involvement)

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6159.4 - Behavioral Interventions for Special Education Students)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32280-32289 Comprehensive safety plan

35181 Governing board authority to set policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension and expulsion

51512 Prohibition against electronic listening or recording device in classroom without permission

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope or laser pointer -

647 Use of camera or other instrument to invade person's privacy; misdemeanor

653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23123-23124 Prohibitions against use of electronic devices while driving

CODE OF REGULATIONS, TITLE 5

300-307 Duties of students

UNITED STATES CODE, TITLE 42

2000h-2000h6 Title IX, 1972 Education Act Amendments

COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

New Jersey v. T.L.O., (1985) 469 U.S. 325

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Management Resources:

CSBA PUBLICATIONS

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

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

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

WEB SITES

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

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

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>

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

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

1st Reading: June 15, 2017

2nd Reading: July 13, 2017

Adopted: July 13, 2017

Cuyama Joint Unified School District

Administrative Regulation

Bus Conduct

AR 5131.1
Students

Bus Rider Rules

The following rules apply at all times when students are riding a school bus, including when on school activity trips:

1. Riders shall follow the instructions and directions of the bus driver at all times.

(cf. 3542 - School Bus Drivers)

2. Riders should arrive at their designated bus stop on time and stand in a safe place at the stop to wait quietly for the bus.

(cf. 3541 - Transportation Routes and Services)

3. Riders shall enter the bus in an orderly manner and go directly to their seats.
4. Riders shall sit down and fasten any passenger restraint systems. Riders shall remain seated while the bus is in motion.
5. Riders shall not block the aisle or emergency exit with their body or personal belongings. Riders may bring large or bulky items, such as class projects or musical instruments, on the bus only if the item does not displace any other rider or obstruct the driver's vision.
6. Riders should be courteous to the driver and to fellow passengers. Vulgarity, rude, or abusive behavior is prohibited.
7. Any noise or behavior that could distract the driver, such as loud talking, scuffling or fighting, throwing objects, or standing or changing seats, is prohibited and may lead to suspension of riding privileges.

(cf. 5144 - Discipline)

8. Riders shall not use tobacco products, eat, or drink while riding the bus.

(cf. 5131.62 - Tobacco)

9. Riders may bring electronic devices onto the bus only if such devices are permitted at school. If the use of cellular telephones or similar devices disrupts the safe operation of the school bus, the bus driver may direct the student to no longer use the device on the bus.
(cf. 5131 - Conduct)

10. Riders shall not put any part of the body out of the window nor throw any item from the bus.

11. Riders shall help keep the bus and the area around the bus stop clean. Riders shall not damage or deface the bus or tamper with bus equipment.

12. Service animals are permitted on school transportation services; all other animals are prohibited. (Education Code 39839; 13 CCR 1216)

(cf. 6163.2 - Animals at School)

13. Upon reaching their destination, riders shall remain seated until the bus comes to a complete stop and upon the signal from the driver, unfasten any restraint system, enter the aisle, and go directly to the exit.

14. Riders should be alert for traffic when leaving the bus and shall follow the district's transportation safety plan when crossing the road and exiting the bus.

(cf. 3543 - Transportation Safety and Emergencies)

The driver or any passenger shall report any violation of the district's bus rules to the principal or designee. The principal or designee shall notify the student's parent/guardian of the misbehavior, determine the severity of the misconduct, and take action accordingly. In instances of a severe violation or repeated offenses, the rider may be denied transportation for a period of time determined appropriate by the principal or designee.

Bus drivers shall not deny transportation services except as directed by the principal or designee.

Bus Surveillance Systems

The Superintendent or designee shall monitor the use and maintenance of the district's bus surveillance system. Students are prohibited from tampering with the bus surveillance system. Any student found tampering with the system shall be subject to discipline and shall be responsible for the costs of any necessary repairs or replacement.

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

(cf. 5131.5 - Vandalism and Graffiti)

Camera supports may be installed in all buses. Cameras may be rotated among the buses and activated at the discretion of the Superintendent or designee.

The content of any recording is a student record and may only be accessed in accordance with the district's policy and administrative regulation concerning student records.

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

1st Reading: April 14, 2016

2nd Reading: May 12, 2016

Adopted: May 12, 2016

Cuyama Joint Unified School District
Board Policy
Bus Conduct

BP 5131.1
Students

In order to help ensure the safety and well-being of students, bus drivers, and others, the Governing Board expects students to exhibit appropriate and orderly conduct at all times when using school transportation, including while preparing to ride, riding, or leaving the bus.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 3540 - Transportation)
(cf. 3541.2 - Transportation for Students with Disabilities)
(cf. 3543 - Transportation Safety and Emergencies)
(cf. 5131 - Conduct)

The Superintendent or designee shall establish regulations related to student conduct on buses, bus driver authority, and the suspension of riding privileges. He/she shall make these rules available to parents/guardians, students, and other interested parties. (5 CCR 14103)

(cf. 3452 - School Bus Drivers)

Students found to be in violation of the district's bus conduct rules shall be subject to discipline in accordance with Board policy and administrative regulation.

(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

The Superintendent or designee may deny a student the privilege of using school transportation upon the student's continued disorderly conduct or his/her persistent refusal to submit to the authority of the driver. (5 CCR 14103)

Bus Surveillance Systems

The Board believes that the use of surveillance systems on school buses will help to deter misconduct and improve discipline, ensure the safety of students and bus drivers, and prevent vandalism. Therefore, surveillance systems may be installed and used on school buses to monitor student behavior while traveling to and from school and school activities.

(cf. 3515 - Campus Security)

The Superintendent or designee shall notify students, parents/guardians, and staff that surveillance may occur on any school bus and that the contents of a recording may be a student record and, as such, may be used in student disciplinary proceedings or referred to local law enforcement, as appropriate. In addition, a prominent notice shall be placed in each bus stating that the bus is equipped with a surveillance monitoring system.

(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

39800 Transportation

39839 Transportation of guide dogs, signal dogs, service dogs

44808 Duty to supervise conduct of students

48900 Grounds for suspension and expulsion

48918 Expulsion procedures

49060-49079 Student records

49073-49079 Privacy of student records

GOVERNMENT CODE

6253-6270 California Public Records Act

CODE OF REGULATIONS, TITLE 5

14103 Authority of the driver

CODE OF REGULATIONS, TITLE 13

1200-1228 General provisions, school bus regulations

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

Management Resources:

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999

WEB SITES

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

California Department of Education, Office of School Transportation:

<http://www.cde.ca.gov/ls/tn>

U.S. Department of Education, Family Policy Compliance Office:

<http://www.ed.gov/policy/gen/guid/fpco>

1st Reading: April 14, 2016

2nd Reading: May 12, 2016
Adopted: May 12, 2016

Board Policy

Drug Testing

BP 5131.61

Students

The Governing Board is committed to maximizing the health and safety of district students and recognizes the district's role in helping to protect students from the dangers associated with illegal drug use and drug abuse. To support the district's substance abuse prevention efforts, the Board desires to establish a drug testing program in the district's high schools that will provide a deterrent from drug use and help refer drug users to appropriate counseling and rehabilitative services.

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.63 - Steroids)

The Superintendent or designee shall establish a nonvoluntary, drug testing program for all students participating in athletics:

(cf. 3260 - Fees and Charges)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

Prior to implementing the drug testing program, the Superintendent or designee shall invite input from students, staff, parents/guardians, community leaders, and representatives of local healthcare agencies, community service agencies and businesses. The district's program shall be developed in consultation with drug treatment and prevention professionals, the laboratory contracted to conduct the tests, and district legal counsel.

The Superintendent or designee shall develop:

1. A drug testing consent form to be signed by the student and his/her parent/guardian prior to allowing the student to participate in any athletic or extracurricular activity listed above

The consent form shall indicate any prescription medication the student has been or is presently taking. The student shall present either a copy of the prescription or a physician's written verification of this fact with the consent form.

2. Procedures addressing how students will be selected, how often tests will be conducted, how samples will be collected and transported, and how results will be confirmed

Drug testing procedures shall ensure appropriate individual privacy while maintaining the

viability of the process. If urinalysis testing is used, the supervisor collecting the specimen shall be the same gender as the student and the specimen shall be collected in a private facility behind a closed stall.

Parents/guardians shall be notified after any positive test results are confirmed. Test results shall be kept separate from the student's other educational records and shall be disclosed only to school staff designated by the Superintendent or designee as responsible for program implementation. The district shall not release test results to law enforcement authorities.

(cf. 5125 - Student Records)

No disciplinary or punitive action shall be taken against any student who tests positive, other than removing him/her from participation in extracurricular activities. Students who test positive shall be encouraged to participate in an assistance program and may be required to take subsequent drug tests. A student who has been removed from participation in extracurricular activities may appeal that decision to the Superintendent or designee and then to the Board.

Students and parents/guardians shall receive a copy of the district's policy and procedures on drug testing. In addition, at the beginning of the school year and prior to the commencement of the drug testing program, the Superintendent or designee shall conduct an orientation session with students participating in athletics and extracurricular activities and their parents/guardians. This session shall explain the district's policy and outline the procedures for drug testing and the consequences if a positive result is obtained.

The Superintendent or designee shall provide training to principals, coaches and staff advisors regarding the district's drug testing program.

Legal Reference:

EDUCATION CODE

44049 Known or suspected alcohol or controlled substance abuse by student

51262 Use of anabolic steroids; legislative finding and declaration

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

COURT DECISIONS

Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls, (2002) 122 S.Ct. 2559

Vernonia School District v. Acton, (1995) 115 S.Ct. 2385

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

Management Resources:

OFFICE OF NATIONAL DRUG CONTROL POLICY PUBLICATIONS

What You Need To Know About Drug Testing in Schools, August 2002

WEB SITES

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

Office of National Drug Control Policy: <http://www.whitehousedrugpolicy.gov>

National Institute on Drug Abuse: <http://www.nida.nih.gov>

Partnership for a Drug-Free America: <http://www.drugfreeamerica.org>

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

(3/89 10/95) 7/03

1st Reading: 09/10/09

2nd Reading/Approved: 10/08/09

Cuyama Joint unified School District

Administrative Regulation

Discipline

AR 5144
Students

Site-Level Rules

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

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

(cf. 3515.3 - District Police/Security Department)

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

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 - Local Control and Accountability Plan)

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

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

Disciplinary Strategies

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Except when a student's presence causes a danger to

himself/herself or others or he/she commits a single act of a grave nature or an offense for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct. Disciplinary strategies may include, but are not limited to:

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

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

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

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6164.2 - Guidance/Counseling Services)

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

(cf. 6164.5 - Student Success Teams)

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

(cf. 6159 - Individualized Education Program)

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

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

6. Participation in a restorative justice program

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

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

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

10. After-school programs that address specific behavioral issues or expose students to

positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups
(cf. 5148.2 - Before/After School Programs)

11. Recess restriction as provided in the section below entitled "Recess Restriction"
12. Detention after school hours as provided in the section below entitled "Detention After School"
13. Community service as provided in the section below entitled "Community Service"
14. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities

(cf. 6145 - Extracurricular/Cocurricular Activities)

15. Reassignment to an alternative educational environment

(cf. 6158 - Independent Study)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

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

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

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

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

(cf. 5125 - Student Records)

Recess Restriction

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

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.

2. The student shall remain under a certificated employee's supervision during the period of restriction.
3. Teachers shall inform the principal of any recess restrictions they impose.

(cf. 5030 - Student Wellness)

(cf. 6142.7 - Physical Education and Activity)

Detention After School

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

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

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

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

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

(cf. 6176 - Weekend/Saturday Classes)

Community Service

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

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

Notice to Parents/Guardians and Students

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

(cf. 5145.6 - Parental Notifications)

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

1st Reading: August 10, 2017

2nd Reading: September 14, 2017

Adopted: September 14, 2017

Cuyama Joint Unified School District

Board Policy

Discipline

BP 5144

Students

The Governing Board is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and to preparing students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

- (cf. 5131 - Conduct)
- (cf. 5131.1 - Bus Conduct)
- (cf. 5131.2 - Bullying)
- (cf. 5137 - Positive School Climate)
- (cf. 5138 - Conflict Resolution/Peer Mediation)
- (cf. 5145.9 - Hate-Motivated Behavior)
- (cf. 6020 - Parent Involvement)

The Superintendent or designee shall design a complement of effective, age-appropriate strategies for maintaining a positive school climate and correcting student misbehavior at district schools. The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of district discipline policies and practices.

In addition, the Superintendent or designee's strategies shall reflect the Board's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures as a means for correcting student misbehavior.

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required by law or when other means of correction have been documented to have failed. (Education Code 48900.5)

- (cf. 5020 - Parent Rights and Responsibilities)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
- (cf. 6159.4 - Behavioral Interventions for Special Education Students)
- (cf. 6164.5 - Student Success Teams)

The Superintendent or designee shall create a model discipline matrix that lists violations and the consequences for each as allowed by law.

The administrative staff at each school may develop disciplinary rules to meet the school's particular needs consistent with law, Board policy, and district regulations. The Board, at an open meeting, shall review the approved school discipline rules for consistency with Board policy and state law. Site-level disciplinary rules shall be included in the district's comprehensive safety plan. (Education Code 35291.5, 32282)

(cf. 0450 - Comprehensive Safety Plan)
(cf. 9320 - Meetings and Notices)

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn.

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

The Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively implement the disciplinary strategies adopted for district schools, including, but not limited to, consistent school and classroom management skills, effective accountability and positive intervention techniques, and development of strong, cooperative relationships with parents/guardians.

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

District goals for improving school climate, based on suspension and expulsion rates, surveys of students, staff, and parents/guardians regarding their sense of school safety, and other local measures, shall be included in the district's local control and accountability plan, as required by law.

(cf. 0460 - Local Control and Accountability Plan)
(cf. 3100 - Budget)

At the beginning of each school year, the Superintendent or designee shall report to the Board regarding disciplinary strategies used in district schools in the immediately preceding school year and their effect on student learning.

Legal Reference:

EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification of parent/guardian

49330-49335 Injurious objects

52060-52077 Local control and accountability plan

CIVIL CODE

1714.1 Parental liability for child's misconduct

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

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

Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000

STATE BOARD OF EDUCATION POLICIES

01-02 School Safety, Discipline, and Attendance, March 2001

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

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

WEB SITES

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

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

Public Counsel: <http://www.fixschooldiscipline.org>

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

1st Reading: August 10, 2017

2nd Reading: September 14, 2017

Adopted: September 14, 2017

Cuyama Joint Unified School District

Administrative Regulation

Suspension And Expulsion/Due Process

AR 5144.1
Students

Definitions

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

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910

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

Notice of Regulations

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

(cf. 5144 - Discipline)
(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion: Grades K-12

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows:

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim

suffered great or serious bodily injury (Education Code 48900(a) and (t))

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))

(cf. 5131.6 - Alcohol and Other Drugs)

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))

6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))

7. Stole or attempted to steal school property or private property (Education Code 48900(g))

8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))

10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))

11. Knowingly received stolen school property or private property (Education Code 48900(l))

12. Possessed an imitation firearm. (Education Code 48900(m))

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

13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))

14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))

15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))

16. Engaged in, or attempted to engage in, hazing. (Education Code 48900(q))

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

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

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

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in items #1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

Electronic act means the creation or transmission of a communication originated on or off school site, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone,

wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a burn page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above. (Education Code 48900(r))

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

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

(cf. 6163.4 - Student Use of Technology)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

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

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31. (Education Code 48900(t))

19. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

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

Additional Grounds for Suspension and Expulsion: Grades 4-12

Any student in grades 4-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

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

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

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

educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - Sexual Harassment)

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

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

(cf. 5145.9 - Hate-Motivated Behavior)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

Suspension from Class by a Teacher

A teacher may suspend a student, including a grade K-3 student, from class for the remainder of the day and the following day for disruption, willful defiance, or any of the other acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above. (Education Code 48910)

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

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

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

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

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

Suspension by Superintendent, Principal or Principal's Designee

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

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

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

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

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

(cf: 5125 - Student Records)

Length of Suspension

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

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, he/she may be suspended for not

more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

(cf. 6184 - Continuation Education)

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

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, presented with the available evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

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

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)

3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall also be notified in writing of the suspension. (Education Code 48911)

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

In addition, the notice may state the date and time when the student may return to school.

4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may

request a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

If school officials request to meet with the parent/guardian, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed: (Education Code 48911)

a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.

b. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

c. If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

(cf. 6173.1 - Education for Foster Youth)

d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code 48918.1)

(cf. 6173 - Education for Homeless Children)

In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

Suspension by the Board

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

Designee" above. (Education Code 48912)

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

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

(cf. 9321 - Closed Session Purposes and Agendas)

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

On-Campus Suspension

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

1. The on-campus suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification may be made in writing. (Education Code 48911.1)

Superintendent or Principal's Authority to Recommend Expulsion

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

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

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

Student's Right to Expulsion Hearing

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

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

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

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

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

Stipulated Expulsion

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of his/her right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student and his/her parent/guardian shall be effective upon approval by the Board.

Rights of Complaining Witness

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

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

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

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

Written Notice of the Expulsion Hearing

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

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

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

(cf. 5119 - Students Expelled from Other Districts)

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

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

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

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

Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students

If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. (Education Code 48918.1)

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

hearing. (Education Code 48918.1)

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

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public to the extent that privacy rights of other students are not violated. (Education Code 48918)

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

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

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

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

If the Board determines, or if the hearing officer or administrative panel finds and

submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. Although no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

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

5. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)

- a. Any complaining witness shall be given five days' notice before being called to testify.
- b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a

complaining witness shall not be admissible for any purpose.

g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.

(1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.

(2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.

(3) The person conducting the hearing may:

(a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness

(b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours

(c) Permit one of the support persons to accompany the complaining witness to the witness stand

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

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

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

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

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately

reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by his/her parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

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

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

Final Action by the Board

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

(cf. 9321.1 - Closed Session Actions and Reports)

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

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

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

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

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

Written Notice to Expel

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

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

Decision to Suspend Expulsion Order

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

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

rehabilitation program

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

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

Appeal

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

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

Notification to Law Enforcement Authorities

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

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

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

Placement During Expulsion

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

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at any of these
3. Not housed at the school site attended by the student at the time of suspension

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

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

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

Readmission After Expulsion

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

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

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

Maintenance of Records

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

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

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

(cf. 5119 - Students Expelled from Other Districts)

1st Reading: August 13, 2015

2nd Reading: September 10, 2015

Adopted: September 10, 2015

Cuyama Joint Unified School District Board Policy

Suspension And Expulsion/Due Process

BP 5144.1

Students

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

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

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

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

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

(cf. 5112.5 - Open/Closed Campus)

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

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

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

Appropriate Use of Suspension Authority

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

(cf. 1020 - Youth Services)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)

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

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

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

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

On-Campus Suspension

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

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

Authority to Expel

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

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

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

(cf. 5131.7 - Weapons and Dangerous Instruments)

2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

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

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

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

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

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

Due Process

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

(cf. 5119 - Students Expelled from Other Districts)

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

Maintenance and Monitoring of Outcome Data

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

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

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48666 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52060-52077 Local control and accountability plan

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

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

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

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7151 Gun-free schools

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

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

WEB SITES

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

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

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

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

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

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

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

1st Reading: August 13, 2015

2nd Reading: September 10, 2015

Adopted: September 10, 2015

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CSBA Sample District Policy Manual

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

Status: ADOPTED

Original Adopted Date: 11/01/2006 | Last Revised Date: 03/01/2012 | Last Reviewed Date: 03/01/2012

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

Suspension

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

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

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

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

If a student's removal is determined to be a change of placement as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation. (Education Code 48915.5)

Interim Alternative Educational Placement Due to Dangerous Behavior

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

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

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

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

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

Manifestation Determination

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

1. **Notice:** On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)
2. **Manifestation Determination Review:** Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

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

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

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of his/her disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

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

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

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

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

Due Process Appeals

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

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

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

Readmission

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

Decision Not to Enforce Expulsion Order

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

Notification to Law Enforcement Authorities

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

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

Report to County Superintendent of Schools

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

Procedures for Students Not Yet Eligible for Special Education Services

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

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

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

However, the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed him/her to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the district determined that he/she was not an individual with a disability.

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

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

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

State	Description
Ed. Code 35146	Closed sessions regarding suspensions ()
Ed. Code 35291	Rules of governing board ()
Ed. Code 48203	Reports of severance of attendance of disabled students ()
Ed. Code 48900-48925	Suspension and expulsion ()
Ed. Code 49076	Access to student records ()
Ed. Code 56000	Special education; legislative findings and declarations ()
Ed. Code 56320	Educational needs; requirements ()
Ed. Code 56321	Development or revision of individualized education program ()
Ed. Code 56329	Independent educational assessment ()
Ed. Code 56340-56347	Individualized education program teams ()
Ed. Code 56505	State hearing ()
Pen. Code 245	Assault with deadly weapon ()
Pen. Code 626.10	Dirks, daggers, knives, razors, or stun guns ()
Pen. Code 626.2	Entry upon campus after written notice of suspension or dismissal without permission ()
Pen. Code 626.9	Gun-Free School Zone Act of 1995 ()
Federal	Description
18 USC 1365	Serious bodily injury ()
18 USC 930	Weapons ()

20 USC 1412
 20 USC 1415
 21 USC 812
 29 USC 706
 29 USC 794
 34 CFR 104.35
 34 CFR 104.36
 34 CFR 300.1-300.818
 34 CFR 300.530-300.537

State eligibility ()
 Procedural safeguards ()
 Schedule of controlled substances ()
 Definitions ()
 Rehabilitation Act of 1973, Section 504 ()
 Evaluation and placement ()
 Procedural safeguards ()
 Assistance to states for the education of students with disabilities ()
 Discipline procedures ()

Management Resources

Court Decision
 Court Decision
 Court Decision
 Court Decision
 Federal Register
 Website
 Website

Description

Honig v. Doe, (1988) 484 U.S. 305 ()
 M.P. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044 ()
 Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489 ()
 Schaffer v. Weast, (2005) 546 U.S. 549 ()
 Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845 ()
 California Department of Education, Special Education (<http://www.cde.ca.gov/sp/se/>)
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Cross References

Code

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Description

[Comprehensive Local Plan For Special Education \(/Policy/ViewPolicy.aspx?S=36030855&revid=Dbw3J4HoPsOo1oXJOmgEVg==&isfrsm=true\)](#)
[Comprehensive Local Plan For Special Education \(/Policy/ViewPolicy.aspx?S=36030855&revid=wtVioFuXNSddanUUYOBVDg==&isfrsm=true\)](#)
[Comprehensive Safety Plan \(/Policy/ViewPolicy.aspx?S=36030855&revid=bY3vZ9pbd8vHL3zMeVlxDg==&isfrsm=true\)](#)
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[Drug And Alcohol Free Schools \(/Policy/ViewPolicy.aspx?S=36030855&revid=9xnpIApus8n2zEgGqVJvbB6w==&isfrsm=true\)](#)
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5113.11	Attendance Supervision (/Policy/ViewPolicy.aspx?S=36030855&revid=w2rrFVAmQo4vjeURorkplusDw==&isfrsm=true)
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6173	Education For Homeless Children (/Policy/ViewPolicy.aspx?S=36030855&revid=jt9mkoQRBFXCVaGWzKNIA==&isfrsm=true)
6173	Education For Homeless Children (/Policy/ViewPolicy.aspx?S=36030855&revid=INZnrRBRVUhZXiKE8plZIO==&isfrsm=true)
6173-E PDF(1)	Education For Homeless Children (/Policy/ViewPolicy.aspx?S=36030855&revid=qBGEEd1VoeZzTVclOawF0g==&isfrsm=true)
6173-E PDF(2)	Education For Homeless Children (/Policy/ViewPolicy.aspx?S=36030855&revid=M3TqlvasP3Z9qFGg9mukHg==&isfrsm=true)
6173.1	Education For Foster Youth (/Policy/ViewPolicy.aspx?S=36030855&revid=cOHicFEApoSjylE7ucviOg==&isfrsm=true)
6173.1	Education For Foster Youth (/Policy/ViewPolicy.aspx?S=36030855&revid=bplusS28a1KvTYwjShnT2ezg==&isfrsm=true)
6184	Continuation Education (/Policy/ViewPolicy.aspx?S=36030855&revid=YdgplusM1VKIt6NB7RDvh9jRg==&isfrsm=true)
6184	Continuation Education (/Policy/ViewPolicy.aspx?S=36030855&revid=K3XZplusMD3iNGcPZdhECIfBw==&isfrsm=true)
6185	Community Day School (/Policy/ViewPolicy.aspx?S=36030855&revid=izgusJg8hU1O1g0O2N9f7Q==&isfrsm=true)
6185	Community Day School (/Policy/ViewPolicy.aspx?S=36030855&revid=plusn6clQYhd39g8RwejslshvXzQ==&isfrsm=true)
9321-E PDF(1)	Closed Session (/Policy/ViewPolicy.aspx?S=36030855&revid=dsHizRwHYkdF3KBT3CsViA==&isfrsm=true)

[← \(/Policy/ViewPolicy.aspx?S=36030855&revid=v43G7O5kj3OPoSMDLAPlg==&ptid=amIgTZiB9plushNjI6WXhfiOQ==&PG=12&isfrsm=true\)](#)

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[➤ \(/Policy/ViewPolicy.aspx?S=36030855&revid=k9rGE8oaXEb0KDHZVCsSHw==&ptid=amIgTZiB9plushNjI6WXhfiOQ==&PG=12&isfrsm=true\)](#)

Policy 5144.4: Required Parental Attendance

Status: ADOPTED

Original Adopted Date: 04/01/2015 | Last Reviewed Date: 04/01/2015

The Governing Board is committed to providing a safe school environment and setting expectations for appropriate student conduct. The Superintendent or designee may involve parents/guardians in student discipline as necessary to improve a student's behavior and encourage personal responsibility.

When removing a student from class pursuant to Education Code 48910 for committing an act of obscenity, habitual profanity or vulgarity, disruption of school activities, or willful defiance, the teacher of the class may require any parent/guardian who lives with the student to accompany the student for a portion of a school day in the class from which the student has been removed. (Education Code 48900.1)

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code 48900.1)

District and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. (Education Code 48900.1)

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

State	Description
Ed. Code 35291	Rules (for government and discipline of schools) ()
Ed. Code 35291.5	Rules and procedures on school discipline ()
Ed. Code 48900	Grounds for suspension or expulsion ()
Ed. Code 48900-48927	Suspension and expulsion ()
Ed. Code 48900.1	Required parental attendance ()
Ed. Code 48910	Suspension by teacher ()
Management Resources	
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011 ()
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014 ()
Website	U.S. Department of Education, Office of Safe and Healthy Students (https://www2.ed.gov/about/offices/list/ose/osh/)
Website	California Attorney General's Office (http://oag.ca.gov/)
Website	California Department of Education (http://www.cde.ca.gov/)
Website	CSBA (http://www.csba.org/)
Website	U.S. Department of Education, Office for Civil Rights (http://www2.ed.gov/ocr/)

Cross References

Code	Description
5125	Student Records (/Policy/ViewPolicy.aspx?S=36030855&revid=R2sOzhydv7S3yougeNFlag==&isfrsm=true)
5125	Student Records (/Policy/ViewPolicy.aspx?S=36030855&revid=KEb0YcFcBX9cOwfWYRN65w==&isfrsm=true)
5131	Conduct (/Policy/ViewPolicy.aspx?S=36030855&revid=mVu5zcV6CslshzyAlplus67gnICg==&isfrsm=true)
5131.1	Bus Conduct (/Policy/ViewPolicy.aspx?S=36030855&revid=wwrW7k9U7T4MwR8HLXaAzQ==&isfrsm=true)
5131.1	Bus Conduct (/Policy/ViewPolicy.aspx?S=36030855&revid=4vYQkKplussMr5wYfmU1vecXg==&isfrsm=true)
5131.2	Bullying (/Policy/ViewPolicy.aspx?S=36030855&revid=RYNplus5ZjshT9I283gplusqks3slshw==&isfrsm=true)
5131.2	Bullying (/Policy/ViewPolicy.aspx?S=36030855&revid=dml8peO3bkBelUMzEToBig==&isfrsm=true)

5144	Discipline (/Policy/ViewPolicy.aspx?S=36030855&revid=r77J1ONeLGkkxUBQVaatmA==&isfrsm=true)
5144	Discipline (/Policy/ViewPolicy.aspx?S=36030855&revid=9VUkwhXHJSu8Uplus1CrKYapQ==&isfrsm=true)
5144.1	Suspension And Expulsion/Due Process (/Policy/ViewPolicy.aspx?S=36030855&revid=CvKYplusSV38Fs9rsish2OUxtPAw==&isfrsm=true)
5144.1	Suspension And Expulsion/Due Process (/Policy/ViewPolicy.aspx?S=36030855&revid=MhMplusG6koilWw233cKrvxQ==&isfrsm=true)
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) (/Policy/ViewPolicy.aspx?S=36030855&revid=v43G7O5kj3OPoSmEDLAPlg==&isfrsm=true)
5145.6	Parental Notifications (/Policy/ViewPolicy.aspx?S=36030855&revid=s1shcxx9vjrpAlutrhkXSnLkg==&isfrsm=true)
5145.6-E PDF(1)	Parental Notifications (/Policy/ViewPolicy.aspx?S=36030855&revid=sA9IIsdlpOYttbDiDckvgQ==&isfrsm=true)

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Version: 21.0.2.02



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[\(>/Policy/ViewPolicy.aspx?S=36030855&revid=lQjxglZUaHslshXiWY7hSOwfQ==&ptid=amlgTZiB9plushNjl6WXhfiOQ==&PG=12&isfrsm=true\)](#)

Regulation 5144.4: Required Parental Attendance

Status: ADOPTED

Original Adopted Date: 04/01/2015 | Last Reviewed Date: 04/01/2015

Whenever a teacher requires a parent/guardian to attend a portion of a school day with his/her child for the child's commission of an act specified in Education Code 48900(i) or (k), the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is required pursuant to law. (Education Code 48900.1)

The notice shall:

1. Inform the parent/guardian of the date that his/her presence is expected, the length of the visit, and by what means he/she may arrange an alternate date
2. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student
3. Direct the parent/guardian to meet with the principal after the visit and before leaving school
4. Direct the parent/guardian to contact the school if there are reasonable factors that would prevent him/her from complying with the attendance requirement

Attendance of the parent/guardian shall be limited to the class from which the student was removed. (Education Code 48900.1)

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

At the meeting with the student's parent/guardian, the principal or designee shall explain the district's and school's discipline policies, including the disciplinary strategies that may be used to achieve proper student conduct.

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by any method that maintains the confidentiality of the student's records.

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

State	Description
Ed. Code 35291	Rules (for government and discipline of schools) ()
Ed. Code 35291.5	Rules and procedures on school discipline ()
Ed. Code 48900	Grounds for suspension or expulsion ()
Ed. Code 48900-48927	Suspension and expulsion ()
Ed. Code 48900.1	Required parental attendance ()
Ed. Code 48910	Suspension by teacher ()

Management Resources

Management Resources	Description
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011 ()
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014 ()
Website	U.S. Department of Education, Office of Safe and Healthy Students (https://www2.ed.gov/about/offices/list/oese/oshs)
Website	California Attorney General's Office (http://oag.ca.gov)
Website	California Department of Education (http://www.cde.ca.gov)
Website	CSBA (http://www.csba.org)
Website	U.S. Department of Education, Office for Civil Rights (http://www2.ed.gov/ocr)

Cross References

Code	Description
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5125	Student Records (/Policy/ViewPolicy.aspx?S=36030855&revid=R2sOzhdyv753vougeNFlag==&isfrsm=true)
5125	Student Records (/Policy/ViewPolicy.aspx?S=36030855&revid=KFbOYcFcBX?nOwfWYRN65w==&isfrsm=true)
5131	Conduct (/Policy/ViewPolicy.aspx?S=36030855&revid=mVu5zcV6CslshzyAlplus67entCg==&isfrsm=true)
5131.1	Bus Conduct (/Policy/ViewPolicy.aspx?S=36030855&revid=wwrW7k9U7T4MwR8HLXaAzQ==&isfrsm=true)
5131.1	Bus Conduct (/Policy/ViewPolicy.aspx?S=36030855&revid=4vYQkKplussMr5wYfmU1yecXg==&isfrsm=true)
5131.2	Bullying (/Policy/ViewPolicy.aspx?S=36030855&revid=RYNplus5ZjslshT9I783gplusqks3slshw==&isfrsm=true)
5131.2	Bullying (/Policy/ViewPolicy.aspx?S=36030855&revid=dml8peO3bkBelUMzEToBig==&isfrsm=true)
5144	Discipline (/Policy/ViewPolicy.aspx?S=36030855&revid=r77J1ONeLGkxUBQVaalMA==&isfrsm=true)
5144	Discipline (/Policy/ViewPolicy.aspx?S=36030855&revid=9VUkwhXHJSu8Uplus1CrKYapQ==&isfrsm=true)
5144.1	Suspension And Expulsion/Due Process (/Policy/ViewPolicy.aspx?S=36030855&revid=CyKYplusSV3BFs9rslsh2OUxtPAw==&isfrsm=true)
5144.1	Suspension And Expulsion/Due Process (/Policy/ViewPolicy.aspx?S=36030855&revid=MhMplusqG6koilWw233cKrvxQ==&isfrsm=true)
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) (/Policy/ViewPolicy.aspx?S=36030855&revid=v43G7O5ki3OPoSmEDLAPlg==&isfrsm=true)
5145.6	Parental Notifications (/Policy/ViewPolicy.aspx?S=36030855&revid=slshcx9vjrgAlutrhkX5nLkg==&isfrsm=true)
5145.6-E PDF(1)	Parental Notifications (/Policy/ViewPolicy.aspx?S=36030855&revid=sA9IlsdloOYttbDiDckvgQ==&isfrsm=true)

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Version: 21.0.2.02



Cuyama Joint Unified School District

Administrative Regulation

Extracurricular And Cocurricular Activities

AR 6145
Instruction

Definitions

For purposes of applying eligibility criteria for student participation, extracurricular and cocurricular activities shall be defined as follows: (Education Code 35160.5)

1. Extracurricular activities are not part of the regular school curriculum, are not graded, do not offer credit, do not take place during classroom time, and have all of the following characteristics:

- a. The program is supervised or financed by the school district.
- b. Students participating in the program represent the school district.
- c. Students exercise some degree of freedom in the selection, planning, or control of the program.
- d. The program includes both preparation for performance and performance before an audience or spectators.

2. Cocurricular activities are programs that may be associated with the curriculum in a regular classroom.

An activity is not an extracurricular or cocurricular activity if either of the following conditions applies: (Education Code 35160.5)

1. It is a teacher-graded or required program or activity for a course which satisfies the entrance requirements for admission to the California State University or the University of California.

(cf. 6143 - Courses of Study)

2. It is a program that has as its primary goal the improvement of academic or educational achievement of students.

Eligibility Requirements

The grade point average (GPA) used to determine eligibility for extracurricular and cocurricular activities shall be based on grades of the last previous grading period during which the student attended class at least a majority of the time. If a student was not in attendance for all, or a majority of, the grading period due to absences excused by the school for reasons such as serious illness or injury, approved travel, or work, the GPA used to determine eligibility shall be the grading period immediately prior to the excluded grading period(s). (Education Code 35160.5)

(cf. 5113 - Absences and Excuses)

When a student becomes ineligible to participate in extracurricular or cocurricular activities in the upcoming grading period, or when he/she is subject to probation, the principal or designee shall provide written notice to the student and his/her parent/guardian.

Supervision

All extracurricular activities conducted under the name or auspices of a district school or any class or organization of the school, regardless of where the activities are held, shall be under the direct supervision of certificated employees. (5 CCR 5531)

Any noncertificated person working with students in a district-sponsored extracurricular student activity program shall possess an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing or shall have cleared a Department of Justice and Federal Bureau of Investigation criminal background check prior to beginning his/her duties, in accordance with BP 4127/4227/4327 - Temporary Athletic Team Coaches. (Education Code 49024)

(cf. 1240 - Volunteer Assistance)

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

1st Reading: May 12, 2016

2nd Reading: June 9, 2016

Adopted: June 9, 2016

Cuyama Joint Unified School District

Board Policy

Extracurricular And Cocurricular Activities

BP 6145

Instruction

The Governing Board recognizes that extracurricular and cocurricular activities enrich the educational and social development of students and enhance students' feelings of connectedness with the schools. The district shall encourage and support student participation in extracurricular and cocurricular activities without compromising the integrity and purpose of the educational program.

(cf. 1330 - Use of School Facilities)

(cf. 5137 - Positive School Climate)

(cf. 6145.2 - Athletic Competition)

(cf. 5148.2 - Before/After School Programs)

No extracurricular or cocurricular program or activity shall be provided or conducted separately on the basis of any actual or perceived characteristic listed as a prohibited category of discrimination in state or federal law, nor shall any student's participation in an extracurricular or cocurricular activity be required or refused on those bases. Prerequisites for student participation in extracurricular and cocurricular activities shall be limited to those that have been demonstrated to be essential to the success of the activity. (5 CCR 4925)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 6145.5 - Student Organizations and Equal Access)

Any complaint alleging unlawful discrimination in the district's extracurricular or cocurricular programs or activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Unless specifically authorized by law, no fee shall be charged to students for participation in extracurricular and cocurricular activities related to the educational program, including materials or equipment related to the activity.

(cf. 3260 - Fees and Charges)

(cf. 3452 - Student Activity Funds)

Eligibility Requirements

To be eligible to participate in extracurricular and cocurricular activities, students in grades 7-12 must demonstrate satisfactory educational progress in the previous grading period, including, but not limited to: (Education Code 35160.5)

1. Maintenance of a minimum of 2.0 grade point average on a 4.0 scale in all enrolled classes
2. Maintenance of minimum progress toward meeting high school graduation requirements

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

The Superintendent or designee may grant ineligible students a probationary period not to exceed one semester. Students granted probationary eligibility must meet the required standards by the end of the probationary period in order to remain eligible for participation. (Education Code 35160.5)

Any decision regarding the eligibility of any child in foster care or a child of an active duty military family for extracurricular or cocurricular activities shall be made by the Superintendent or designee in accordance with Education Code 48850 and 49701.

(cf. 6173.1 - Education for Foster Youth)

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

The Superintendent or designee may revoke a student's eligibility for participation in extracurricular and cocurricular activities when the student's poor citizenship is serious enough to warrant loss of this privilege.

Student Conduct at Extracurricular/Cocurricular Events

When attending or participating in extracurricular and cocurricular activities on or off campus, district students are subject to district policies and regulations relating to student conduct. Students who violate district policies and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of participation in extracurricular or cocurricular activities in accordance with Board policy and administrative regulation. When appropriate, the Superintendent or designee shall notify local law enforcement.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5144 - Discipline)

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

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

Annual Policy Review

The Board shall annually review this policy and implementing regulations.

Legal Reference:

EDUCATION CODE

35145 Public meetings

35160.5 District policy rules and regulations; requirements; matters subject to regulation

35179 Interscholastic athletics; associations or consortia

35181 Students' responsibilities

48850 Participation of foster youth in extracurricular activities and interscholastic sports

48930-48938 Student organizations

49024 Activity Supervisor Clearance Certificate

49700-49704 Education of children of military families

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

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

5531 Supervision of extracurricular activities of pupils

UNITED STATES CODE, TITLE 42

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

COURT DECISIONS

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

Management Resources:

CSBA PUBLICATIONS

Student Fees Litigation Update, ELA Advisory, May 20, 2011

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Pupil Fees, Deposits, or Other Charges, Fiscal Management Advisory 11-01, November 9, 2011

CALIFORNIA TASK FORCE REPORT TO THE LEGISLATURE

Compact on Educational Opportunity for Military Children: Preliminary Final Report, March 2009

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010

WEB SITES

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

California Association of Directors of Activities: <http://www.cadal.org>

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

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

1st Reading: May 12, 2016

2nd Reading: June 9, 2016

Adopted: June 9, 2016

[/Policy/ViewPolicy.aspx?S=36030855&revid=2LTueTQ4L9Uxh6fKnR7JA==&ptid=amIgTZiB9plushNjl6WXhfiOQ==&PG=12&isfrsm=true\)](#)

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[/Policy/ViewPolicy.aspx?S=36030855&revid=5cfM96ZMvsGplus4hRzTV1mHg==&ptid=amIgTZiB9plushNjl6WXhfiOQ==&PG=12&isfrsm=true\)](#)

Policy 6153: School-Sponsored Trips

Status: ADOPTED

Original Adopted Date: 03/01/1991 | Last Revised Date: 10/01/2017 | Last Reviewed Date: 10/01/2017

The Governing Board recognizes that field trips supplement and enrich the classroom learning experience, lead to increased student achievement, and foster student engagement. The Board encourages field trips to reinforce and increase learning opportunities and to enhance district programs.

Field trips shall be conducted in connection with the district's course of study or school-related social, educational, cultural, athletic, school band, or other extracurricular or cocurricular activities. A field trip to a foreign country may be permitted to familiarize students with the language, history, geography, natural science, and other studies relative to the district's course of study. (Education Code 35330)

Requests for field trips involving out-of-state, out-of-country, or overnight travel shall be submitted to the Superintendent or designee. The Superintendent or designee shall review the request and make a recommendation to the Board as to whether the request should be approved by the Board. All other field trips shall be approved in advance by the principal.

The principal shall establish a process for approving a staff member's request to conduct a field trip. When planning trips, staff shall consider student safety, objectives of instruction, the most effective use of instructional time, the distance from school, district and student expense, and transportation and supervision requirements. Principals may exclude from the trip any student whose presence on the trip would pose a safety or disciplinary risk.

No field trip shall be authorized if any student would be excluded from participation because of a lack of sufficient funds. The Superintendent or designee shall coordinate with community groups to supply funds for students in need. (Education Code 35330)

The Board may approve the use of district funds for student expenses for in-state, out-of-state, or out-of-country field trips or excursions when permitted by law. In addition, expenses of instructors, chaperones, and other personnel participating in such trips, as well as incidental expenses for the use of district equipment during the trip, may be paid from district funds. (Education Code 35330)

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

State	Description
Bus. Code 17550-17550.30	Sellers of travel (http://leginfo.ca.gov/faces/codes_displayText.xhtml?division=7&chapter=1&part=3&lawCode=BPC&article=2.6)
Bus. Code 17552-17556.5	Educational travel organizations ()
Ed. Code 32040-32044	First aid equipment: field trips ()
Ed. Code 35330	Field trips and excursions; student fees ()
Ed. Code 35331	Provision for medical or hospital service for pupils (on field trips) ()
Ed. Code 35332	Transportation by chartered airline ()
Ed. Code 35350	Transportation of students ()
Ed. Code 44808	Liability when students are not on school property ()
Ed. Code 48908	Duties of pupils; authority of teachers ()
Ed. Code 8760	Authorization of outdoor science and conservation programs ()

Management Resources

Website	Description
Website	American Red Cross (http://www.redcross.org)
Website	U.S. Department of Homeland Security (http://www.dhs.gov)
Website	California Association of Directors of Activities (http://www.cada1.org)

Cross References

Code	Description
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0450	Comprehensive Safety Plan (/Policy/ViewPolicy.aspx?S=36030855&revid=bY3vZ9pbd8vHL3zMeVlxDg==&isfrsm=true)
0450	Comprehensive Safety Plan (/Policy/ViewPolicy.aspx?S=36030855&revid=2WO7zwhPaPC26DTZVGtpA==&isfrsm=true)
0460	Local Control And Accountability Plan (/Policy/ViewPolicy.aspx?S=36030855&revid=eTTKhAGZDUZ5bldHQfXllg==&isfrsm=true)
0460	Local Control And Accountability Plan (/Policy/ViewPolicy.aspx?S=36030855&revid=sTN7HQQDOPoMtU4jkkplusv6O==&isfrsm=true)
0470	COVID-19 Mitigation Plan (/Policy/ViewPolicy.aspx?S=36030855&revid=zqW3kmZn1LOg1ZK7aLV2wA==&isfrsm=true)
1230	School-Connected Organizations (/Policy/ViewPolicy.aspx?S=36030855&revid=gpfQp8zplusslsh7eEb4UDplushvRiO==&isfrsm=true)
1230	School-Connected Organizations (/Policy/ViewPolicy.aspx?S=36030855&revid=EttRbwbZcTYLJGfplusAplus9tO==&isfrsm=true)
1321	Solicitation Of Funds From And By Students (/Policy/ViewPolicy.aspx?S=36030855&revid=N6plusRnGpRILzgx8T6wrKS8w==&isfrsm=true)
1321	Solicitation Of Funds From And By Students (/Policy/ViewPolicy.aspx?S=36030855&revid=u67Zj368KISK5NJOJKmngw==&isfrsm=true)
1700	Relations Between Private Industry And The Schools (/Policy/ViewPolicy.aspx?S=36030855&revid=B3WuowsXMnQsX9BBzd2TJO==&isfrsm=true)
3260	Fees And Charges (/Policy/ViewPolicy.aspx?S=36030855&revid=1hR1nwwQdghZCpluskI91M7LA==&isfrsm=true)
3260	Fees And Charges (/Policy/ViewPolicy.aspx?S=36030855&revid=3jLZ3JDGXWVvcEZEjgeK3Q==&isfrsm=true)
3311.2	Lease-Leaseback Contracts (/Policy/ViewPolicy.aspx?S=36030855&revid=iSGtzOMV64uY6ziAnnvkg==&isfrsm=true)
3312.2	Educational Travel Program Contracts (/Policy/ViewPolicy.aspx?S=36030855&revid=SJXlkEwGNL6plushmoZtO88Kw==&isfrsm=true)
3516	Emergencies And Disaster Preparedness Plan (/Policy/ViewPolicy.aspx?S=36030855&revid=JaJ6Bpn1doAxasxfgRvFIQ==&isfrsm=true)
3516	Emergencies And Disaster Preparedness Plan (/Policy/ViewPolicy.aspx?S=36030855&revid=9R0ivMkoWE18g2UxwX2zO==&isfrsm=true)
3530	Risk Management/Insurance (/Policy/ViewPolicy.aspx?S=36030855&revid=DOslshXsODojPEuOnhRSmG8MQ==&isfrsm=true)
3530	Risk Management/Insurance (/Policy/ViewPolicy.aspx?S=36030855&revid=LsMjOm8lmgNqMZdTcapCOA==&isfrsm=true)
3541.1	Transportation For School-Related Trips (/Policy/ViewPolicy.aspx?S=36030855&revid=gOen8DOSqHCrpdGKVVGFww==&isfrsm=true)
3541.1-E PDF(1)	Transportation For School-Related Trips (/Policy/ViewPolicy.aspx?S=36030855&revid=ZlJbyclmqobd7IASPj08hQ==&isfrsm=true)
3541.1-E PDF(2)	Transportation For School-Related Trips (/Policy/ViewPolicy.aspx?S=36030855&revid=ihhNLovYnizBCv3cZ67FZO==&isfrsm=true)
5131	Conduct (/Policy/ViewPolicy.aspx?S=36030855&revid=mVu5zcV6CslshzyAlplus67gnlCg==&isfrsm=true)
5131.1	Bus Conduct (/Policy/ViewPolicy.aspx?S=36030855&revid=wwrW7k9U7T4MwR8HLXaAzQ==&isfrsm=true)
5131.1	Bus Conduct (/Policy/ViewPolicy.aspx?S=36030855&revid=4vYQkKplussMr5wYfmU1vecXg==&isfrsm=true)
5141.22	Infectious Diseases (/Policy/ViewPolicy.aspx?S=36030855&revid=dsN81evOlfidNLM5PT1incw==&isfrsm=true)
5141.22	Infectious Diseases (/Policy/ViewPolicy.aspx?S=36030855&revid=6pxjfiENeArHTQ0Lt49UNG==&isfrsm=true)
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6145.2	Athletic Competition (/Policy/ViewPolicy.aspx?S=36030855&revid=wB3oyPCFWtXKgbLkObQplusCQ==&isfrsm=true)

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CSBA Sample District Policy Manual

[Comments](#) [Print](#) [Policy/PolicyPrintGenerator.aspx?S=36030855&revid=5cfM96ZMvsGplus4hRzTV1mHg==&isfrsm=true\)](#)

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Regulation 6153: School-Sponsored Trips

Status: ADOPTED

Original Adopted Date: 04/01/1987 | Last Revised Date: 07/01/2006 | Last Reviewed Date: 07/01/2006

Supervision

Students on school-sponsored trips are under the jurisdiction of the district and shall be subject to district and school rules and regulations.

The Superintendent or designee shall ensure that adequate supervision is provided on all school-sponsored trips and that there is an appropriate ratio of adults to students present on the trip. If the trip involves water activities, this ratio shall be revised as necessary.

Parent/Guardian Permission

Before a student can participate in a school-sponsored trip, the teacher shall obtain parent/guardian permission for the trip. Whenever a trip involves water activities, the parent/guardian shall provide specific permission for his/her child to participate in the water activities. The district shall provide an alternative educational experience for students whose parents/guardians do not wish them to participate in a trip.

All persons making the field trip or excursion shall be deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all parents/guardians of students taking out-of-state field trips or excursions shall sign a statement waiving such claims. (Education Code 35330)

Safety Issues

1. While conducting a trip, the teacher, employee, or agent of the school shall have the school's first aid kit in his/her possession or immediately available. (Education Code 32041)

Whenever trips are conducted in areas known to be infested with poisonous snakes, the first aid kit taken on the trip shall contain medically accepted snakebite remedies. In addition, a teacher, employee, or agent of the school who has completed a first aid course which is certified by the American Red Cross and which emphasizes the treatment of snakebites shall participate in the trip. (Education Code 32043)

2. The district shall provide or make available medical and/or hospital insurance for students injured while participating in any excursion or field trip. (Education Code 35331)
3. If the Superintendent or designee receives threat level warnings from the Homeland Security Advisory System pertaining to the destination of a school-sponsored trip, he/she shall implement precautions necessary to protect the safety of students and staff.
4. Lifeguards are required for all swimming activities. If the activity is at a private pool, the owner of the pool shall provide a certificate of insurance, designating the district as an additional insured, for not less than \$500,000 in liability coverage. Staff shall determine supervisory responsibilities for all chaperones.
5. Before trips of more than one day, the principal or designee may hold a meeting for staff, chaperones, parents/guardians, and students to discuss safety and the importance of safety-related rules for the trip.

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

State	Description
Bus. Code 17550-17550.30	Sellers of travel (http://leginfo.ca.gov/faces/codes_displayText.xhtml?division=7.&chapter=1.&part=3.&lawCode=BPC&article=2.6)
Bus. Code 17552-17556.5	Educational travel organizations ()
Ed. Code 32040-32044	First aid equipment: field trips ()
Ed. Code 35330	Field trips and excursions; student fees ()
Ed. Code 35331	Provision for medical or hospital service for pupils (on field trips) ()
Ed. Code 35332	Transportation by chartered airline ()

Ed. Code 35350
Ed. Code 44808
Ed. Code 48908
Ed. Code 8760

Transportation of students ()
Liability when students are not on school property ()
Duties of pupils; authority of teachers ()
Authorization of outdoor science and conservation programs ()

Management Resources

Website

Website

Website

Description

[American Red Cross \(http://www.redcross.org\)](http://www.redcross.org)

[U.S. Department of Homeland Security \(http://www.dhs.gov\)](http://www.dhs.gov)

[California Association of Directors of Activities \(http://www.cada1.org\)](http://www.cada1.org)

Cross References

Code

0450

Description

[Comprehensive Safety Plan \(/Policy/ViewPolicy.aspx?S=36030855&revid=bY3vZ9pbd8vHL3zMeVixDg==&isfrsm=true\)](#)

0450

[Comprehensive Safety Plan \(/Policy/ViewPolicy.aspx?S=36030855&revid=2WO7zwkhPaPC26DTZVGtpA==&isfrsm=true\)](#)

0460

[Local Control And Accountability Plan \(/Policy/ViewPolicy.aspx?S=36030855&revid=eTTKhAGZDUZ5bldHQPXllg==&isfrsm=true\)](#)

0460

[Local Control And Accountability Plan \(/Policy/ViewPolicy.aspx?S=36030855&revid=sTN7HOJDOPoMtU4jkkplusv6Q==&isfrsm=true\)](#)

0470

[COVID-19 Mitigation Plan \(/Policy/ViewPolicy.aspx?S=36030855&revid=zqW3kmZn1LOg1ZK7aLV2wA==&isfrsm=true\)](#)

1230

[School-Connected Organizations \(/Policy/ViewPolicy.aspx?S=36030855&revid=qpfQp8zplussish7eEb4UDplushvRiQ==&isfrsm=true\)](#)

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[School-Connected Organizations \(/Policy/ViewPolicy.aspx?S=36030855&revid=EtRbwbZcTYLJGfplusAplus9tO==&isfrsm=true\)](#)

1321

[Solicitation Of Funds From And By Students \(/Policy/ViewPolicy.aspx?S=36030855&revid=N6plusRqGpRILzgx8T6wrK5Bw==&isfrsm=true\)](#)

1321

[Solicitation Of Funds From And By Students \(/Policy/ViewPolicy.aspx?S=36030855&revid=u67Zj368KISKSNJOJKmngw==&isfrsm=true\)](#)

1700

[Relations Between Private Industry And The Schools \(/Policy/ViewPolicy.aspx?S=36030855&revid=B3WuowsXMnOSx9BBzd2TJO==&isfrsm=true\)](#)

3260

[Fees And Charges \(/Policy/ViewPolicy.aspx?S=36030855&revid=1hR1nwwQdqhZCplusk191M7LA==&isfrsm=true\)](#)

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[Fees And Charges \(/Policy/ViewPolicy.aspx?S=36030855&revid=3jLZ3JDGXWVvcEZEjgeK3Q==&isfrsm=true\)](#)

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5141.22	Bus Conduct (/Policy/ViewPolicy.aspx?S=36030855&revid=4vYOKplussMr5wYfmU1verXg==&isfrsm=true)
5141.7	Infectious Diseases (/Policy/ViewPolicy.aspx?S=36030855&revid=dsN81evOfldNLM5PT1incw==&isfrsm=true)
5142	Infectious Diseases (/Policy/ViewPolicy.aspx?S=36030855&revid=6pxjfiENeArHTOOLt49UNg==&isfrsm=true)
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5145.3	Nondiscrimination/Harassment (/Policy/ViewPolicy.aspx?S=36030855&revid=sxJw2UIAi72TmBzI7nnHUA==&isfrsm=true)
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6143	Courses Of Study (/Policy/ViewPolicy.aspx?S=36030855&revid=OtEaDTvOplusthM5esish4sYOw==&isfrsm=true)
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**CUYAMA JOINT UNIFIED SCHOOL DISTRICT
SPECIAL BOARD MEETING MINUTES
Thursday, June 16, 2022, 6:00 P.M.
BOARD ROOM, CUYAMA ELEMENTARY SCHOOL
2300 Hwy 166, New Cuyama CA 93254**

Join Zoom Meeting

<https://us04web.zoom.us/j/76924948382?pwd=d3YzxNMjhXchqigdH94wMLpOqohWjs.1>

Meeting ID: 769 2494 8382

Passcode: 6V37UN

- I. The meeting will be called to order by Board President, Whitney Goller at **6:00 P.M.**

ROLL CALL:

Heather Lomax **P** Whitney Goller **P** Emily Johnson **P** Jan Smith **P**

Michael Funkhouser **P** – **arrived at about 6:30 p.m. when acting on item b – Schools Community Coordinator.**

Alfonso Gamino **P** Superintendent

FLAG SALUTE: Led by **Mr. Gamino**

II. PUBLIC FORUM:

- Following recognition by the President, members of the public shall have an opportunity to address the Board of Trustees either before or during the Board's consideration of each item of business to be discussed. In order to efficiently manage the business of the Board, the Board President may limit the amount of time allocated for each individual speaker to 3 minutes and limit the total time allocated on a particular issue to 15 minutes, pursuant to board policy. Items not appearing on the agenda cannot, by law, be the subject of Board action. Such items may be placed on future agendas for full discussion and/or action.
- III.

No Public Speakers at tonight's board meeting.

IV. SUPERINTENDENT'S REPORT:

School District Activities Update

1. District updates:
 - a. End of Year 2022 graduations/activities –
All graduations were very well done. Mrs. Wilson held her Kindergarten graduation on Wednesday, June 8, 2022, at 10:00 a.m. in the cafeteria. Mr. Barnes held the 8th grade graduation on June 9,

2022, at 7:00 p.m. in the elementary school cafeteria, and Mrs. Leyland, Mr. Lebsack, and Mrs. Lopez (Counselor) held the 8th grade graduation on June 10, 2022, at 6:00 p.m. in the high school gym. All graduations were outstanding, and we are all proud of the students who graduated. Mr. Barnes and Mrs. Furstenfeld gave out awards at the 8th grade graduation. Several guests and staff gave scholarships and recognition awards at the high school graduation. Mrs. Wilson, Mrs. Laura Price, and others presented a scholarship.

b. WASC accreditation in 2022-2023 update

The high school staff will be working on the WASC accreditation process from August through December of 2022. Once the WASC report is completed, the district will present a summary of the report to the board. The WASC visiting team will come to Cuyama in March of 2023.

c. Summer School update

The district started summer school this year at Cuyama Elementary School. We have five of our teachers who are teaching summer school and we have about 7-10 kids in each classroom. This is the first summer school in about 18-20 years. I appreciate our teachers stepping forward to teach the summer school session.

d. Board workshop July 2022 on board policies – set date/updated policies
Mr. Gamino will send dates to all board members for a summer school workshop in early July to review Board Policies prior to revising the handbook for students and parents for the 2022-2023 school year

e. Other: N/A

V. High School ASB/FFA activities– Mr. Lebsack/Mrs. Stancliff/Officers

Brief presentation. He informed the board that Mrs. Jennifer Stancliff and he have plans for the 2022-2023 school year. They are planning a pumpkin patch, haunted house at Cuyama Valley High School, and rethinking how they will do concessions for the 2022-2023 school year.

VI. Board Reports

Em Johnson: Informed the board that her current employment position is shifting a bit. She plans to continue to live in Cuyama. Her promotional assignment is titled **Climate Resilience Director for the Central Coast with the Community Environmental Council.** She will continue to be a consultant for Blue Sky Center to work collaborate with community partners to strengthen the advocacy and opportunity for innovation in Cuyama.

VII. CONSENT AGENDA:

The Board will consider the following consent calendar items. All items listed are considered to be routine and noncontroversial. Consent items will be considered first and may be approved by one motion if no member of the CJUSD Board wishes to comment

or discuss. If comment or discussion is desired, the item will be removed from the consent agenda and considered in the listed sequence with an opportunity for any member of the public to address the CJUSD Board concerning the item before action is taken.

1. Minutes of the Thursday, June 2, 2022, Regular Board Meeting. Members present: Emily Johnson, Jan Smith, and Michael Funkhouser. Absent: Whitney Goller and Heather Lomax Pg. 1-10
2. Checks Board Report and Warrants for May 1-31, 2022. Pg. 11-28
3. Facilities Use request of a district classroom or board room: Local Union Elections (voting). Request is for Saturday, October 8, 2022. Request is being made by Cement Masons Union Local 600. Pg. 29-30 (page 30 blank)
4. Field trip to Aquatic Center in New Cuyama on July 21, 2022, from 8:45 a.m. until 11:00 a.m. for summer school K-12th grades. Pg. 31
5. Field trip to Aquatic Center in New Cuyama on July 17, 2022, from 8:45 a.m. until 11:00 a.m. for summer school K-12th grade. Pg. 32

Moved By: **Jan Smith**

2nd By: **Whitney Goller**

Roll Call Vote:

Heather Lomax Y Whitney Goller Y Emily Johnson Y Jan Smith Y

Michael Funkhouser – **Not here for vote**

Approved 4-0

VII. Action Items:

- a. It is recommended that the board approve the Notice of County Elections Official – Elective Offices to be filled, provide a map of the district's boundaries, and approve resolution #2022-009 requesting consolidation of the Cuyama Joint Unified School District biennial election with the November 8, 2022, consolidated general election. These documents will be provided to the County of San Luis Obispo Office of the Clerk-Recorder. Pg. 33-40

Moved By: **Emily Johnson**

2nd By: **Jan Smith**

Roll Call Vote:

Heather Lomax Y Whitney Goller Y Emily Johnson Y Jan Smith Y

Michael Funkhouser – **Not here for vote**

Approved 4-0

- b. It is recommended that the board discuss and approve the Community Schools Coordinator (Grant funded) job description for the district to start recruiting/advertising, interviewing, and selecting a candidate for the position. **Pg. 41-46**

Moved By: **Emily Johnson**

2nd By: **Jan Smith**

Roll Call Vote:

Heather Lomax **Y** Whitney Goller **Y** Emily Johnson **Y** Jan Smith **Y**

Michael Funkhouser **Y- Arrived at board meeting when the board took action on this item.**

Motion to approved with the following revisions to the job description salary and the approval date. The revisions are:

- 1. The salary range job title had “Counselor” and title of job revised to say “Community Schools Coordinator”**
- 2. Job description had “Created May 28, 2022” and “Board approved August June 16, 2022”. This has been changed to “Created and Board approved June 16, 2022”.**

Approved 5-0

- c. It is recommended that the board discuss and approve the McGraw Hill Science curriculum to be adopted for the 2022-2023 school year. The district staff will also receive training in August and in November of 2022. Mrs. Wilson, Mrs. Furstenfeld, and Mr. Lebsack piloted the curriculum this year. It is the goal to have all the materials for the start of the 2022-2023 school year. **Pg. 47-66**

Moved By: **Heather Lomax**

2nd By: **Michael Funkhouser**

Roll Call Vote:

Heather Lomax **Y** Whitney Goller **Y** Emily Johnson **Y** Jan Smith **Y**

Michael Funkhouser **Y**

Approved 5-0

- d. It is recommended that the board approve the Agricultural Career Technical Education Incentive Grant 2022-2023 Application for funding. **Pg. 67-72**

Moved By: **Jan Smith**

2nd By: **Emily Johnson**

Roll Call Vote:

Heather Lomax **Y** Whitney Goller **Y** Emily Johnson **Y** Jan Smith **Y**

Michael Funkhouser **Y**

Approved 5-0

- e. It is recommended that the board discuss and approve the June 16, 2022, personnel activity report. **Pg. 73-74 (Page 74 blank)**

Moved By: **Whitney Goller**

2nd By: **Emily Johnson**

Roll Call Vote:

Heather Lomax **Y** Whitney Goller **Y** Emily Johnson **Y** Jan Smith **Y**

Michael Funkhouser **Y**

Approved 5-0

- f. It is recommended that the board review and approve the 2022-2023 budget. Ms. Theresa King, Business Manager, reviewed the budget at the June 2, 2022, board meeting. **Pg. 75-226**

Moved By: **Michael Funkhouser**

2nd By: **Heather Lomax**

Roll Call Vote:

Heather Lomax **Y** Whitney Goller **Y** Emily Johnson **Y** Jan Smith **Y**

Michael Funkhouser **Y**

Business Manager answered questions on the 2022-2023 budget. Ms. King presented the budget friendly version using a PowerPoint presentation.

The Board approved the 2022-2023 budget.

In addition, the board approved the review and discussion of the disclosure statement on the balances and excess of the minimum reserve requirements for the 2022-2023, the 2023-2024, and the 2024-2025 fiscal years (three years).

Approved 5-0

- g. It is recommended that the board approve the Extension of teleconference Flexibility During the proclaimed State of Emergency (Government Code section 54953 (b)(3)). It is recommended that the Board consider the current state of emergency and make a finding that state and local officials continue to recommend some measures to promote social distancing. This motion is to extend this flexibility until July 15, 2022, the time period for teleconferencing without complying with the usual requirements of Government Code section 54953(b)(3) based on the finding that state or local officials continue to impose or recommend measures to promote social distancing. In addition, the Governor signed an Executive Order on Jan. 5, 2022, extending the flexibility to conduct meetings remotely. **Pg. 227-230**

Moved By: **Whitney Goller**

2nd By: **Michael Funkhouser**

Roll Call Vote:

Heather Lomax Y Whitney Goller Y Emily Johnson Y Jan Smith Y

Michael Funkhouser Y

Approved 5-0

- h. It is recommended that the board review and approve the Local Control Accountability Plan (LCAP) 2022-2023. Mr. Matt Stowell (consultant) presented the plan on June 2, 2022, in accordance with the LCFF which districts are required to develop, adopt, and update annually. **Starting on Pg. 231**

Moved By: **Emily Johnson**

2nd By: **Michael Funkhouser**

Roll Call Vote:

Heather Lomax Y Whitney Goller Y Emily Johnson Y Jan Smith Y

Michael Funkhouser Y

Matt Stowell (LCAP Consultant) was present for the LCAP approval action item. The state priorities were addressed in the LCAP. The board and the Superintendent thanked Matt for his service in completing the LCAP for the 2022-2023 school year.

Approved 5-0

VIII. ITEM(S) PULLED FROM CONSENT AGENDA: NONE

1. _____

Moved By: _____

2nd By: _____

Roll Call Vote:

Heather Lomax _____ Whitney Goller _____ Emily Johnson _____ Jan Smith _____

Michael Funkhouser _____

2. _____

Moved By: _____

2nd By: _____

Roll Call Vote:

Heather Lomax _____ Whitney Goller _____ Emily Johnson _____ Jan Smith _____

Michael Funkhouser _____

3. _____

Moved By: _____

2nd By: _____

Roll Call Vote:

Heather Lomax _____ Whitney Goller _____ Emily Johnson _____ Jan Smith _____

Michael Funkhouser _____

IX. CLOSED SESSION:

NOTE: The Brown Act permits the Board to consider certain matters in closed session, in limited circumstances. The Board will consider and may act upon any of the items described below in closed session. The Brown Act requires that the Board report out certain actions taken in closed session, which will be announced following the closed session. WITH LIMITED EXCEPTIONS, THE LAW REQUIRES THAT INFORMATION DISCLOSED IN CLOSED SESSION REMAIN CONFIDENTIAL.

A. Negotiations as it relates to CUE/CTA – Consult with District negotiators Mr. Tim Salazar and Mr. Alfonso Gamino, authorized by Government Code section 3549.1

B. Negotiations as it relates to CSEA Cuyama Chapter #288 – Consult with District negotiators Mr. Tim Salazar and Mr. Alfonso Gamino, authorized by Government Code section 3549.1

C. Complaint against public employee.

The Board will adjourn into closed session at 7:15 p.m.

The Board returned to open session at: 7:48 p.m.

Report out from closed session

**Discussion and no action on closed session items #A. and #B. For closed session item #C:
The Governing Board directs Schools Legal to retain Frank Ronich to investigate
complaint against public employee.**

X. ADJOURNMENT:

Moved By: **Emily Johnson**

2nd By: **Michael Funkhouser**

Roll Call Vote:

Heather Lomax Y Whitney Goller Y Emily Johnson Y Jan Smith Y

Michael Funkhouser Y

Approved 5-0. Meeting adjourned at 7:49 p.m.

Materials prepared in connection with an item on the regular session agenda may be reviewed in the Superintendent's office 72 hours in advance of the meeting and will be available for public inspection at the meeting. An individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee. (Government Code 54954.2)

**The next regularly scheduled School Board Meeting will be on
Thursday, July 14, 2022; 6:00 p.m., Elementary School Board Room**

Materials related to an item on this Order of Business distributed to the Board of Education are available for public inspection at the District office and at: <https://cuyamaunified.org/board-materials-2021-2022/> using the "Click Here" links next to the date: 07/14/2022.

USE OF RELAXED TELECONFERENCE PROCEDURES PER GOVERNOR'S COVID-19

EXECUTIVE ORDER: Notice of Teleconferencing Pursuant to Executive Order N-25-20 and Government Code section 54953: In order to mitigate possible impacts relating to the Coronavirus (COVID-19), the Board will conduct this meeting via teleconference or videoconference, with one or more board members participating from remote locations.

Members of the public wishing to observe the meeting or make public comments as authorized under Government Code section 54954.3 may do so at the following location: 2300 Hwy 166, New Cuyama, CA 93254, or via electronic participation by accessing the link provided as the beginning of the agenda. Voting at this meeting shall be by roll call.

ReqPay12a

Board Report

Checks Dated 06/01/2022 through 06/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Expensed Amount	Check Amount
01-695977	06/03/2022	Wilson, Angela	01-4300		129.29
01-695978	06/03/2022	Amazon Capital Services	01-4300		309.24
01-695979	06/03/2022	BENCHMARK AIR CONDITIONING	01-5640		2,420.00
01-695980	06/03/2022	Brown & Reich Petroleum, Inc.	01-4300	419.53	
			01-4381	2,281.80	2,701.33
01-695981	06/03/2022	Farm Supply Company	01-4300		685.11
01-695982	06/03/2022	James Herrera	01-5100		380.00
01-695983	06/03/2022	Jordano's Food Service	13-4300	184.80	
			13-4710	5,128.84	5,313.64
01-695984	06/03/2022	Pacific Gas & Electric	01-5520		279.33
01-695985	06/03/2022	Quill Corporation	01-4300		159.45
01-695986	06/03/2022	Southern California Gas Co.	01-5510		1,746.09
01-697143	06/10/2022	Leyland, Rachel I	01-4300		196.80
01-697144	06/10/2022	Amazon Capital Services	01-4300		298.34
01-697145	06/10/2022	American Business Machines	01-4300		30.00
01-697146	06/10/2022	Applied Technology Group, Inc.	01-5900		250.00
01-697147	06/10/2022	Department Of Justice	01-5800		49.00
01-697148	06/10/2022	Interquest Detection Canines	01-5800		600.00
01-697149	06/10/2022	Jones School Supply	01-5800		39.16
01-697150	06/10/2022	Old Cuyama Do It Best	01-4300		35.55
01-697151	06/10/2022	Quill Corporation	01-4300	139.58	
			01-4355	953.43	1,093.01
01-697152	06/10/2022	Scholastic, Inc.	01-4200		287.93
01-697153	06/10/2022	Tyack's Tires, Inc.	01-4383		2,088.03
01-698255	06/17/2022	Gamino, Alfonso	01-5200		420.00
01-698256	06/17/2022	King, Theresa A	01-5800		110.80
01-698257	06/17/2022	Lebsack, Kevin D	01-5800		155.88
01-698258	06/17/2022	Morales-Lerena, Gloria	01-5800		38.76
01-698259	06/17/2022	CANON FINANCIAL SERVICES, INC.	01-5600	1,104.36	
			01-5800	1,912.43	3,016.79
01-698260	06/17/2022	Cuyama Community Services Dist	01-5530		325.33
01-698261	06/17/2022	Eide Bailly LLP	01-5810		2,590.00
01-698262	06/17/2022	Jordano's Food Service	13-4710		2,072.23
01-698263	06/17/2022	Marborg Disposal	01-5570		706.26
01-698264	06/17/2022	Procure Janitorial Supply	01-4300		5,561.29
01-698265	06/17/2022	Purchase Power	01-5800	29.99	
			01-5900	149.76	179.75
01-698266	06/17/2022	Quill Corporation	01-4300		500.95
01-698267	06/17/2022	RingCentral Inc.	01-5910		748.59
01-698268	06/17/2022	Santa Barbara County Ed Office	01-5800		5,374.00
01-698269	06/17/2022	The Aire Tech	01-5640		405.00
01-698270	06/17/2022	Verizon Business	01-5910		20.76
01-698271	06/17/2022	Waldrop's Auto Parts	01-4380		635.15
01-699217	06/24/2022	Cortes, Alleigh B	01-5800		35.00
01-699218	06/24/2022	Fetterman, Kendy C	01-5200		1,101.20
01-699219	06/24/2022	Morales-Lerena, Gloria	01-8699		23.20

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

ESCAPE ONLINE

Page 1 of 2

043 - Cuyama Joint Unified School District

Generated for Gloria Morales-Lerena (43MORALES), Jun 30
2022 10:35AM

Checks Dated 06/01/2022 through 06/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Expensed Amount	Check Amount
01-699220	06/24/2022	Rodriguez, Nicole C	01-4300		94.78
01-699221	06/24/2022	CEV Multimedia, Ltd.	01-5800		4,800.00
01-699222	06/24/2022	CollegeBoard	01-5800		770.00
01-699223	06/24/2022	Dubuque Bank & Trust	01-7438	4,203.04	
			01-7439	23,770.88	27,973.92
01-699224	06/24/2022	Frontier Communications	01-5910		387.68
01-699225	06/24/2022	Home Depot Credit Services	01-4300		431.92
01-699226	06/24/2022	IEC Power, LLC	01-5640		1,281.53
01-699227	06/24/2022	Jordano's Food Service	13-4300	308.78	
			13-4710	3,886.39	4,195.17
01-699228	06/24/2022	Linde Gas & Equipment Inc.	01-4300		27.58
01-699229	06/24/2022	Old Cuyama Do It Best	01-4300		133.67
01-699230	06/24/2022	Pacific Gas & Electric	01-5520		323.60
01-699231	06/24/2022	Pitney Bowes	01-5600	133.13	
			01-5900	38.13	171.26
01-699232	06/24/2022	Quill Corporation	01-4300		307.38
01-699233	06/24/2022	Scholastic, Inc.	01-4200		198.74
01-699234	06/24/2022	The Aire Tech	01-5640		250.00
Total Number of Checks			56		84,459.47

Fund Recap

Fund	Description	Check Count	Expensed Amount
01	General Fund	53	72,878.43
13	Cafeteria Spec Rev Fund	3	11,581.04
Total Number of Checks		56	84,459.47
Less Unpaid Tax Liability			.00
Net (Check Amount)			84,459.47

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

ESCAPE ONLINE

Page 2 of 2

Payment Register by Check

Bank Account COUNTY - County-AP										
Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
Check # 01-695977, Dated 06/03/2022, Cleared (000272), PO# ,BatchId AP06032022										
Direct Employee										
Wilson, Angela (000057)										
PO BOX 69										
New Cuyama, CA 93254										
2021/22	05/27/22		CD Player for graduation/printer ink	220527	06/01/22	Paid	Cleared	129.29		129.29
2022 01- 0000- 0- 1110- 1000- 4300- 030- 0000- 0000										
Check # 01-695978, Dated 06/03/2022, Cleared (000272), PO# ,BatchId AP06032022										
Direct Vendor										
Amazon Capital Services (000201/1)										
PO Box 035184										
Seattle, WA 98124-5184										
2021/22	05/18/22		Science boards for science fair	16NK-Y4GT-99W4	05/31/22	Paid	Cleared	309.24		309.24
2022 01- 4126- 0- 1110- 1000- 4300- 030- 0000- 0000										
Check # 01-695979, Dated 06/03/2022, Cleared (000272), PO# ,BatchId AP06032022										
Direct Vendor										
BENCHMARK AIR CONDITIONING (000029/1)										
1920 Mineral Court										
Bakersfield, CA 93308										
2021/22	05/18/22		HS Freezer repairs/motor replacement	19016481	05/31/22	Paid	Cleared	2,420.00		2,420.00
2022 01- 7028- 0- 0000- 3700- 5640- 070- 0000- 0000										
Check # 01-695980, Dated 06/03/2022, Cleared (000272), PO# PO22-00054,BatchId AP06032022										
AP Vendor										
Brown & Reich Petroleum, Inc. (002798/1)										
215 South 6th Street										
PO BOX 1076										
Taft, CA 93268										
2021/22	05/26/22	R22-00063	Diesel and Fuel May 2022 Order# 13259	29072	05/31/22	Paid	Cleared	2,701.33		2,701.33
2022 01- 0000- 0- 0000- 3600- 4381- 000- 0000- 7230										
2022 01- 0000- 0- 0000- 8100- 4300- 030- 0000- 0000										
2022 01- 0000- 0- 0000- 8100- 4300- 070- 0000- 0000										
Check Amount for 01-695977 2,420.00										
Check Amount for 01-695978 309.24										
Check Amount for 01-695979 2,420.00										
Check Amount for 01-695980 2,701.33										
Selection Sorted by Check #, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Check/Advice Date = 6/1/2022, Ending Check/Advice Date = 6/30/2022, Page Break by Check/Advice? = N, Zero? = Y)										
									ESCAPE	ONLINE
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ReqPay05e

Payment Register by Check

Bank Account COUNTY - County-AP									
Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Expense Amount
Check # 01-695981, Dated 06/03/2022, Cleared (000272), PO# ,BatchId AP06032022									
Direct Vendor Farm Supply Company (000653/1)									
			PO BOX 111						
			San Luis Obispo, CA 93406						
2021/22	05/28/22		Chicken coop spring filing	233477	05/31/22	Paid	Cleared	685.11	685.11
			2022 01-6388-0-3800-1000-4300-070-POST-00R2						
Check # 01-695982, Dated 06/03/2022, Cleared (000272), PO# ,BatchId AP06032022									
Direct Vendor James Herrera (002887/1)									
			PO BOX 251						
			New Cuyama, CA 93254						
2021/22	05/31/22		Daily Rate May 2022	220531	05/31/22	Paid	Cleared	380.00	380.00
			19 days at \$20 a day						
			2022 01-0000-0-0000-3600-5100-070-0000-SPED						
Check # 01-695983, Dated 06/03/2022, Cleared (000272), PO# PO22-00051, BatchId AP06032022									
AP Vendor Jordano's Food Service (001095/1)									
			550 South Patterson Ave.						
			Santa Barbara, CA 93111						
2021/22	05/23/22	R22-00060	ES Lunch	6621023	05/31/22	Paid	Cleared	1,424.15	1,424.15
		2022 13-5310-0-0000-3700-4710-030-0000-0000							
2021/22	05/23/22	R22-00060	ES Breakfast	6621024	05/31/22	Paid	Cleared	258.89	258.89
		2022 13-5310-0-0000-3700-4710-030-0000-0000							
2021/22	05/23/22		ASES	6621025	05/31/22	Paid	Cleared	80.99	80.99
		2022 13-5310-0-0000-3700-4300-030-0000-ASES							
2021/22	05/23/22	R22-00061	HS Lunch	6621026	05/31/22	Paid	Cleared	541.69	541.69
		2022 13-5310-0-0000-3700-4710-070-0000-0000							
2021/22	05/23/22	R22-00061	HS Breakfast	6621027	05/31/22	Paid	Cleared	335.83	335.83
		2022 13-5310-0-0000-3700-4710-070-0000-0000							
2021/22	05/30/22	R22-00061	HS Lunch	6625283	05/31/22	Paid	Cleared	471.06	471.06
		2022 13-5310-0-0000-3700-4710-070-0000-0000							
2021/22	05/30/22	R22-00061	HS Breakfast	6625284	05/31/22	Paid	Cleared	255.27	255.27
		2022 13-5310-0-0000-3700-4710-070-0000-0000							
2021/22	05/30/22	R22-00060	ES Lunch	6625285	05/31/22	Paid	Cleared	1,374.14	1,374.14
			Cust.#9758						
Selection	Sorted by Check #, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Check/Advice Date = 6/1/2022, Ending Check/Advice Date = 6/30/2022, Page Break by Check/Advice? = N, Zero? = Y)								ESCAPE ONLINE

ReqPay05e

Payment Register by Check

Bank Account COUNTY - County-AP										
Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
Check # 01-695983, Dated 06/03/2022, Cleared (000272), PO# PO22-00051, Batchld AP06032022 (continued)										
AP Vendor	(continued)									
2021/22	05/30/22	R22-00080	Jordano's Food Service (001095/1)	6625285 (continued)	05/31/22	Paid	Cleared	(continued)		(continued)
			ES Lunch							
			Cust.#9758							
	2022	13- 5310- 0- 0000- 3700- 4710- 030- 0000- 0000								
2021/22	05/30/22	R22-00061	ES Breakfast	6625286	05/31/22	Paid	Cleared	467.81		467.81
	2022	13- 5310- 0- 0000- 3700- 4710- 030- 0000- 0000								
2021/22	05/30/22		ASES	6625287	05/31/22	Paid	Cleared	103.81		103.81
	2022	13- 5310- 0- 0000- 3700- 4300- 030- 0000- ASES								
Check # 01-695984, Dated 06/03/2022, Cleared (000272), PO# PO22-00063, Batchld AP06032022										
AP Vendor	Check Amount for 01-695983									
	(continued)									

Selection Sorted by Check # Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Check/Advice Date = 6/1/2022, Ending Check/Advice Date = 6/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

043 - Cuyama Joint Unified School District

Generated for Gloria Morales-Lerena (43MORALES), Jun 30 2022 10:38AM

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ReqPay05e

Payment Register by Check

Bank Account COUNTY - County-AP									
Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Expense Amount
Check # 01-695986, Dated 06/03/2022, Cleared (000273), PO# PO22-00041, Batchld AP06032022 (continued)									
AP Vendor	2021/22	05/24/22	Southern California Gas Co. (000091/1)	(continued)					
			HS Nat.Gas	220524-4500	06/01/22	Paid	Cleared	522.40	522.40
			4/25-5/24/22 Acct#						
			19321578007						
	2022	01-0000-0-0000-8100-5510-070-0000-0000							(continued)
Check # 01-697143, Dated 06/10/2022, Cleared (000273), PO# , Batchld AP06102022									
Direct Employee			Leyland, Rachel I (000034)					1,746.09	
			PO BOX 127						
			New Cuyama, CA 93254						
	2021/22	06/01/22	Classroom supplies	RLEYLAND220601	06/07/22	Paid	Cleared	196.80	196.80
			FY 21/22						
	2022	01-1100-0-1110-1000-4300-070-0000-0000							
Check # 01-697144, Dated 06/10/2022, Cleared (000273), PO# PO22-00123, Batchld AP06102022									
AP Vendor			Amazon Capital Services (000201/1)					196.80	
			PO Box 035184						
			Seattle, WA 98124-5184						
	2021/22	05/18/22	Summer School	1Y66-MLGV-CGDW	05/31/22	Paid	Cleared	298.34	298.34
			Classroom supplies						
			N. Furstenfeld						
	2022	01-2600-0-1110-1000-4300-030-0000-0000							
Check # 01-697145, Dated 06/10/2022, Cleared (000273), PO# , Batchld AP06102022									
Direct Vendor			American Business Machines (000365/1)					298.34	
			PO BOX 2737						
			Bakersfield, CA 93303-2737						
	2021/22	06/02/22	Toner for D.O.	624544	06/07/22	Paid	Cleared	15.00	15.00
			2022 01-0000-0-0000-7200-4300-000-0000-0000						
	2021/22	06/02/22	Toner ES	624545	06/07/22	Paid	Cleared	15.00	15.00
			2022 01-0000-0-1110-1000-4300-030-0000-0000						
Check # 01-697146, Dated 06/10/2022, Cleared (000273), PO# PO22-00006, Batchld AP06102022									
								30.00	

ReqPay05e

Payment Register by Check

Bank Account COUNTY - County-AP										
Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Check Status	Paymnt Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
Check # 01-697146, Dated 06/10/2022, Cleared (000273), PO# PO22-00006,Batchld AP06102022										
AP Vendor	Applied Technology Group, Inc. (000419/1) 4440 Easton Drive Bakersfield, CA 93309									
F	2021/22	06/01/22	R22-00006	UHF RADIO SERVICE 06/01/2022-06/30/2022	REC0000080308	06/07/22	Paid	Cleared	250.00	250.00
2022 01-0000-0-0000-3600-5900-000-0000-7230										
Check # 01-697147, Dated 06/10/2022, Cleared (000273), PO# ,Batchld AP06102022										
Direct Vendor	Department Of Justice (001311/1) PO BOX 944255 Sacramento, CA 94244-2550									
	2021/22	06/03/22		Employee fingerprints	583604	06/08/22	Paid	Cleared	49.00	49.00
2022 01-0000-0-0000-2700-5800-000-0000-0000										
Check # 01-697148, Dated 06/10/2022, Cleared (000273), PO# PO22-00116,Batchld AP06102022										
AP Vendor	Interquest Detection Canines (000212/1) P.O. Box 407 Kerman, CA 93630									
F	2021/22	05/23/22	R22-00125	Canine inspection services 2021-2022 FY	834	06/07/22	Paid	Cleared	600.00	600.00
2022 01-0000-0-0000-2700-5800-000-0000-0000										
Check # 01-697149, Dated 06/10/2022, Cleared (000273), PO# PO22-00127,Batchld AP06102022										
AP Vendor	Jones School Supply (000773/1) PO BOX 7008 Columbia, SC 29202									
F	2021/22	05/24/22	R22-00138	Middle School Graduation Awards	1898758	06/07/22	Paid	Cleared	39.16	39.16
2022 01-0000-0-1110-1000-5800-030-0000-0000										
Check # 01-697150, Dated 06/10/2022, Cleared (000273), PO# ,Batchld AP06102022										
2022 01-0000-0-1110-1000-5800-030-0000-0000										
Check Amount for 01-697149 39.16										
Selection Sorted by Check #, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Check/Advice Date = 6/1/2022, Ending Check/Advice Date = 6/30/2022, Page Break by Check/Advice? = N, Zero? = Y)										
									ESCAPE	ONLINE
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ReqPay05e

Payment Register by Check

Bank Account COUNTRY - County-AP									
Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Expense Amount
Check # 01-697150, Dated 06/10/2022, Cleared (000273), PO#,BatchId AP06102022									
Direct Vendor									
	Old Cuyama Do It Best (000217/1)								
	3045 Hwy 166								
	Cuyama, CA 93254								
2021/22	05/19/22		ES Shop	B290641	05/31/22	Paid	Cleared	35.55	35.55
	2022	01- 0000- 0- 0000- 8100- 4300- 000- 0000- 0000							
Check # 01-697151, Dated 06/10/2022, Printed (000273), PO#,BatchId AP06102022									
Direct Vendor									
	Quill Corporation (000734/1)								
	PO BOX 37600								
	Philadelphia, PA 19101-0600								
2021/22	05/23/22		Copy paper for ES and HS	25324026	06/07/22	Paid	Printed	953.43	953.43
	2022	01- 0000- 0- 1110- 1000- 4355- 030- 0000- 0000				667.14			
	2022	01- 0000- 0- 1110- 1000- 4355- 070- 0000- 0000				286.29			
2021/22	05/25/22		Microphone for HS	25359012	06/07/22	Paid	Printed	22.94	22.94
	2022	01- 0000- 0- 0000- 2700- 4300- 070- 0000- 0000							
2021/22	05/25/22		HDMI cable for HS Microphone	25359245	06/07/22	Paid	Printed	26.93	26.93
	2022	01- 0000- 0- 0000- 2700- 4300- 070- 0000- 0000							
2021/22	05/25/22		office supplies	25382594	06/07/22	Paid	Printed	89.71	89.71
	2022	01- 0000- 0- 0000- 2700- 4300- 000- 0000- 0000							
Check # 01-697152, Dated 06/10/2022, Cleared (000273), PO# PO22-00124,BatchId AP06102022									
AP Vendor									
	Scholastic, Inc. (002258/1)								
	2931 East McCarty Street								
	Jefferson City, MO 65101								
F	2021/22	05/18/22	R22-00134 Summer School Materials grades 2 & 3 Furstenfeld	39578676	06/07/22	Paid	Cleared	170.96	170.96
	2022	01- 2600- 0- 1110- 1000- 4200- 030- 0000- 0000							
2021/22	05/25/22		B. Rodriguez Summer School Materials	39798154	06/07/22	Paid	Cleared	116.97	116.97
	2022	01- 2600- 0- 1110- 1000- 4200- 030- 0000- 0000							
Check Amount for 01-697150								35.55	
Check Amount for 01-697151								1,093.01	
Check Amount for 01-697152								287.93	
Selection	Sorted by Check #, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Check/Advice Date = 6/1/2022, Ending Check/Advice Date = 6/30/2022, Page Break by Check/Advice? = N, Zero? = Y)							ESCAPE	ONLINE
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Payment Register by Check

Bank Account COUNTY - County-AP										
Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
Check # 01-697153, Dated 06/10/2022, Cleared (000273), PO# ,BatchId AP06102022										
Direct Vendor Tyack's Tires, Inc. (001563/1)										
211 Summer St.										
Bakersfield, CA 93305										
2021/22	05/11/22		Bus 3 and Bus 1 new tires	215262	06/07/22	Paid	Cleared	2,088.03		2,088.03
2022 01- 0000- 0- 0000- 3600- 4383- 000- 0000- 7230										
Check Amount for 01-697153 2,088.03										
Check # 01-698255, Dated 06/17/2022, Printed (000274), PO# ,BatchId AP06172022										
Direct Employee Gamino, Alfonso (000127)										
228 Claudia Autumn Dr										
Bakersfield, CA 93314										
2021/22	05/24/22		Summer CATA Conferenace for K. Fettermen	220524-AG	06/15/22	Paid	Printed	420.00		420.00
2022 01- 6388- 0- 3800- 1000- 5200- 070- POST- 00R2										
Check Amount for 01-698255 420.00										
Check # 01-698256, Dated 06/17/2022, Cleared (000274), PO# ,BatchId AP06172022										
Direct Employee King, Theresa A (000129)										
2533 Columbine Drive										
Alpine, CA 91901										
2021/22	05/02/22		Ups pick-up request for HS six flags ck	220502-TK	06/08/22	Paid	Cleared	8.17		8.17
2022 01- 0000- 0- 0000- 7200- 5800- 000- 0000- 0000										
2021/22	05/02/22		SHipping label for sending HS six flags ck	KING220502	06/08/22	Paid	Cleared	102.63		102.63
2022 01- 0000- 0- 0000- 7200- 5800- 000- 0000- 0000										
Check Amount for 01-698256 110.80										
Check # 01-698257, Dated 06/17/2022, Printed (000274), PO# ,BatchId AP06172022										
Direct Employee Lebsack, Kevin D (000033)										
1070 Paso Robles Ave										
Los Osos, CA 93402										
2021/22	06/09/22		Acrobat Adobe	220609-KL	06/15/22	Paid	Printed	155.88		155.88
2022 01- 6388- 0- 3800- 1000- 5800- 070- 0000- 00R3										
Check Amount for 01-698257 155.88										
Selection Sorted by Check #, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Check/Advice Date = 6/1/2022, Ending Check/Advice Date = 6/30/2022, Page Break by Check/Advice? = N, Zero? = Y)										
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Payment Register by Check

Bank Account COUNTRY - County-AP										
Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
Check # 01-698258, Dated 06/17/2022, Printed (000274), PO# ,Batchld AP06172022										
Direct Employee Morales-Lerena, Gloria (000113)										
4819 Sisquoc St.										
New Cuyama, CA 93254										
2021/22	06/02/22		Graduation hats for kinder	220602-GM	06/08/22	Paid	Printed	38.76		38.76
2022 01 - 0000 - 0 - 0000 - 7200 - 5800 - 000 - 0000 - 0000										
Check # 01-698259, Dated 06/17/2022, Printed (000274), PO# PO22-00007, Batchld AP06172022										
AP Vendor CANON FINANCIAL SERVICES, INC. (000155/1)										
14904 Collections Center Drive										
Chicago, IL 60693-0149										
F	2021/22	06/11/22	R22-00012	Canon Lease	28705322	06/15/22	Printed	1,284.14		1,284.14
06/01/2022-06/30/20										
22										
2022 01 - 0000 - 0 - 0000 - 7200 - 5600 - 000 - 0000 - 0000										
2022 01 - 0000 - 0 - 0000 - 7200 - 5800 - 000 - 0000 - 0000										
2022 01 - 0000 - 0 - 1110 - 1000 - 5600 - 030 - 0000 - 0000										
2022 01 - 0000 - 0 - 1110 - 1000 - 5600 - 070 - 0000 - 0000										
2021/22	06/11/22	R22-00082	Copier meter	28705322-B	06/15/22	Paid	Printed	1,732.65		1,732.65
03/01/2022-05/31/20										
22										
2022 01 - 0000 - 0 - 0000 - 2700 - 5800 - 000 - 0000 - COPY										
2022 01 - 0000 - 0 - 0000 - 2700 - 5800 - 070 - 0000 - COPY										
2022 01 - 0000 - 0 - 0000 - 7100 - 5800 - 000 - 0000 - COPY										
2022 01 - 0000 - 0 - 0000 - 7200 - 5800 - 000 - 0000 - COPY										
2022 01 - 0000 - 0 - 1110 - 1000 - 5800 - 030 - 0000 - COPY										
2022 01 - 0000 - 0 - 1110 - 1000 - 5800 - 070 - 0000 - COPY										
Check Amount for 01-698259 3,016.79										
Check # 01-698260, Dated 06/17/2022, Printed (000274), PO# PO22-00031, Batchld AP06172022										
AP Vendor Cuyama Community Services Dist (000206/1)										
PO BOX 368										
New Cuyama, CA 93254										
2021/22	05/31/22	R22-00036	HS water	220531-100213A	06/15/22	Paid	Printed	24.64-		24.64-
04/20*2022-05/2022										
2022 01 - 0000 - 0 - 0000 - 8100 - 5530 - 070 - 0000 - 0000										
Check Amount for 01-698259 3,016.79										
Check # 01-698260, Dated 06/17/2022, Printed (000274), PO# PO22-00031, Batchld AP06172022										
AP Vendor Cuyama Community Services Dist (000206/1)										
PO BOX 368										
New Cuyama, CA 93254										
2021/22	05/31/22	R22-00036	HS water	220531-100213A	06/15/22	Paid	Printed	24.64-		24.64-
04/20*2022-05/2022										
2022 01 - 0000 - 0 - 0000 - 8100 - 5530 - 070 - 0000 - 0000										
Check Amount for 01-698259 3,016.79										
Check # 01-698260, Dated 06/17/2022, Printed (000274), PO# PO22-00031, Batchld AP06172022										
AP Vendor Cuyama Community Services Dist (000206/1)										
PO BOX 368										
New Cuyama, CA 93254										
2021/22	05/31/22	R22-00036	HS water	220531-100213A	06/15/22	Paid	Printed	24.64-		24.64-
04/20*2022-05/2022										
2022 01 - 0000 - 0 - 0000 - 8100 - 5530 - 070 - 0000 - 0000										
Check Amount for 01-698259 3,016.79										

Selection

Sorted by Check #, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Check/Advice Date = 6/1/2022, Ending Check/Advice Date = 6/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

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Payment Register by Check

Fiscal Year		Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
Bank Account COUNTY - County-AP											
Check # 01-698260, Dated 06/17/2022, Printed (000274), PO# PO22-00031, BatchId AP06172022 (continued)											
AP Vendor	2021/22	06/20/22	R22-00036	Cuyama Community Services Dist (000206/1)	(continued)						
				HS water	220531-100213B	06/15/22	Paid	Printed	349.97		349.97
				04/20/2022-05/20/20							(continued)
				22							
				2022 01- 0000- 0- 0000- 8100- 5530- 070- 0000- 0000							
Check # 01-698261, Dated 06/17/2022, Printed (000274), PO# PO22-00070, BatchId AP06172022											
AP Vendor				Eide Bailly LLP (000197/1)					325.33		
				10681 Foothill BLVD., Ste. 300							
				Rancho Cucamonga, CA. 91730-3831							
F	2021/22	03/08/22	R22-00078	07/1/2021-06/30/202	EI01281273	06/15/22	Paid	Printed	2,590.00		2,590.00
				2 Audit Fees Partial							
				Payment							
				2022 01- 0000- 0- 0000- 7100- 5810- 0000- 0000							
Check # 01-698262, Dated 06/17/2022, Printed (000274), PO# PO22-00051, BatchId AP06172022											
AP Vendor				Jordano's Food Service (001095/1)					2,590.00		
				550 South Patterson Ave.							
				Santa Barbara, CA 93111							
	2021/22	06/06/22	R22-00060	ES BREAKFAST	6624534	06/15/22	Paid	Printed	340.48		340.48
				2022 13- 5310- 0- 0000- 3700- 4710- 030- 0000- 0000							
	2021/22	06/06/22	R22-00060	ES LUNCH	6629533	06/15/22	Paid	Printed	1,093.44		1,093.44
				2022 13- 5310- 0- 0000- 3700- 4710- 030- 0000- 0000							
	2021/22	06/06/22	R22-00061	ES LUNCH	6629536	06/15/22	Paid	Printed	471.20		471.20
				2022 13- 5310- 0- 0000- 3700- 4710- 030- 0000- 0000							
	2021/22	06/06/22	R22-00061	HS BREAKFAST	6629537	06/15/22	Paid	Printed	167.11		167.11
				2022 13- 5310- 0- 0000- 3700- 4710- 030- 0000- 0000							
				2022 13- 5310- 0- 0000- 3700- 4710- 070- 0000- 0000							
Check # 01-698263, Dated 06/17/2022, Printed (000274), PO# PO22-00038, BatchId AP06172022											
AP Vendor				Marborg Disposal (000715/1)					2,072.23		
				PO BOX 4127							
				Santa Barbara, CA 93140							

Selection Sorted by Check #, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Check/Advice Date = 6/1/2022, Ending Check/Advice Date = 6/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

043 - Cuyama Joint Unified School District

Generated for Gloria Morales-Lerena (43MORALES), Jun 30 2022 10:38AM

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Payment Register by Check

Bank Account COUNTRY - County-AP									
Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax Expense Amount
Check # 01-698263, Dated 06/17/2022, Printed (000274), PO# PO22-00038, Batchld AP06172022									
AP Vendor	2021/22	05/31/22	R22-00044	HS Trash Services May 2022	5533526	06/15/22	Printed	235.42	235.42
	2021/22	05/31/22	R22-00044	ES Trash Services May 2022	5533527	06/15/22	Printed	470.84	470.84
	2022	01-0000-0-0000-8100-5570-000-0000-0000							
Check # 01-698264, Dated 06/17/2022, Printed (000274), PO# PO22-00129, Batchld AP06172022									
AP Vendor	2021/22	04/08/22	R22-00140	Procure Janitorial Supply (001849/1)					
				PO BOX 211					
				Pismo Beach, CA 93448					
F	2021/22	04/08/22	R22-00140	ES Janitorial supplies	150889	06/15/22	Printed	5,561.29	5,561.29
	2022	01-0000-0-0000-8100-4300-030-0000-0000							
Check # 01-698265, Dated 06/17/2022, Printed (000274), PO# PO22-00042, Batchld AP06172022									
AP Vendor	2021/22	05/09/22	R22-00049	Purchase Power (000178/1)					
				PO Box 981026					
				Boston, MA 02298-1026					
	2021/22	05/09/22	R22-00049	Postage May 2022	220703	06/15/22	Printed	179.75	179.75
	2022	01-0000-0-0000-2700-4300-000-0000-0000							
	2022	01-0000-0-0000-2700-5900-000-0000-0000				149.76			
	2022	01-0000-0-0000-7200-5800-000-0000-0000				29.99			
Check # 01-698266, Dated 06/17/2022, Printed (000274), PO# , Batchld AP06172022									
Direct Vendor	2021/22	06/03/22		Quill Corporation (000734/1)					
				PO BOX 37600					
				Philadelphia, PA 19101-0600					
	2021/22	06/03/22		Summer School classroom supplies	25546564	06/15/22	Printed	10.76	10.76
				A. Panchi					
	2022	01-2600-0-1110-1000-4300-030-0000-0000							

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Payment Register by Check

Bank Account COUNTY - County-AP									
Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Expense Amount
Check # 01-698266, Dated 06/17/2022, Printed (000274), PO# ,BatchId AP06172022 (continued)									
Direct Vendor	2021/22	06/03/22	Quill Corporation (000734/1)	(continued)					(continued)
			Summer School classroom supplies A. Panchi	25549015	06/15/22	Paid	Printed	475.55	475.55
	2022	01- 2600- 0- 1110- 1000- 4300- 030- 0000- 0000							
	2021/22	06/07/22	Summer School classroom supplies A. Panchi	25580709	06/15/22	Paid	Printed	14.84	14.84
	2022	01- 2600- 0- 1110- 1000- 4300- 030- 0000- 0000							
Check # 01-698267, Dated 06/17/2022, Printed (000274), PO# PO22-00047, BatchId AP06172022									
AP Vendor			RingCentral Inc. (000194/1)					500.95	
			P.O. Box 734232						
			Dallas, TX 75373-4232						
	2021/22	03/10/22	R22-00057 Phone Service Mar 2022	CD-000371938	06/15/22	Paid	Printed	748.59	748.59
	2022	01- 0000- 0- 0000- 2700- 5910- 030- 0000- 0000				449.15			
	2022	01- 0000- 0- 0000- 2700- 5910- 070- 0000- 0000				224.58			
	2022	01- 0000- 0- 0000- 2700- 5910- 000- 0000- 0000				74.86			
Check # 01-698268, Dated 06/17/2022, Printed (000274), PO# PO22-00094, BatchId AP06172022									
AP Vendor			Santa Barbara County Ed Office (002764/1)					748.59	
			4400 Cathedral Oaks Road						
			PO BOX 6307						
			Santa Barbara, CA 93160-6307						
F	2021/22	06/08/22	R22-00105 SDEV Contract July-Dec 2021	93C22-00077	06/15/22	Paid	Printed	5,374.00	5,374.00
	2022	01- 4035- 0- 0000- 2140- 5800- 000- 0000- SDEV							
	2022	01- 6266- 0- 0000- 2140- 5800- 000- 0000- SDEV				3,761.80			
	2022	01- 7425- 0- 0000- 2140- 5800- 030- 0000- SDEV				1,612.20			
	2022	01- 7425- 0- 0000- 2140- 5800- 070- 0000- SDEV							
Check # 01-698269, Dated 06/17/2022, Printed (000274), PO# ,BatchId AP06172022									
Direct Vendor			The Aire Tech (000216/1)					5,374.00	
			PO Box 1247						
			Taft, CA 93268						
Selection	Sorted by Check #, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Check/Advice Date = 6/1/2022, Ending Check/Advice Date = 6/30/2022, Page Break by Check/Advice? = N, Zero? = Y)								ESCAPE ONLINE

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Payment Register by Check

Bank Account COUNTY - County-AP									
Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Expense Amount
Check # 01-698269, Dated 06/17/2022, Printed (000274), PO# ,Batchld AP06172022									
Direct Vendor	The Aire Tech (000216/1) (continued)								
2021/22	06/03/22		HS Swamp coolers	0976	06/15/22	Paid	Printed	405.00	405.00
	2022	01- 3212- 0- 0000- 8100- 5640- 070- ESSR- 0000							
Check # 01-698270, Dated 06/17/2022, Printed (000274), PO# PO22-00040,Batchld AP06172022									
AP Vendor	Verizon Business (002132/1)								
	PO Box 15043								
	Albany, NY 12212-5043								
2021/22	06/10/22	R22-00046	FAX MAY 2022	67714682	06/15/22	Paid	Printed	20.76	20.76
	2022	01- 0000- 0- 0000- 2700- 5910- 000- 0000- 0000							
Check # 01-698271, Dated 06/17/2022, Printed (000274), PO# ,Batchld AP06172022									
Direct Vendor	Waldrop's Auto Parts (002783/1)								
	601 Kern Street								
	Taft, CA 93268-2716								
2021/22	05/31/22		Bus parts	61933-1	06/15/22	Paid	Printed	635.15	635.15
	2022	01- 0000- 0- 0000- 3600- 4380- 000- 0000- 7230							
Check # 01-699217, Dated 06/24/2022, Printed (000275), PO# ,Batchld AP06242022									
Direct Employee	Cortes, Alleigh B (000139)								
	P.O. Box 325								
	New Cuyama, CA 93254								
2021/22	06/21/22		Live scan	220621AC	06/22/22	Paid	Printed	35.00	35.00
	2022	01- 0000- 0- 0000- 7200- 5800- 000- 0000- 0000							
Check # 01-699218, Dated 06/24/2022, Printed (000275), PO# ,Batchld AP06242022									
Direct Employee	Fetterman, Kandy C (000022)								
	PO BOX 99								
	New Cuyama, CA 93254								
2021/22	06/20/22		Parking for CATA Conference	220620	06/22/22	Paid	Printed	46.00	46.00
	2022	01- 6388- 0- 3800- 1000- 5200- 070- POST- 00R2							
2021/22	06/19/22		CATA conference Hotel room for three nights	30193	06/22/22	Paid	Printed	791.40	791.40
Selection Sorted by Check #, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Check/Advice Date = 6/1/2022, Ending Check/Advice Date = 6/30/2022, Page Break by Check/Advice? = N, Zero? = Y)									
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Payment Register by Check

Bank Account COUNTY - County-AP										
Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
Check # 01-699218, Dated 06/24/2022, Printed (000275), PO# ,Batchld AP06242022 (continued)										
Direct Employee	2021/22	06/19/22	Felterman, Kandy C (000022)	(continued)						(continued)
			CATA conference	30193 (continued)	06/22/22	Paid	Printed	(continued)		
			Hotel room for three nights							
	2022	01-6388-0-3800-1000-5200-070-POST-00R2								
	2021/22	06/19/22	CATA conference	30193-B	06/22/22	Paid	Printed	263.80		263.80
			Hotel room for one night							
	2022	01-6388-0-3800-1000-5200-070-POST-00R2								
Check # 01-699219, Dated 06/24/2022, Printed (000275), PO# ,Batchld AP06242022										
Direct Employee			Morales-Lerena, Gloria (000113)					1,101.20		
			4819 Sisquoc St.							
			New Cuyama, CA 93254							
	2021/22	06/22/22	Re-issued STLD check	220622	06/22/22	Paid	Printed	23.20		23.20
	2022	01-0000-0-0000-0000-8699-000-0000-STLD								
Check # 01-699220, Dated 06/24/2022, Printed (000275), PO# ,Batchld AP06242022										
Direct Employee			Rodriguez, Nicole C (000051)					23.20		
			PO BOX 473							
			New Cuyama, CA 93254							
	2021/22	05/12/22	Garden supplies	220512NR	06/21/22	Paid	Printed	51.42		51.42
	2022	01-0900-0-1110-1000-4300-030-0000-GRDN								
	2021/22	05/23/22	Summer school supplies	220523NR	06/21/22	Paid	Printed	43.36		43.36
	2022	01-2600-0-1110-1000-4300-030-0000-0000								
Check # 01-699221, Dated 06/24/2022, Printed (000275), PO# PO22-00130,Batchld AP06242022										
AP Vendor			CEV Multimedia, Ltd. (000168r1)					94.78		
			1020 SE Loop 289							
			Lubbock, TX 79404							
F	2021/22	05/11/22	R22-00141	CTE Certifications	QTE044295	06/22/22	Paid	Printed	4,800.00	4,800.00
	2022	01-7010-0-3800-1000-5800-070-0000-0000								
Check Amount for 01-699221 4,800.00										
Check Amount for 01-699220 94.78										
Check Amount for 01-699219 23.20										
Check Amount for 01-699218 1,101.20										
Check # 01-699221, Dated 06/24/2022, Printed (000275), PO# PO22-00130,Batchld AP06242022										
AP Vendor			CEV Multimedia, Ltd. (000168r1)					94.78		
			1020 SE Loop 289							
			Lubbock, TX 79404							
F	2021/22	05/11/22	R22-00141	CTE Certifications	QTE044295	06/22/22	Paid	Printed	4,800.00	4,800.00
	2022	01-7010-0-3800-1000-5800-070-0000-0000								
Check Amount for 01-699221 4,800.00										
Check Amount for 01-699220 94.78										
Check Amount for 01-699219 23.20										
Check Amount for 01-699218 1,101.20										
Check # 01-699221, Dated 06/24/2022, Printed (000275), PO# PO22-00130,Batchld AP06242022										
AP Vendor			CEV Multimedia, Ltd. (000168r1)					94.78		
			1020 SE Loop 289							
			Lubbock, TX 79404							
F	2021/22	05/11/22	R22-00141	CTE Certifications	QTE044295	06/22/22	Paid	Printed	4,800.00	4,800.00
	2022	01-7010-0-3800-1000-5800-070-0000-0000								
Check Amount for 01-699221 4,800.00										
Check Amount for 01-699220 94.78										
Check Amount for 01-699219 23.20										
Check Amount for 01-699218 1,101.20										
Check # 01-699221, Dated 06/24/2022, Printed (000275), PO# PO22-00130,Batchld AP06242022										
AP Vendor			CEV Multimedia, Ltd. (000168r1)					94.78		
			1020 SE Loop 289							
			Lubbock, TX 79404							
F	2021/22	05/11/22	R22-00141	CTE Certifications	QTE044295	06/22/22	Paid	Printed	4,800.00	4,800.00
	2022	01-7010-0-3800-1000-5800-070-0000-0000								
Check Amount for 01-699221 4,800.00										
Check Amount for 01-699220 94.78										
Check Amount for 01-699219 23.20										
Check Amount for 01-699218 1,101.20										
Check # 01-699221, Dated 06/24/2022, Printed (000275), PO# PO22-00130,Batchld AP06242022										
AP Vendor			CEV Multimedia, Ltd. (000168r1)					94.78		
			1020 SE Loop 289							
			Lubbock, TX 79404							
F	2021/22	05/11/22	R22-00141	CTE Certifications	QTE044295	06/22/22	Paid	Printed	4,800.00	4,800.00
	2022	01-7010-0-3800-1000-5800-070-0000-0000								
Check Amount for 01-699221 4,800.00										
Check Amount for 01-699220 94.78										
Check Amount for 01-699219 23.20										
Check Amount for 01-699218 1,101.20										
Check # 01-699221, Dated 06/24/2022, Printed (000275), PO# PO22-00130,Batchld AP06242022										
AP Vendor			CEV Multimedia, Ltd. (000168r1)					94.78		
			1020 SE Loop 289							
			Lubbock, TX 79404							
F	2021/22	05/11/22	R22-00141	CTE Certifications	QTE044295	06/22/22	Paid	Printed	4,800.00	4,800.00
	2022	01-7010-0-3800-1000-5800-070-0000-0000								
Check Amount for 01-699221 4,800.00										
Check Amount for 01-699220 94.78										
Check Amount for 01-699219 23.20										
Check Amount for 01-699218 1,101.20										
Check # 01-699221, Dated 06/24/2022, Printed (000275), PO# PO22-00130,Batchld AP06242022										
AP Vendor			CEV Multimedia, Ltd. (000168r1)					94.78		
			1020 SE Loop 289							
			Lubbock, TX 79404							
F	2021/22	05/11/22	R22-00141	CTE Certifications	QTE044295	06/22/22	Paid	Printed	4,800.00	4,800.00
	2022	01-7010-0-3800-1000-5800-070-0000-0000								
Check Amount for 01-699221 4,800.00										
Check Amount for 01-699220 94.78										
Check Amount for 01-699219 23.20										
Check Amount for 01-699218 1,101.20										
Check # 01-699221, Dated 06/24/2022, Printed (000275), PO# PO22-00130,Batchld AP06242022										
AP Vendor			CEV Multimedia, Ltd. (000168r1)					94.78		
			1020 SE Loop 289							
			Lubbock, TX 79404							
F	2021/22	05/11/22	R22-00141	CTE Certifications	QTE044295	06/22/22	Paid	Printed	4,800.00	4,800.00
	2022	01-7010-0-3800-1000-5800-070-0000-0000								
Check Amount for 01-699221 4,800.00										
Check Amount for 01-699220 94.78										
Check Amount for 01-699219 23.20										
Check Amount for 01-699218 1,101.20										
Check # 01-699221, Dated 06/24/2022, Printed (000275), PO# PO22-00130,Batchld AP06242022										
AP Vendor			CEV Multimedia, Ltd. (000168r1)					94.78		
			1020 SE Loop 289							
			Lubbock, TX 79404							
F	2021/22	05/11/22	R22-00141	CTE Certifications	QTE044295	06/22/22	Paid	Printed	4,800.00	4,800.00
	2022	01-7010-0-3800-1000-5800-070-0000-0000								
Check Amount for 01-699221 4,800.00										
Check Amount for 01-699220 94.78										
Check Amount for 01-699219 23.20										
Check Amount for 01-699218 1,101.20										
Check # 01-699221, Dated 06/24/2022, Printed (000275), PO# PO22-00130,Batchld AP06242022										
AP Vendor			CEV Multimedia, Ltd. (000168r1)					94.78		
			1020 SE Loop 289							
			Lubbock, TX 79404							
F	2021/22	05/11/22	R22-00141	CTE Certifications	QTE044295	06/22/22	Paid	Printed	4,800.00	4,800.00
	2022	01-7010-0-3800-1000-5800-070-0								

ReqPay05e

Payment Register by Check

Bank Account COUNTRY - County-AP										
Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
Check # 01-699222, Dated 06/24/2022, Printed (000275), PO#,Batchld AP06242022										
Direct Vendor CollegeBoard (000158/1)										
			P.O. Box 30171							
			New York, NY 10087							
2021/22	05/31/22		11th grade SAT	ES00147135	06/22/22	Paid	Printed	770.00		770.00
		2022	01- 7413- 0- 1110- 1000- 5800- 070- 0000- 0000							
Check # 01-699223, Dated 06/24/2022, Printed (000275), PO# PO22-00048,Batchld AP06242022										
AP Vendor Dubuque Bank & Trust (002903/1)										
			P.O. Box 148							
			Dubuque, IA 52004-0148							
F	2021/22	06/21/22	R22-00018	QUARTERLY	220621	06/21/22	Printed	27,973.92		27,973.92
			COMMERCIAL LOAN							
			PAYMET June 2022							
			2022 01- 0000- 0- 0000- 9100- 7438- 030- 0000- QZAB			2,101.53				
			2022 01- 0000- 0- 0000- 9100- 7438- 070- 0000- QZAB			2,101.51				
			2022 01- 0000- 0- 0000- 9100- 7439- 030- 0000- QZAB			11,885.44				
			2022 01- 0000- 0- 0000- 9100- 7439- 070- 0000- QZAB			11,885.44				
Check Amount for 01-699223 770.00										
Check # 01-699224, Dated 06/24/2022, Printed (000275), PO# PO22-00022,Batchld AP06242022										
AP Vendor Frontier Communications (000033/1)										
			PO BOX 740407							
			Cincinnati, OH 45274-0407							
F	2021/22	06/13/22	R22-00026	Frontier comm. Fee	220613-2293	06/21/22	Printed	290.39		290.39
			06/13/2022-07/12/20							
			22							
			2022 01- 0000- 0- 0000- 2700- 5910- 070- 0000- 0000							
F	2021/22	06/13/22	R22-00025	Frontier Comm. Fee	220613-2642	06/21/22	Printed	97.29		97.29
			06/13/2022-07/12/20							
			22							
			2022 01- 0000- 0- 0000- 2700- 5910- 030- 0000- 0000							
Check Amount for 01-699224 387.68										
Check # 01-699225, Dated 06/24/2022, Printed (000275), PO#,Batchld AP06242022										
Direct Vendor Home Depot Credit Services (002329/1)										
			Dept 32-2502046356							
			PO BOX 78047							
			Phoenix, AZ 85062-8047							
Selection Sorted by Check #, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Check/Advice Date = 6/1/2022, Ending Check/Advice Date = 6/30/2022, Page Break by Check/Advice? = N, Zero? = Y)										
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Payment Register by Check

Fiscal Year		Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
Bank Account COUNTY - County-AP											
Check # 01-699225, Dated 06/24/2022, Printed (000275), PO# ,BatchId AP06242022											
Direct Vendor											
2021/22	06/13/22	Home Depot Credit Services (002329/1)		Custodian water heater	6687	06/22/22	Paid	Printed	431.92		431.92
2022 01- 0000- 0- 0000- 8100- 4300- 000- 0000- 0000											
Check # 01-699226, Dated 06/24/2022, Printed (000275), PO# PO22-00020, BatchId AP06242022											
AP Vendor											
IEC Power, LLC (002897/1)											
8775 Folsom Blvd, Suit 110											
Sacramento, CA 95826											
F	2021/22	06/17/22	R22-00028	Solar Maintenance Agreement	CUYAMA-OM-INV96	06/21/22	Paid	Printed	1,281.53		1,281.53
05/18/2022-06/17/20											
22											
2022 01- 0000- 0- 0000- 8100- 5640- 030- 0000- SOLR											
2022 01- 0000- 0- 0000- 8100- 5640- 070- 0000- SOLR											
640.77											
640.76											
Check # 01-699227, Dated 06/24/2022, Printed (000275), PO# PO22-00051, BatchId AP06242022											
AP Vendor											
Jordano's Food Service (001095/1)											
550 South Patterson Ave.											
Santa Barbara, CA 93111											
2021/22	06/13/22	R22-00060		ES Lunch	6633809	06/22/22	Paid	Printed	2,666.10		2,666.10
2022 13- 5310- 0- 0000- 3700- 4710- 030- 0000- 0000											
2021/22	06/13/22	R22-00060		ES Breakfast	6633810	06/22/22	Paid	Printed	1,220.29		1,220.29
2022 13- 5310- 0- 0000- 3700- 4710- 030- 0000- 0000											
2021/22	06/13/22			ASES	6633811	06/22/22	Paid	Printed	308.78		308.78
2022 13- 5310- 0- 0000- 3700- 4300- 030- 0000- ASES											
Check # 01-699228, Dated 06/24/2022, Printed (000275), PO# ,BatchId AP06242022											
Direct Vendor											
Linde Gas & Equipment Inc. (000202/1)											
10 Riverview Drive											
Danbury, CT 06810											
2021/22	03/15/22			welding supplies	69456400	06/22/22	Paid	Printed	27.58		27.58
2022 01- 6388- 0- 3800- 1000- 4300- 070- PCST- 00R2											
Check Amount for 01-699228 27.58											
Check Amount for 01-699227 4,195.17											
Check Amount for 01-699226 1,281.53											
Check Amount for 01-699225 431.92											

Selection Sorted by Check #, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Check/Advice Date = 6/1/2022, Ending Check/Advice Date = 6/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

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Payment Register by Check

Bank Account COUNTY - County-AP									
Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Expense Amount
Check # 01-699229, Dated 06/24/2022, Printed (000275), PO# ,Batchld AP06242022									
Direct Vendor	Old Cuyama Do It Best (0002171)								
	3045 Hwy 166								
	Cuyama, CA 93254								
2021/22	05/25/22		ES Shop supplies	B291102	06/22/22	Paid	Printed	17.86	17.86
2022	01-0000-0-0000-8100-4300-030-0000-0000								
2021/22	06/03/22		HS coolers	B291673	06/22/22	Paid	Printed	23.70	23.70
2022	01-0000-0-0000-8100-4300-070-0000-0000								
2021/22	06/14/22		Custodian hot water heater supplies	B292555	06/22/22	Paid	Printed	22.62	22.62
2022	01-0000-0-0000-8100-4300-000-0000-0000								
2021/22	06/17/22		Supplies for green house	B292791	06/22/22	Paid	Printed	69.49	69.49
2022	01-6388-0-3800-1000-4300-030-0000-00R2								
Check # 01-699230, Dated 06/24/2022, Printed (000275), PO# PO22-00039, Batchld AP06242022									
AP Vendor	Pacific Gas & Electric (0000741)								
	Box 997300								
	Sacramento, CA 95899-7300								
2021/22	06/14/22	R22-00045	E.S Electric CEEGC	220614	06/21/22	Paid	Printed	297.31	297.31
2022	01-0000-0-0000-8100-5520-030-0000-0000								
2021/22	06/14/22	R22-00045	E.S Electric	220614-M1010432536	06/21/22	Paid	Printed	26.29	26.29
2022	01-0000-0-0000-8100-5520-030-0000-0000								
Check # 01-699231, Dated 06/24/2022, Printed (000275), PO# ,Batchld AP06242022									
Direct Vendor	Pitney Bowes (000200/1)								
	PO BOX 981039								
	Boston, MA 02298-1039								
2021/22	05/27/22		Quarterly rental and postage	1020801615	06/22/22	Paid	Printed	171.26	171.26
2022	01-0000-0-0000-7200-5600-000-0000-0000								
043 - Cuyama Joint Unified School District									
133.13									

Selection Sorted by Check #, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Check/Advice Date = 6/1/2022, Ending Check/Advice Date = 6/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

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Payment Register by Check

Bank Account COUNTY - County-AP										
Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
Check # 01-699231, Dated 06/24/2022, Printed (000275), PO#,Batchld AP06242022										
Direct Vendor Pitney Bowes (000200/1) (continued)										
2021/22	05/27/22		Quarterly rental and postage	1020801615 (continued)	06/22/22	Paid	Printed	(continued)		
			06/16/2022-09/15/2022							
			2022 01-0000-0-0000-7200-5900-000-0000-0000			38.13				
Check # 01-699232, Dated 06/24/2022, Printed (000275), PO#,Batchld AP06242022										
Direct Vendor Quill Corporation (000734/1)										
			PO BOX 37600 Philadelphia, PA 19101-0600							
2021/22	06/07/22		Summer school supplies for Leah B.	25580426	06/22/22	Paid	Printed	187.79		187.79
			2022 01-2600-0-1110-1000-4300-030-0000-0000							
2021/22	06/07/22		Summer school supplies for Leah B.	25581231	06/22/22	Paid	Printed	119.59		119.59
			2022 01-2600-0-1110-1000-4300-030-0000-0000							
Check # 01-699233, Dated 06/24/2022, Printed (000275), PO#,Batchld AP06242022										
Direct Vendor Scholastic, Inc. (002258/1)										
			2931 East McCarty Street Jefferson City, MO 65101							
2021/22	06/07/22		Summer school materials for Leah B.	40105942	06/21/22	Paid	Printed	198.74		198.74
			2022 01-2600-0-1110-1000-4200-030-0000-0000							
Check # 01-699234, Dated 06/24/2022, Printed (000275), PO#,Batchld AP06242022										
Direct Vendor The Aire Tech (000216/1)										
			PO Box 1247 Taft, CA 93268							
2021/22	06/16/22		4825 Cebrrian cooler repair	0981	06/21/22	Paid	Printed	250.00		250.00
			2022 01-0035-0-0000-8100-5640-000-RENT-0000							
Check Amount for 01-699234 250.00										
Selection Sorted by Check #. Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Check/Advice Date = 6/1/2022, Ending Check/Advice Date = 6/30/2022, Page Break by Check/Advice? = N, Zero? = Y)										
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Payment Register by Check #

Bank Account COUNTY - County-AP

EXPENSES BY FUND - Bank Account COUNTY			
Fund	Expense	Cash Balance	Difference
01	72,878.43	1,053,519.98	980,641.55
13	11,581.04	9,954.09	1,626.95-
Total	84,459.47		

Number of Payments	91	
Number of Checks	56	\$47,373.86
Number of ACH Advice	0	
Number of vCard Advice	0	
Total Check/Advice Amount		\$84,459.47
Total Unpaid Sales Tax		\$.00
Total Expense Amount		\$84,459.47

CHECK/ADVICE AMOUNT DISTRIBUTION COUNTS		
\$0 - \$99	10	
\$100 - \$499	23	
\$500 - \$999	7	
\$1,000 - \$4,999	12	
\$5,000 - \$9,999	3	
\$10,000 - \$14,999		
\$15,000 - \$99,999	1	
\$100,000 - \$199,999		
\$200,000 - \$499,999		
\$500,000 - \$999,999		
\$1,000,000 -		

***** ITEMS OF INTEREST *****

* Number of payments to a different vendor
! Number of Prepaid payments
@ Number of Liability payments
& Number of Employee Also Vendors

? denotes check name different than payment name
F denotes Final Payment

Report Totals -	Payment Count	91	Check Count	56	ACH Count	0	vCard Count	0	Total Check/Advice Amount	84,459.47
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Selection	Sorted by Check #, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Check/Advice Date = 6/1/2022, Ending Check/Advice Date = 6/30/2022, Page Break by Check/Advice? = N, Zero? = Y)	ESCAPE	ONLINE
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10:38AM

Quarterly Report
on
Williams/Valenzuela Uniform Complaints
[Education Code § 35186]
2022

District: Cuyama Joint Unified School District

Name of person completing this form: Alfonso Gamino

Title of person completing this form: Superintendent/Principal

Please provide the date when this information will be reported publicly at the district governing board meeting:

Quarterly report submission date (check one):

☐ April (Jan.—March)

☒ July (April—June)

☐ October (July—Sept.)

☐ January (Oct.—Dec.)

General Subject Area	Total no. of complaints	No. of complaints resolved	No. of complaints unresolved
Textbooks and instructional materials	0	0	0
Teacher vacancy or misassignment	0	0	0
Facilities conditions	0	0	0
Valenzuela/CAHSEE intensive instruction and services	0	0	0
TOTALS	0	0	0


Signature of district superintendent

July 14, 2022
Date

CUYAMA JOINT UNIFIED SCHOOL DISTRICT
Student Field Trip Request

All applications for student field trips must be submitted to the District Office for Superintendent and Board approval at least three (3) weeks in advance of the field trip requested. Please include any supporting documentation with this request.

REQUESTED BY: Nicole Furstenfeld & Bonnie Rodriguez TODAY'S DATE: 6-17-22
PURPOSE: Field Trip to Moxi Museum
FIELD TRIP LOCATION/DESTINATION: Santa Barbara, Ca.
DEPARTURE DATE: July 20, 2022 DEPARTURE TIME: 8:00 AM
RETURN DATE: July 20, 2022 RETURN TIME: 4³⁰ PM
GRADE LEVEL: K-12 SITE LOCATION: 125 State St. Santa Barbara, Ca
NUMBER OF STUDENTS: 34 NUMBER OF ADULTS/CHAPERONES: 9 93101
WILL SACK LUNCHES BE NEEDED? Yes ☒ No ☐ If yes, please notify cafeteria staff once request has been approved.
METHOD OF TRANSPORTATION: school bus

(Bus, District Car/Van, Own Car, Parent/Guardian, etc.)

ESTIMATE OF EXPENDITURES:

SUBSTITUTE NEEDED? Yes ☐ No ☒ NUMBER OF DAYS SUB NEEDED: 0
LODGING NEEDED? Yes ☐ No ☒ WHERE? _____
MEALS NEEDED? Yes ☒ No ☐ TOTAL ESTIMATE OF EXPENSES: _____

SOURCE OF FUNDING FOR THIS FIELD TRIP:

DO NOT WRITE BELOW THIS LINE- FOR DISTRICT OFFICE USE ONLY

ADMINISTRATION APPROVAL

SITE ADMINISTRATOR SIGNATURE: _____ DATE: _____

SUPERINTENDENT SIGNATURE: _____

DATE: _____ REQUEST APPROVED? Yes ☐ No ☐

BOARD APPROVAL

APPROVED BY BOARD? Yes ☐ No ☐ DATE OF APPROVAL: _____

APPLICANT NOTIFIED? Yes ☐ No ☐

FINANCE NOTIFIED? Yes ☐ No ☐



**Agreement Between
Santa Barbara County Education Office
and Cuyama Joint Unified School District
for Professional Development Services
July 1, 2022 - June 30, 2023**

This Agreement is made and entered into by the Santa Barbara County Education Office (SBCEO) and Cuyama Joint Unified School District, hereafter known as "District".

District has requested professional development services from the SBCEO for the following:

Carla Benchoff, Director, Instructional Support, will provide support to District with state and locally administered assessments for all grades to achieve the following:

- build common understanding and awareness of the purposes of various assessments
- build familiarity with available Smarter Balanced summative and formative assessment tools for ELA and literacy
- practice identifying targets and engaging in data protocols to adjust instruction and student support
- engage TK-2 instructional staff in implementing STAR early literacy screening and progress monitoring tools
- understand the role of these and other assessment tools in a Multi-Tiered System of Support

As detailed in attached work plan, SBCEO will provide 10 full days of professional development to meet these goals. All district staff will receive coaching, and all district teachers and expanded learning staff will take part in the afterschool workshop sessions.

SBCEO staff agrees, in consultation with District staff to:

- A. Align contractual work with District's Local Control and Accountability Plan and Expanded Learning Opportunities Grant
- B. Lead professional development work sessions, conducted in-person, with the District's two campuses (see attached workplan)
- C. Provide meeting/coaching sessions with all district staff
- D. Meet periodically with District staff to assess progress and make any necessary adjustments

District agrees to:

- A. Coordinate time and structure for teacher learning with SBCEO staff
- B. Meet with SBCEO staff Fall 2022 and Spring 2023 to assess progress of end of year goals
- C. Monitor implementation and conduct follow up meetings between each session

District agrees to contract terms and conditions as follows:

- The Term of Contract shall be for **July 1, 2022 to June 30, 2023**.
- District agrees to pay SBCEO a fee of **\$16,475.00** for services provided to District under the terms of this Agreement upon completion of the contracted work outlined above. This fee reflects a Tier 1 Differentiated Assistance grant from SBCEO in the amount of \$12,000 that has been applied to reduce the overall costs in support of the professional development.
- The contract fee includes: consulting, research and development, preparation, professional development, materials, mileage, and follow up.
- First invoice for work performed will be submitted December 2022, and the second in May 2023. **District will not be invoiced for unused days.**

Agreement may be amended by the mutual consent of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

Santa Barbara County Education Office



Signature

Ellen Barger, Assistant Superintendent
Curriculum & Instruction

Date 6/27/22

Cuyama Joint Unified School District

Signature

Alfonso Gamino, Superintendent
Cuyama Joint Unified School District

Date _____

**CUYAMA JOINT UNIFIED SCHOOL DISTRICT
2022-2023 PROFESSIONAL DEVELOPMENT WORKPLAN**

Date	Topic	Time
August 16 or 17	<ul style="list-style-type: none"> Assessment Framework Updates Gathering a Baseline 	Full Day
Between August 18 and September 9 Gather Baseline Data		
September 12, 2022	<ul style="list-style-type: none"> Set Grade Level Expectations Identify and Prioritize Next Steps 	Full Day ½ day teacher meetings/coaching ½ day all staff work session
Between September 13 and October 7 Administration and Staff will meet to follow up on identified Next Steps		
October 10, 2022	<ul style="list-style-type: none"> Focus on assessments: 3-12: Interim Comprehensive Assessments (ICA) and Interim Assessment Blocks (IAB) K-2: STAR Early Literacy 	Full Day ½ day teacher meetings/coaching ½ day all staff work session
Between October 11 and November 10 Administration and Staff will meet to follow up on student success with assessments		
November 14, 2022	<ul style="list-style-type: none"> School Based Summative and Formative Assessments 	Full Day ½ day teacher meetings/coaching ½ day all staff work session
Between November 14 and December 2 Administration and Staff will meet to share data		
December 5, 2022	<ul style="list-style-type: none"> Resources and Tools for Multi-Tiered Support 	Full Day ½ day teacher meetings/coaching ½ day all staff work session
Between December 6 and January 27 Administration and Staff will meet to determine student support (tier 1 or 2)		
January 30, 2023	<ul style="list-style-type: none"> Data Study Plan, Do, Study, Act 	Full Day ½ day teacher meetings/coaching ½ day all staff work session
Between January 28 and February 24 Administration and Staff will meet to identify next Focus Area		
February 27, 2023	<ul style="list-style-type: none"> Intervention Data K-12 	Full Day ½ day teacher meetings/coaching ½ day all staff work session
Between March 28 and May 23 Administration and Staff will meet to review and compare Intervention data with classroom data		
March 27, 2023	<ul style="list-style-type: none"> Focus on Assessments: 3-12: Interim Comprehensive Assessments (ICA) and Interim Assessment Blocks (IAB) K-2: STAR Early Literacy School Based Formative and Summative 	Full Day ½ day teacher meetings/coaching ½ day all staff work session

CUYAMA JOINT UNIFIED SCHOOL DISTRICT
2022-2023 PROFESSIONAL DEVELOPMENT WORKPLAN

Between March 28 and April 21 Administration and Staff will meet to determine focus areas		
April 24, 2023	<ul style="list-style-type: none"> Reflection & Planning 	Full Day ½ day teacher meetings/coaching ½ day all staff work session
Between April 25 and May 19 Administration and Staff will meet to review end of year student goals		
May 22, 2023	<ul style="list-style-type: none"> Prioritizing 2023-2024 Target Areas 	Full Day ½ day teacher meetings/coaching ½ day all staff work session



California School Boards Association
(916) 371-4691

Please refer to your invoice number and customer number in all communications regarding this invoice.

Invoice Number **Invoice Date** **PO #**
INV-60514-K9V1K9 5/25/2022

Bill To:
Cuyama Joint USD
2300 Highway 166
New Cuyama, CA 93254
United States

Ship To:
Cuyama Joint USD
2300 Highway 166
New Cuyama, CA 93254
United States

Product Code	Description	Unit Price	Quantity	Extended Price	Terms
CSBA	CSBA Membership (07/01/2022 - 06/30/2023)	\$3,008.00	1.00	\$3,008.00	
ELA	ELA Membership (07/01/2022 - 06/30/2023)	\$752.00	1.00	\$752.00	

Dues not processed before September 15 will result in a disruption of CSBA services. Officers or employees of LEAs that have not paid dues by September 15 will not be granted access to CSBA's Annual Education Conference and Trade Show. AEC registrations made absent membership dues will be canceled on September 15. Registrants will be refunded, minus a processing fee, and hotel reservations canceled on September 16.

Total Invoice: \$3,760.00

Total Paid: \$0.00

Balance Due: \$3,760.00



PLEASE DETACH HERE AND RETURN BOTTOM STUB WITH PAYMENT



California School Boards Association

Customer Number	Invoice Number	Invoice Date	Terms	Balance Due
101155	INV-60514-K9V1K9	05/25/2022		\$3,760.00

Make checks payable to:
California School Boards Association - CSB (6744)
c/o West America Bank
P.O. Box 1450
Suisun City, CA 94585-4450

Bill To:
Cuyama Joint USD
2300 Highway 166
New Cuyama, CA 93254
United States

Cuyama Joint Unified School District

2300 Highway 166, New Cuyama, California 93254
(661) 766-2482 • FAX: (661) 766-2255

July 14, 2022

CSBA Membership:

The ELA bill is an offer of membership that CSBA sends to all CSBA members each year; this is an optional subscription. Cuyama Joint Unified will decline the optional ELA membership.

We also have a fee for \$3,008.00.00 for CSBA Membership 22-23. This membership covers the district. This means that it covers board members and staff including executive assistant.

Benefits of being a CSBA member: Benefits included free with our membership is access to CSBA communications (daily news roundup, weekly eblast, standalone alerts on key policy and legislative issues, CSBA Blog, monthly newsletter and quarterly magazine), CSBA's legislative advocacy services, CSBA webinars, online advocacy tools, research and policy briefs, talking points on key issues, sample resolution language on key topics, access to CSBA's Public Affairs and Community Engagement Representatives (PACERs) which are available as a local resource, and recently, our extensive resources on governing through the COVID-19 pandemic (www.csba.org/coronavirus)

Cuyama Joint Unified School District has been a CSBA member since 1999.

[index.aspx?S=36030855](#) Home Policies Listing 2022. CSBA Policy Updates Guidesheet 06.2022
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[\(/Policy/ViewPolicy.aspx?S=36030855&revid=vsvUZ53iSvWfx3rpWslshzZjw==&ptid=p6v70fD4K8ukRv6vtplusTtSg==&PG=6\)](#) Policy Updates

[\(/Policy/PolicyPrintGenerator.aspx?S=36030855&revid=lAWRpgzB3lJOCtLUPslshN4TQ==\)](#)
[\(/Policy/ViewPolicy.aspx?S=36030855&revid=jlJFN1JCKvSV07p8Wx7qw==&ptid=p6v70fD4K8ukRv6vtplusTtSg==&PG=6\)](#)

» Guidesheet 06.2022: June 2022 Update Packet

Status: ADOPTED

Original Adopted Date: 06/15/2022 | Last Reviewed Date: 06/15/2022

[see more](#)

CSBA POLICY GUIDE SHEET June 2022

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

Board Policy 0420.41 - Charter School Oversight

Policy updated to reflect that a charter school proposing to expand operations to one or more additional sites or grade levels is required to request a material revision to its charter and notify the Governing Board of the additional locations or grade levels whether a proposal to expand operations is concurrent with or unrelated to a renewal, add a new section heading "Fees/Charges for Supervisorial Oversight" and rearrange material within this section for clarity, provide that it is the County Superintendent of Schools who may request that the California Collaborative for Educational Excellence be assigned to provide assistance to a charter school that fails to improve outcomes in regard to state or school priorities identified in the charter, as specified, and add that complaints alleging noncompliance with Education Code 47606.5 (annual update of school goals, actions, and related expenditures or 47607.3 (technical assistance or intervention based on the school's failure to improve student outcomes) may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

Exhibit(1) 0420.41 - Charter School Oversight

Exhibit updated to reflect NEW ATTORNEY GENERAL OPINION (20-102, 2021) which found that a charter school's executive director or any of a charter school's employees may not serve as a member of the county board of education in the county where the charter school is located, NEW LAW (AB 27, 2021) and (SB 400, 2021) regarding identification of homeless children and unaccompanied youth, (SB 224, 2021) regarding the requirement to include instruction in mental health in health education course(s), (AB 132, 2021) regarding the completion and submission of the Free Application for Federal Student Aid and the California Dream Act Application, (AB 643, 2021) regarding notification to apprenticeship programs when a charter school is planning to hold a college or career fair, and NEW LAW (AB 130, 2021) regarding (1) phased in starting dates for which districts are required to offer a transitional kindergarten (TK) program; (2) the requirement to develop a plan for offering independent study if an affidavit is necessitated by an emergency condition that resulted in a school closure; (3) qualifications for TK teachers and adult to student ratios for TK classrooms; (4) verification of a valid criminal records summary for employees of entities that a charter school contracts with; and (5) the requirement to provide a breakfast and/or lunch free of charge during each school day to students requesting a meal regardless of the student's free or reduced-price meal eligibility. Exhibit also updated to reflect NEW LAW (SB 722, 2021) regarding the required presence of at least one adult with a valid certification of cardiopulmonary resuscitation training when hosting an on-campus event in or around a swimming pool that is not part of an interscholastic athletic program, and (AB 367, 2021) regarding the requirement to stock school restrooms with an adequate supply of free menstrual products, as specified. Additionally, exhibit updated to add or amend requirements related to high school graduation, the review of potential misassignments and vacant positions, the public employees retirement system, and the training of security officers.

Exhibit(1) 1113 - District and School Web Sites

Exhibit updated to reflect NEW LAW (AB 27, 2021) which includes posting requirements related to the identification of homeless students and NEW LAW (AB 819, 2021) which includes posting requirements related to specified environmental review documents as required by the California Environmental Quality Act. Exhibit also updated to add posting requirements related to posters published by the California Department of Fair Employment and Housing, and amend the item regarding the district's meal payment collection policy and procedures to reference a different memorandum regarding unpaid meal charges.

Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures

Regulation updated to reflect NEW STATE REGULATIONS (Register 2020, No. 21) which amends the definition of "beginning of the year or semester" and NEW LAW (AB 367, 2021) which requires any school serving any of grades 6-12 to, at all times, stock and make available and accessible free of cost an adequate supply of menstrual products in specified restrooms beginning with the 2022-23 school year. Regulation also updated to clarify that the principal or Superintendent's designee is required to send a written resolution of the complaint to the mailing address of the complainant when the complainant has indicated on the complaint form a desire to receive a response to the complaint.

Exhibit(2) 1312.4 - Williams Uniform Complaint Procedures

Exhibit updated to include that, for a school that serves any of grades 6-12, a complaint may be filed for failure to, at all times, stock and make available and accessible free of cost an adequate supply of menstrual products in specified restrooms, as required by NEW LAW (AB 367, 2021).

Board Policy 3110 - Transfer of Funds

Policy updated to delete an authorization for the temporary transfer of funds which only pertained to the 2020-21 and 2021-22 fiscal years.

Administrative Regulation 3517 - Facilities Inspection

Regulation updated to reflect NEW LAW (AB 367, 2021) which requires any school serving any of grades 6-12 to, at all times, stock and make available and accessible free of cost an adequate supply of menstrual products in specified restrooms beginning with the 2022-23 school year, and to post a notice, as specified, regarding this requirement in a prominent and conspicuous location.

NEW - Exhibit(1) 3517 - Facilities Inspection

New exhibit presents a sample of the required notification to be posted in a prominent and conspicuous location in each restroom where free menstrual products are required to be stocked, pursuant to NEW LAW (AB 367, 2021).

NEW - Board Policy 3523 - Electronic Signatures

New policy reflects the authorization for districts to use electronic signatures in their communications and operations, including the benefits of electronic records and signatures, the requirement that electronic signatures conform with criteria described in law and that the level of security is sufficient for the transaction being conducted, and that electronic records are retained in accordance with law and regulations and as specified in board policy and administrative regulation.

NEW - Administrative Regulation 3523 - Electronic Signatures

New regulation establishes procedures for district use of electronic signatures, including that in any business transaction electronic signatures may be used only when each party has agreed to conduct the transaction in such a manner and that in other district operations electronic signatures may be required, criteria that must be met in order for an electronic signature to be used, and specific requirements for notarized signatures and statements that are required to be signed under penalty of perjury.

Board Policy 3550 - Food Service/Child Nutrition Program

Policy updated to reflect **NEW LAW (AB 130, 2021)** which requires districts to provide a nutritionally adequate breakfast and lunch to any student who requests a meal, regardless of the student's free and/or reduced-price meal eligibility, and **NEW LAW (AB 486, 2021)** which authorizes the coordination of food service programs with classroom instruction and other related district programs.

Administrative Regulation 3550 - Food Service/Child Nutrition Program

Regulation updated to reflect changes necessary to implement **NEW LAW (AB 130, 2021)** which requires the provision of a nutritionally adequate breakfast and lunch to any student who requests a meal, regardless of the student's free and/or reduced-price meal eligibility, and make other clarifying changes in the "Food Safety" section.

Board Policy 3551 - Food Service Operations/Cafeteria Fund

Policy updated to reflect **NEW LAW (AB 130, 2021)** which requires districts to provide a nutritionally adequate breakfast and lunch to any student who requests a meal, regardless of the student's free and/or reduced-price meal eligibility, including revisions to the "Meal Sales" and "Program Monitoring and Evaluation" sections.

Administrative Regulation 3551 - Food Service Operations/Cafeteria Fund

Regulation updated to reflect **NEW LAW (AB 130, 2021)** which requires districts to provide a nutritionally adequate breakfast and lunch to any student who requests a meal, regardless of the student's free and/or reduced-price meal eligibility. Updated Regulation includes revision to "Payment for Meals," "Cafeteria Funds," and "Contracts with Outside Services" sections to make them generally applicable to all food service programs and the deletion of the "Unpaid and Delinquent Meal Charges" section which is no longer applicable.

Board Policy 3553 - Free and Reduced Price Meals

Policy updated to reflect **NEW LAW (AB 130, 2021)** which requires districts to provide a nutritionally adequate breakfast and lunch to any student who requests a meal, regardless of the student's free and/or reduced-price meal eligibility. Updated policy includes general requirements applicable to federal National School Lunch and Breakfast Programs as well as the state Universal Meal Program. Updated Policy also includes revision to the "Confidentiality/Release of Records" section to permit the use of student information to facilitate the provision of targeted educational services to a student based on the local control and accountability plan, as clarified in the California Department of Education's Management Bulletin SNP-02-2018.

Administrative Regulation 3553 - Free and Reduced Price Meals

Regulation updated to reflect **NEW LAW (AB 130, 2021)** which requires districts to provide a nutritionally adequate breakfast and lunch to any student who requests a meal, regardless of the student's free and/or reduced-price meal eligibility, and includes program implementation changes to "Verification of Eligibility" and "Nondiscrimination Plan" sections and the deletion of the "Prices" section which is no longer necessary.

Administrative Regulation 4112.2 - Certification

Regulation updated to expand the section on "Basic Skills Proficiency" to include a list of the ways a person may demonstrate basic skills proficiency, and reflect **NEW LAW (AB 130, 2021)** which exempts a person from the basic skills proficiency test requirement by earning at least a letter grade of B in qualifying coursework and, in conjunction with **NEW LAW (AB 167, 2021)**, exempts a person from the basic skills proficiency test requirement if it is determined that a person has demonstrated proficiency through a combination of coursework, passage of a component(s) of the basic skills proficiency test, and other specified exams. Section also updated to reflect **NEW LAW (AB 320, 2021)** which impacts what is "qualifying coursework" by defining a "regionally accredited institution" to include an institution of higher education that held preaccreditation status at the time the degree of an applicant for a credential was conferred if the institution achieved full accreditation status within five years of earning preaccreditation status, in addition to an institution of higher education that has already been designated as regionally accredited at the time the degree of an applicant for a credential was conferred. Additionally, regulation updated to provide more detail for when an out-of-state prepared teacher is not required to meet the basic skills requirement within one year of being issued a California preliminary credential by the California Commission on Teacher Credentialing.

Administrative Regulation 4161.8/4261.8/4361.8 - Family Care and Medical Leave

Regulation updated to reflect **NEW LAW (AB 1033, 2021)** which changed the definition of "parent" to include a parent-in-law for the purposes of the California Family Rights Act (CFRA), by adding "parent-in-law" to the definitions of "eligible family member" and "parent" within the "Definitions" section. Regulation also updated to delete the last sentence in the first body paragraph in the "Terms of Leave" section, as it is no longer legally accurate.

Administrative Regulation 6173.1 - Education for Foster Youth

Regulation updated to reflect **NEW LAW (AB 1055, 2021)** which modified the definition of "foster youth" to include a dependent child of a court of an Indian tribe, consortium of tribes, or tribal organization, and includes the definition of "foster youth" as specified in law. Regulation also updated to make clarifying changes to the responsibilities of the district liaison for foster youth.

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Version: 21.0.208

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Policy 0420.41: Charter School Oversight

Status: ADOPTED

Original Adopted Date: 10/01/2013 | Last Revised Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

CSBA NOTE: The following optional policy may be revised to reflect district practice. The Governing Board is obligated to monitor the performance of any charter school it authorizes in order to ensure the school's compliance with legal requirements and progress toward meeting measurable outcomes specified in the charter. Information about the school's performance is necessary when determining whether to grant a renewal of the charter or whether a revocation of the charter is warranted; see BP 0420.42 - Charter School Renewal and BP 0420.43 - Charter School Revocation. In addition, pursuant to Education Code 47604, if the district complies with all oversight responsibilities required by law, it will not be liable for the debts or obligations of any charter school that operates as or is operated by a nonprofit public benefit corporation pursuant to Corporations Code 5110-6910.

Pursuant to Education Code 47605, if the State Board of Education (SBE) approves a petition upon appeal after the Board and County Board of Education have denied the petition, SBE is required to designate, in consultation with the petitioner, either the Board or the County Board as the chartering authority.

The Governing Board recognizes its ongoing responsibility to oversee that any charter school authorized by the Board is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school.

The Superintendent or designee shall identify at least one staff member to serve as a contact person for each charter school authorized by the Board. (Education Code 47604.32)

CSBA NOTE: Education Code 47604.32 requires the district to visit each charter school at least once every year. CSBA's publication, "Charter Schools: A Guide for Governance Teams," recommends more frequent visits, perhaps two or three times during the school year, in order to monitor school operations more closely and develop relationships with the staff at the charter school.

The Superintendent or designee shall visit each charter school at least annually and may inspect or observe any part of a charter school at any time. (Education Code 47604.32, 47607)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Pursuant to Education Code 47604, if a charter school operates as or is operated by a nonprofit public benefit corporation, the Board is entitled to a single representative on the board of directors of the nonprofit public benefit corporation. CSBA's publication, "Charter Schools: A Guide for Governance Teams," recommends that the district consult with legal counsel and consider any potential conflict of interest that may arise from having an individual Board member vote as a member of the charter board of directors on issues on which the Board will need to provide oversight. CSBA's guide suggests that an alternative approach may be for the district to designate its charter school contact, appointed pursuant to Education Code 47604.32, to attend meetings of the charter school board.

The Superintendent or designated charter school contact shall attend meetings of the charter school governing body whenever possible and shall periodically meet with a representative of the charter school.

Waivers

CSBA NOTE: A charter school is not authorized to submit general waiver requests to SBE on its own behalf, unless an exception applies. Rather, a charter school may submit a waiver request through the district. A general waiver request form is available on the California Department of Education's (CDE) web site.

If the charter school wishes to request a general waiver of any state law or regulation applicable to it, it shall request that the district submit a general waiver request to the State Board of Education (SBE) on its behalf. Upon approval of the Board, the Superintendent or designee shall submit such a waiver request to SBE on behalf of the charter school.

Provision of District Services

CSBA NOTE: The following optional section may be revised to reflect district practice. CSBA's publication, "Charter Schools: A Guide for Governance Teams," recommends one or more memoranda of understanding to clarify the financial and operational agreements between the district and the charter school, including any services that will be provided by the district; see BP 0420.4 - Charter School Authorization.

The charter school may purchase administrative or other services from the district or any other source. (Education Code 47613)

Whenever the district agrees to provide administrative or support services to a charter school, the district and the charter school shall develop a memorandum of understanding (MOU) which clarifies the financial and operational agreements between them.

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System or Public Employees' Retirement System on behalf of the charter school. The district may charge the charter school for the actual costs of the reporting services, but shall not require the charter school to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)

Material Revisions to Charter

Material revisions to a charter may only be made with Board approval. Material revisions shall be governed by the same standards and criteria that apply to petitions for the authorization of charter schools as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

If an approved charter school proposes to expand operations to one or more additional sites or grade levels, whether concurrently with or unrelated to a renewal, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations or grade levels. The Board shall consider approval of the additional locations or grade levels at an open meeting. (Education Code 47605, 47607)

The Board shall have the authority to determine whether a proposed change in charter school operations constitutes a material revision of the approved charter.

Monitoring Charter School Performance

CSBA NOTE: The district has a responsibility to oversee that the charter school complies with all applicable legal requirements. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607. See the accompanying Exhibit for a list of legal requirements pertaining to the operation of charter schools.

Any charter school authorized by the Board shall be monitored by the Superintendent or designee to determine whether the charter school complies with all legal requirements applicable to charter schools, including all reports required of charter schools by law, as specified in Education Code 47604.32. Any violations of law shall be reported to the Board.

CSBA NOTE: Education Code 47605 requires that measurable student outcomes for all students of the charter school, including numerically significant student subgroups as defined in Education Code 52052, be included in the school's charter petition and that these outcomes be aligned with the state priorities for the local control and accountability plan (LCAP) as stated in Education Code 52060; see AR 0420.4 - Charter School Authorization. Pursuant to Education Code 52052, numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when the subgroup consists of at least 30 students (or 15 foster youth or homeless students).

Education Code 47605 requires that the charter petition include methods for measuring the charter school's progress toward achieving student outcomes. Although the measures of the school's progress may vary, Education Code 47605 requires that charter schools conduct any statewide assessments applicable to other public schools. In addition, charter schools are included in the California School Dashboard, which reports the status of school performance on multiple state and local indicators and is intended to assist schools and districts in identifying strengths and areas in need of improvement in each priority area addressed by the LCAP. Charter schools that serve high-risk students may qualify for the state's Dashboard Alternative School Status program, which uses modified methods of measurement for accountability indicators when appropriate.

The Board shall monitor each charter school to determine whether it is achieving the measurable student outcomes set forth in the charter, both schoolwide and for each numerically significant student subgroup served by the school as defined in Education Code 52052. This determination shall be based on the measures specified in the approved charter and any applicable MOU, and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP), as reported in the California School Dashboard.

The Board shall monitor the fiscal condition of the charter school based on any financial report or information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, LCAP and

annual update of the charter school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

Fees/Charges for Supervisorial Oversight

CSBA NOTE: Education Code 47613 authorizes the district to charge the charter school, within specified limits, for the costs of supervisorial oversight of the school. Education Code 47613 provides that the costs of supervisorial oversight include, but are not limited to, costs incurred for technical assistance or intervention pursuant to Education Code 47607.3; see the section "Technical Assistance/Intervention" below. CSBA's publication, "Charter Schools: A Guide for Governance Teams," suggests that supervisorial oversight activities also might include site visits and site visit protocols, development of memorandums of understanding, reviews of performance data and financial reports, review of governance procedures, monitoring of teacher credentialing and assignments, facilities compliance, and legal auditing.

The district may charge for district supervisorial oversight as follows: (Education Code 47613; 5 CCR 11969.7)

1. Actual costs up to one percent of the charter school's revenue if the district provides the charter school with facilities under Education Code 47614 and charges the charter school a pro-rata share of the facilities cost
2. Actual costs up to three percent of the charter school's revenue if the district provides the charter school substantially rent-free facilities
3. Actual costs if the district is assigned supervisorial oversight responsibility for the charter school by SBE when authorized on appeal

Technical Assistance/Intervention

CSBA NOTE: Education Code 47607.3 establishes criteria for the provision of technical assistance to charter schools including, but not limited to, the option to request assistance from the California Collaborative for Educational Excellence (CCEE). If, after providing technical assistance, the CCEE informs the Board that the charter school has failed or is unable to implement the CCEE's recommendations or continues to have persistent or acute inadequate performance, then the Board must consider revocation of the charter; see BP 0420.43 - Charter School Revocation.

Whenever a charter school is identified for technical assistance based on the performance of one or more numerically significant student subgroups on SBE-established criteria, the charter school shall receive technical assistance from the County Superintendent of Schools. Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to, any of the following: (Education Code 47607.3)

1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605. This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.
2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school. Another service provider, including, but not limited to, a school district, county office of education, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.
3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in Items #1 and 2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in Items #1 and 2 or substantially similar activities, and ongoing communication with the Board to assess the charter school's progress in improving student outcomes.

In addition, if, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student subgroups, or for all of the student subgroups if the school has fewer than three subgroups, in regard to one or more state or school priorities identified in the charter, the County Superintendent may request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to

Education Code 52074. (Education Code 47607.3; 52072)

CSBA NOTE: Education Code 47607 requires the Board to consider specified criteria of academic performance when determining whether to deny a petition for charter renewal or to revoke a charter, with achievement of all student subgroups served by the charter school being the most important factor; see BP 0420.42 - Charter School Renewal and BP 0420.43 - Charter School Revocation. In addition, Education Code 47607.3 requires the Board to consider revocation of a charter whenever it finds that the charter school has failed, or is unable, to implement the recommendations of the CCEE or continues to demonstrate persistent or acute inadequate performance.

In accordance with law, the Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to inadequate academic achievement of all numerically significant subgroups of students served by the charter school.

Complaints

CSBA NOTE: Pursuant to Education Code 52075, charter schools are required to establish policies and procedures for addressing complaints of noncompliance with Education Code 47606.5 (annual update of school goals, actions, and related expenditures) or 47607.3 (technical assistance or intervention based on the school's failure to improve student outcomes). See AR 1312.3 - Uniform Complaint Procedures for applicable procedures.

Each charter school shall establish and maintain policies and procedures in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4670 to enable any person alleging the school's noncompliance with Education Code 47606.5 or 47607.3 to file a complaint with the charter school. (Education Code 52075)

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code 52075)

If the charter school finds merit in the complaint or the SPI finds merit in an appeal, a remedy shall be provided to all affected students and parents/guardians. (Education Code 52075)

School Closure

CSBA NOTE: The following optional section may be revised to reflect district practice. Pursuant to Education Code 47605, procedures to be followed in the event a charter school ceases operation for any reason must be specified in the charter; see AR 0420.4 - Charter School Authorization. 5 CCR 11962 lists components that must be included in these procedures, including (1) designation of a responsible entity to conduct closure-related activities; (2) notifications to specified persons and entities; (3) provision of information about students' grade level, course completion, and district of residence; (4) transfer and maintenance of student and personnel records; (5) completion of an independent final audit; and (6) disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed.

Depending on the terms of the charter, these duties may be performed by the charter school, the district, or another specified entity. However, Education Code 47604.32 specifies that it is the responsibility of the district to notify CDE when a charter school ceases operation for any reason. CSBA's, "Charter Schools: A Guide for Governance Teams," recommends that, in addition to the notifications required by 5 CCR 11962, either the district or the charter school should announce the closure to any school districts that may be responsible for providing education services to the former students of the charter school.

In the event that the Board revokes or denies renewal of a charter or the charter school ceases operation for any reason, the Superintendent or designee shall, when applicable in accordance with the charter and/or an MOU, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out of the charter school.

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, if renewal of a charter is denied, a charter is revoked, or a charter school will cease operation for any reason.

Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code 47604.32; 5 CCR 11962.1)

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

State References	Description
5 CCR 11700-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 4600-4670	Uniform complaint procedures
Bus. Code 7583.45	Training for security officers
CA Constitution Article 16, Section 8.5	Public finance; school accountability report card - https://simbli.eboardsolutions.com/SU/5WGQeQCplusFH2CplOCVLEpzQ==
CA Constitution Article 9, Section 5	Common school system - https://simbli.eboardsolutions.com/SU/5LDHgacpLGqiftuxZapslshQg==
Corp. Code 5110-6910	Nonprofit public benefit corporations - https://simbli.eboardsolutions.com/SU/up9YZpTJb4gRf50Hwlsish9Og==
Ed. Code 1006	Prohibition against school district employees serving on county board of education - https://simbli.eboardsolutions.com/SU/Qnj8IKKU84qMv8ZX5ZPu1w==
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act - https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines
Ed. Code 220	Prohibition of discrimination
Ed. Code 221.61	Posting of Title IX information on web site
Ed. Code 221.9	Sex equity in competitive athletics
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 231.5-231.6	Sexual harassment policy
Ed. Code 234.4	Mandated policy on bullying prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 32282	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
Ed. Code 35292.6	Stocking of menstrual products
Ed. Code 35330	Field trips and excursions; student fees
Ed. Code 38001.5	Training for security officers
Ed. Code 38080-38086	School meals
Ed. Code 39831.3	Transportation safety plan
Ed. Code 39843	Disciplinary action against bus driver; report to Department of Motor Vehicles
Ed. Code 41024	Report of expenditure of state facility funds

Ed. Code 42100	Annual statement of receipts and expenditures
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44237	Criminal record summary
Ed. Code 44258.9	Monitoring of teacher assignments
Ed. Code 44691	Information on detection of child abuse; annual training
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125.1	Criminal records summary; employees of contracting entity
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47634.2	Nonclassroom-based instruction
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47651	Apportionment of funds; charter schools
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48010-48011	Minimum age of admission (first grade)
Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48913.5	Suspended students; homework assignments
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 49011	Student fees
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49061	Definitions, directory information
Ed. Code 49062.5	Student records, name or gender change
Ed. Code 49070	Challenging student records
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49076.7	Student records; data privacy; social security numbers
Ed. Code 49110	Authority to issue work permits
Ed. Code 49381	Human trafficking prevention
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 49428	Notification of mental health services
Ed. Code 49430-49434	The Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49431.9	Prohibition of advertisement of non-nutritious foods
Ed. Code 49475	Health and safety; concussions and head injuries
Ed. Code 49501.5	Free breakfast and lunch to all students
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017

Ed. Code 49564	Meals for needy students
Ed. Code 49564.3	Provision of federal universal meal service
Ed. Code 49700-49701	Education of children of military families
Ed. Code 51224.7	Mathematics placement policy
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation
Ed. Code 51225.7-51225.8	Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application
Ed. Code 51413	Diploma of graduation without passage of high school exit examination
Ed. Code 51745-51749.6	Independent study
Ed. Code 51925-51929	Mandatory mental health education
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Uniform complaint procedures
Ed. Code 56026	Special education
Ed. Code 56040.3	Availability of assistive technology device
Ed. Code 56145-56146	Special education services in charter schools
Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools
Ed. Code 60600-60648.5	Assessment of academic achievement
Ed. Code 64000	Categorical programs included in consolidated application
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 65000-65001	School site councils
Ed. Code 69432.9-69432.92	Cal Grant program; notification of grade point average and high school graduation
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3555-3559	Public employee communication, information and orientation
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 6250-6270	California Public Records Act
Gov. Code 81000-91014	Political Reform Act of 1974
H&S Code 104420	Tobacco Use Prevention Education grant program
H&S Code 104559	Tobacco-free schools
Lab. Code 1198.5	Personnel records related to performance and grievance
Lab. Code 3074.2	Notice of college and career fairs
Pen. Code 1192.7	Definition of serious felony
Pen. Code 667.5	Definition of violent felony
Veh. Code 28160	Child safety alert system
Federal References	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6311	State plan

20 USC 7221-7221j	Charter schools
34 CFR 200.1-200.78	Accountability
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act

Management Resources References	Description
Attorney General Opinion	104 Ops.Cal.Atty.Gen. 66 (2021)
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (2018)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
CA Department of Education Publication	California School Accounting Manual
CA Office of Administrative Hearings Decisions	Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020
California Dept. of Pesticide Reg. Publication	School District Integrated Pest Management Plan Template
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. 2016
CSBA Publication	Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018
U.S. DOE Guidance	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
Website	U.S. Department of Agriculture - https://simbli.eboardsolutions.com/SU/RslshJVkZjGIBHO8TX9tA3tqQ==
Website	National Suicide Prevention Lifeline - https://simbli.eboardsolutions.com/SU/yAd89LtBVSlNaH2almpg2Q==
Website	National Domestic Violence Hotline - https://simbli.eboardsolutions.com/SU/d1fBFpjosh4vvBXfU68zMWg==
Website	California State Teachers Retirement System - https://simbli.eboardsolutions.com/SU/dDkW9gdO2YplusqCvo1qG2vslshw==
Website	California Public Employees Retirement System - https://simbli.eboardsolutions.com/SU/BtrWsDRenb5z2ZZethXOCw==
Website	California Department of General Services, Office of Administrative Hearings - https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTlh3V79tXg==
Website	California Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/EgOpluss7NDrgK1KmPo9MgqplusA==
Website	California Commission on Peace Officer Standards and Training - https://simbli.eboardsolutions.com/SU/T42f3sLyPIGPzJCTWmplusqxA==
Website	California Bureau of Security and Investigative Services - https://simbli.eboardsolutions.com/SU/7cVjGFeMAXplusS8ldHUhceYQ==
Website	California State Controller - https://simbli.eboardsolutions.com/SU/P16GQ6rhv8oslqGWli7pA==
Website	California Department of Pesticide Regulation - https://simbli.eboardsolutions.com/SU/oAOBdj0jGZedpcK5jhJiw==

Website	California Student Aid Commission - https://simbli.eboardsolutions.com/SU/YTrTlONffizjZQWhb3fewg==
Website	National Association of Charter School Authorizers - https://simbli.eboardsolutions.com/SU/9nzhOG5X2VVH42kMJnO6kg==
Website	California Charter Schools Association - https://simbli.eboardsolutions.com/SU/aplushtDM8pluszN2tpwTckx11kA==
Website	California Department of Education, Charter Schools - https://simbli.eboardsolutions.com/SU/PdGgkCs2YZ3fwPslshslshoGe7iQ==
Website	California Interscholastic Federation - https://simbli.eboardsolutions.com/SU/QthhhDMKplusJ3akAl8GRP72g==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==

Cross References

Description

0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/0i0m3LftdUnEuoDDGxB2mQ==
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/6aKw9KbSgexgJfcQrYo5eQ==
0420.42	Charter School Renewal - https://simbli.eboardsolutions.com/SU/uuLbZeec3V3u1wMajl8dHg==
0420.43	Charter School Revocation - https://simbli.eboardsolutions.com/SU/ohXLQZICr9Y37KSqCta5dA==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdl7DbzBBg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXalLgcLPJYKR9w==
0500	Accountability - https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/yvGJj2X8PyrSmBYlnybbQA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qu1ox8qD0SpMJPXqVt6gag==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BslshPMK886oDyrBoOyAftUdg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/HDslshuPXC0G3Oslshr71TMVplus4Jw==
1431	Waivers - https://simbli.eboardsolutions.com/SU/9BuYxzx0B2l1rRqC5ldthA==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKH040A==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/oZbkKwYtcu0mkplusF9H7PNFq==
7160	Charter School Facilities - https://simbli.eboardsolutions.com/SU/plussx0ytUqrR6vrkEezQAlqg==
7160	Charter School Facilities - https://simbli.eboardsolutions.com/SU/WxGxcu8vOqvCeGbLR3x1KA==

Exhibit 0420.41-E(1): Charter School Oversight

Status: ADOPTED

Original Adopted Date: 07/01/2017 | Last Revised Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

REQUIREMENTS FOR CHARTER SCHOOLS

CSBA NOTE: Pursuant to Education Code 47610, charter schools are exempt from Education Code provisions governing school districts unless otherwise specified in law. However, charter schools, like other public schools, are subject to the state and federal constitutions, applicable federal laws, state laws that apply to governmental agencies in general, and state laws that are expressly applicable to charter schools. The following Exhibit lists some, but not necessarily all, legal requirements that apply to charter schools and may be used by districts to monitor a charter school's compliance with law. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607; see BP 0420.43 - Charter School Revocation.

A charter school shall be subject to the terms of its charter; any memorandum of understanding between the school and the district Governing Board; the state and federal constitutions; applicable federal laws; state laws that apply to governmental agencies in general; and other legal requirements that are expressly applicable to charter schools, including, but not limited to, the following requirements.

Governance

1. Comply with the Ralph M. Brown Act (Government Code 54950-54963), California Public Records Act (Government Code 6250-6270), conflict of interest laws (Government Code 1090-1099), and Political Reform Act (Government Code 81000-91014), including the adoption of a conflict of interest code pursuant to Government Code 87300 (Education Code 47604.1)
2. Except as otherwise authorized by Government Code 54954, hold the meetings of its governing body within the physical boundaries of the county in which the charter school is located or, if a nonclassroom-based charter school that does not have a facility or operates one or more resource centers, hold governing body meetings within the physical boundaries of the county in which the greatest number of students enrolled in the charter school reside. In addition, a two-way teleconference location shall be established at the school site and/or resource center, as applicable. (Education Code 47604.1)
3. The charter school's executive director or any of the charter school's employees shall not serve as a member of the county board of education in the county where the charter school is located (Education Code 1006; Government Code 1099)

Operations

4. Not be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)
5. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)

Admission/Enrollment

6. Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)
7. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)

CSBA NOTE: Education Code 56145 requires charter schools to serve students with disabilities in the same manner as other public schools. Pursuant to Education Code 47646, districts must ensure that each charter school that is deemed to be a public school of the district, and is not its own local educational agency (LEA) for special education purposes, receives an equitable share of special education funding and services for students with disabilities who are enrolled in the charter school.

If a charter school is operating as a public school of the district for purposes of special education, the district retains responsibility and must determine how to ensure that students with disabilities receive a free

appropriate public education (FAPE). However, as indicated in the California Office of Administrative Hearings ruling in *Student v. Horizon Instructional Systems Charter School*, a charter school operating as its own LEA for purposes of special education, including a charter school offering an independent study program, is the entity responsible for providing FAPE.

8. Serve students with disabilities in the same manner as such students are served in other district schools (Education Code 47646, 56145)
9. Admit all students who wish to attend the charter school, according to the following criteria and procedures:
 - a. Admission to the charter school shall not be determined according to the student's or parent/guardian's place of residence within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within that school's former attendance area. (Education Code 47605)

If a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admission preference for students who are currently enrolled in that public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)
 - b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing, with preference extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5. (Education Code 47605)
 - c. Other admission preferences may be permitted by the Board of the district on an individual school basis consistent with law. (Education Code 47605)
10. Not discourage a student from enrolling or seeking to enroll in the charter school, nor encourage a current student from disenrolling, for any reason, including, but not limited to, the student's academic performance, nationality, race, ethnicity, or sexual orientation or because the student is a student with disabilities, academically low achieving, an English learner, neglected or delinquent, homeless, economically disadvantaged, or a foster youth. The charter school shall not request or require a student's records to be submitted before enrollment. The charter school shall post on its web site the California Department of Education's (CDE) notice of these requirements and shall provide the notice to parents/guardians or students age 18 and older when the parent/guardian or student inquires about enrollment, before conducting an enrollment lottery, and before disenrollment of a student. (Education Code 47605)
11. Comply with the requirements of Education Code 48850-48859 regarding enrollment, identification, and placement of homeless children and unaccompanied youth (Education Code 48850, 48851, 48852.5, 48852.6; 42 USC 11431-11435)
12. Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)
13. Allow a student who is enrolled in the charter school but receiving individual instruction at home or a hospital due to a temporary disability to return to the charter school when well enough to do so, provided the student returns during the school year in which the individual instruction was initiated (Education Code 48207.3)

Nondiscrimination

14. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)
15. Adopt policy that is consistent with the model policy developed by the California Attorney General addressing the charter school's response to immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or documents regarding the immigration status of students or their family members, and fulfill other requirements of Education Code 234.7
16. Post specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on the school web site or on the web site of

the charter operator (Education Code 221.61)

17. If the charter school offers competitive athletics, annually post on the school's web site or on the web site of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9)
18. Provide specified accommodations to pregnant and parenting students, including, but not limited to, the provision of parental leave and reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. The charter school shall notify pregnant and parenting students and parents/guardians of the rights and options available to pregnant and parenting students. (Education Code 222, 222.5, 46015)
19. If a direct-funded charter school, adopt and implement uniform complaint procedures to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs, in accordance with 5 CCR 4600-4670 (5 CCR 4600)

Tuition and Fees

20. Not charge tuition (Education Code 47605)

CSBA NOTE: Education Code 47605 specifically prohibits a charter school from charging tuition, but does not mention fees or other charges. As clarified in the California Department of Education's (CDE) advisory Pupil Fees, Deposits, and Other Charges, because charter schools are subject to the California Constitution, the free school guarantee of the California Constitution, Article 9, Section 5, applies to charter schools. Charter schools may only charge fees which are explicitly authorized by law for charter schools.

21. Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools
22. Not bill, nor take any negative action against, a student or former student for a debt owed to the charter school. The school shall provide an itemized invoice for any amount owed by the parent/guardian on behalf of a student or former student before pursuing payment of the debt and shall provide a receipt to the parent/guardian for each payment made to the school. (Education Code 49014)

School Plans

23. Adopt a local control and accountability plan (LCAP) and update the plan by July 1 each year, after holding a public hearing, consulting with specified stakeholders, and using the template adopted by the State Board of Education (SBE). As part of the LCAP adoption and annual update to the LCAP, the governing body of the charter school shall separately adopt a local control funding formula budget overview for parents/guardians, based on the template developed by the SBE. (Education Code 47604.33, 47606.5, 52064, 52064.1)
24. If the charter school applies for federal and/or state categorical program funding through the state's consolidated application, establish a school site council to develop and annually review a school plan for student achievement, unless the school chooses to use its LCAP for this purpose (Education Code 64000-64001, 65000-65001)
25. Develop a comprehensive safety plan in accordance with Education Code 32282 and review and update the plan by March 1 each year (Education Code 47605)
26. Develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, youth bus, or child care motor vehicle and procedures for designating an adult chaperone, other than the driver, to accompany students on a school activity bus. In addition, ensure that each school bus, student activity bus, youth bus, or child care motor vehicle is equipped with a child safety alert system that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting, unless the student activity bus is exempted by law. (Education Code 39831.3; Vehicle Code 28160)

Curriculum and Instruction

CSBA NOTE: Education Code 47612.5 specifies, by grade level, the minimum number of instructional minutes

that must be offered each fiscal year. Any charter school that fails to meet this requirement will have its state apportionment reduced in proportion to the percentage of instructional minutes that the school fails to offer. Education Code 47612.5 and 47612.6 provide that neither the State Board of Education nor the Superintendent of Public Instruction may waive the required number of instructional minutes but may waive the fiscal penalties under specified conditions.

27. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 47612.5)
28. If the charter school offers a kindergarten program, also offer a transitional kindergarten (TK) program to students in accordance with Education Code 48000
29. If the charter school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy with specified components (Education Code 51224.7)
30. If the charter school serves students in any of grades 7-12, provide comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education at least once in junior high or middle school and once in high school (Education Code 51931, 51934)
31. If the charter school serves students in any of grades 6-12, identify and implement methods of informing parents/guardians of human trafficking prevention resources (Education Code 49381)
32. If the charter school serves students in middle or high school and offers one or more courses in health education, include in those courses instruction in mental health, as specified (Education Code 51925-51929)
33. If the charter school serves students in grade 12, comply with the requirements for student completion and submission of the Free Application for Federal Student Aid and California Dream Act Application (Education Code 51225.7, 51225.8)
34. If the charter school is planning to hold a college or career fair, the charter school shall notify each apprenticeship program in the same county as the charter school with the planned date, time, and location of the fair (Labor Code 3074.2)

CSBA NOTE: Education Code 47612.5 provides that charter schools offering independent study are subject to Education Code 51745-51749.6. Education Code 51745 requires that no course included among the courses required for graduation may be offered solely through independent study. However, pursuant to 5 CCR 11705, a charter school offering grades 9-12 shall be deemed to be an "alternative school" for purposes of independent study and thus, according to CDE, would comply with this provision because students in such alternative schools are enrolled voluntarily and, if they wished, could attend any other district high school in which the courses were offered via classroom instruction.

35. If the charter school provides independent study, meet the requirements of Education Code 51745-51749.6, except that the school may offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)
36. Develop a plan for offering independent study to affected students pursuant to Education Code 46393 if the governing body of the charter school submits an affidavit pursuant to Education Code 46392 necessitated by an emergency condition that resulted in a school closure (Education Code 46392, 46393)
37. Accept and provide full or partial credit for coursework satisfactorily completed by a foster youth, homeless student, former juvenile court school student, child of a military family, migrant student, or a student participating in a newcomer program while attending another school (Education Code 51225.2)
38. Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools (Education Code 47605, 47612.5, 60605)

Special Education

39. Provide assistive technology devices in a student's home or other settings if the individualized education program team determines that such access is necessary. The charter school shall also provide an assistive technology device or comparable device to a student who enrolls in another local educational agency, for two months after the student leaves the charter school or until alternative arrangements can be made, whichever occurs first. (Education Code 56040.3)

40. If the charter school is an independent member of a special education local plan area and has a master contract with a nonpublic, nonsectarian school:
 - a. Pay the full amount of the tuition or fees for students with disabilities enrolled in programs or services provided pursuant to that contract (Education Code 56365)
 - b. Conduct at least one onsite visit to the nonpublic, nonsectarian school prior to a student's placement and at least once each school year (Education Code 56366.1)

High School Graduation

41. Exempt a foster youth, homeless student, former juvenile court school student, child of a military family, or migrant student who transfers between schools after the second year of high school, or a student participating in a newcomer program for newly immigrant students in grades 11-12, from any of the charter school's graduation requirements that exceed state requirements, unless the charter school determines that the student is reasonably able to complete the requirements by the end of the fourth year of high school (Education Code 51225.1, 51225.2)
42. Grant a high school diploma to any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination (Education Code 51413)
43. Require students to meet the state minimum course requirements for graduation as specified in Education Code 51225.3, as well as any additional graduation requirements required by the governing body (Education Code 51225.3)

Student Expression

44. Allow a student to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies, unless the charter school determines that an item is likely to cause a substantial disruption of, or material interference with, the ceremony (Education Code 35183.1)

CSBA NOTE: Education Code 48907 requires charter schools to establish a written "publications code" related to students' rights to freedom of speech and of the press. These written rules and regulations must include reasonable provisions for the time, place, and manner in which free expression may take place within the charter school's jurisdiction.

45. Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950)

Staffing

46. Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) as required for the teacher's certificated assignment. Teachers employed by the charter school during the 2019-20 school year shall have until July 1, 2025 to obtain the required certificate required. (Education Code 47605, 47605.4)
47. If the charter school offers TK, require credentialed teachers first assigned to a TK class to meet one of three specified criteria establishing qualification for the position by August 1, 2023, and to maintain adult to student ratios as specified in Education Code 48000 (Education Code 48000)
48. Review potential misassignments and vacant positions in the charter school, including data from CTC, respond to the County Superintendent of Schools when necessary to show that an employee is legally authorized for an assignment, and correct any misassignments if notified by the County Superintendent that an assignment is not legally authorized (Education Code 44258.9)
49. Not hire any person who has been convicted of a violent or serious felony except as otherwise provided by law, and, if the charter school contracts with an entity for specified services, verify that any employee of that entity who interacts with students outside of the immediate supervision and control of the student's parent/guardian or a school employee has a valid criminal records summary, unless an exception applies

(Education Code 44830.1, 45122.1, 45125.1)

50. Report to CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending (Education Code 44030.5)
51. If the charter school chooses to make the state teachers' retirement plan and/or the public employees retirement system available to its employees, meet the requirements of Education Code 47611 (Education Code 47610)
52. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)
53. If the charter school employs security officers and/or security officers work on the charter school campus, provide the latest course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation with the Commission on Peace Officer Standards and Training, as specified (Education Code 38001.5; Business and Professions Code 7583.45)

Parent/Guardian Involvement

54. On a regular basis, consult with parents/guardians and teachers regarding the charter school's educational programs (Education Code 47605)
55. Notify parents/guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school (Education Code 47605)
56. If 15 percent or more of the students at the charter school speak a single primary language other than English, provide all notices, reports, statements, or records sent to parents/guardians in English and in the primary language (Education Code 48985)

Nutrition

57. Provide breakfast and/or lunch free of charge during each school day to students requesting a meal regardless of the student's free or reduced-price meal eligibility. If the charter school participates in the National School Lunch Program and School Breakfast Program and is a very high poverty school, as defined, the charter school shall apply to operate a federal universal meal service provision, and upon approval, apply such service (Education Code 49501.5, 49564.3)
58. Not promote any food or beverage during the school day that does not comply with state nutritional standards pursuant to Education Code 49430-49434, and not participate in a corporate incentive program that offers free or discounted non-nutritious foods or beverages as rewards for students who reach certain academic goals (Education Code 49431.9)

Student Health

59. Adopt a policy on suicide prevention, intervention, and postvention for grades 7-12, and an age-appropriate policy for grades K-6, and review the policy at least every five years (Education Code 215)
60. If the charter school serves grades 7-12 and issues student identification cards, print the telephone numbers of the National Suicide Prevention Lifeline and the National Domestic Violence Hotline on the identification cards (Education Code 215.5)
61. Notify students and parents/guardians at least twice during the school year on how to initiate access to available student mental health services on campus or in the community (Education Code 49428)
62. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on the charter school's behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code 44691)
63. If the charter school offers an athletic program, annually provide information sheets about concussions/head

injuries and sudden cardiac arrest to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition. In the event that an athlete is suspected of sustaining a concussion or head injury, passes out, or faints during or immediately after participation in an athletic activity, the student shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until the student is evaluated by a licensed health care provider and receives written clearance to do so. (Education Code 33479-33479.5, 49475)

64. If the charter school offers an interscholastic athletic program, develop and post a written emergency action plan that describes procedures to be followed in the event of sudden cardiac arrest and other medical emergencies, acquire at least one automated external defibrillator (AED) for the school, and make the AED available at on-campus athletic activities or events (Education Code 35179.4, 35179.6)
65. If the charter school sponsors or hosts an on-campus event in or around a swimming pool that is not part of an interscholastic athletic program, provide for the presence of at least one adult with a valid certification of cardiopulmonary resuscitation training throughout the duration of the event (Education Code 35179.6)
66. Provide school nurses or other voluntary, trained personnel with emergency epinephrine auto-injectors of the type required pursuant to Education Code 49414 (Education Code 49414)
67. If the charter school chooses to make an opioid antagonist available to persons suffering, or reasonably believed to be suffering, from an opioid overdose, comply with the requirements of Education Code 49414.3, including, but not limited to, providing training to personnel who volunteer to administer the opioid antagonist

Student Conduct/Discipline

68. Adopt a policy on bullying and cyberbullying prevention, post specified information on bullying and harassment prevention, and annually make CDE's online training module on bullying prevention available to school site certificated employees and other employees who have regular interaction with students (Education Code 234.4, 234.6, 32283.5)
69. Adopt and display a written policy on sexual harassment, include the policy as part of any orientation for new and continuing students, and post a poster notifying students of the policy (Education Code 231.5, 231.6)
70. Prohibit seclusion and behavioral restraint of students as a means of discipline, and only use such methods to control student behavior that poses a clear and present danger of serious physical harm to a student or others that cannot be immediately prevented by a less restrictive response (Education Code 49005-49006.4)
71. Neither recommend for expulsion a student in grades K-12 nor suspend a student in grades K-8 for disrupting school activities or otherwise willfully defying the authority of school personnel in the performance of their duties (Education Code 48901.1)
72. Upon request, provide a student who is suspended for two or more days with the homework assigned during the period of suspension (Education Code 47606.2, 48913.5)

Student and Parent/Guardian Records

73. Not collect or solicit social security numbers or the last four digits of social security numbers from students or their parents/guardians unless otherwise required to do so by state or federal law (Education Code 49076.7)
74. Upon written request, not include the directory information of a student or the personal information of a parent/guardian, as defined, in the minutes of a meeting of the governing body (Education Code 49073.2)
75. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)
76. If the charter school serves high school students, submit to the Student Aid Commission (CSAC), for use in the Cal Grant program, the grade point average (GPA) of all students in grade 12 and verification of high school graduation or its equivalent for students who graduated in the prior academic year. However, such information

shall not be submitted when students opt out or are permitted by the rules of CSAC to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

77. Upon receipt of government-issued documentation of a change of name or gender or, if such documentation is not available, upon request in accordance with the procedure in Education Code 49070, update, and reissue if requested, a former student's records to include the student's updated legal name or gender (Education Code 49062.5, 49070)

Facilities

78. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)
 - a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.
 - b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.
79. If the charter school serves students in any of grades 6-12, stock the school's restrooms at all times with an adequate supply of menstrual products available and accessible free of cost in all women's restrooms, all-gender restrooms, and in at least one men's restroom (Education Code 35292.6)

Finance

80. Promptly respond to all reasonable inquiries from the district, the county office of education, or the Superintendent of Public Instruction (SPI), including, but not limited to, inquiries regarding the charter school's financial records (Education Code 47604.3)
81. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)
82. Identify and report to the SPI any portion of the charter school's average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)
83. Annually prepare and submit financial reports to the Board and the County Superintendent in accordance with the following reporting cycle:
 - a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)
 - b. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)
 - c. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)
 - d. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)
 - e. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit. The audit report shall also be submitted to the State Controller and CDE. (Education Code 47605)
84. If the charter school receives state facilities funding pursuant to the Leroy F. Greene School Facilities Act (Education Code 17070.10-17079.30), annually report a detailed list of all expenditures of state funds, and of the school's matching funds for completed projects, and submit an audit of completed facilities projects within one year of project completion (Education Code 41024)

Accountability

85. Annually adopt a school accountability report card (Education Code 47612; California Constitution, Article 16, Section 8.5)

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

State References	Description
5 CCR 11700-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 4600-4670	Uniform complaint procedures
Bus. Code 7583.45	Training for security officers
CA Constitution Article 16, Section 8.5	Public finance; school accountability report card - https://simbli.eboardsolutions.com/SU/5WQGQeQCplusFH2CpIOCvLEpzQ==
CA Constitution Article 9, Section 5	Common school system - https://simbli.eboardsolutions.com/SU/5LDHgacpLGqiftuxZapsIsbQg==
Corp. Code 5110-6910	Nonprofit public benefit corporations - https://simbli.eboardsolutions.com/SU/up9YZpTJb4gRf50HwIsIsb9Og==
Ed. Code 1006	Prohibition against school district employees serving on county board of education - https://simbli.eboardsolutions.com/SU/Qnj8IKKU84qMv8ZX5ZPu1w==
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act - https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines
Ed. Code 220	Prohibition of discrimination
Ed. Code 221.61	Posting of Title IX information on web site
Ed. Code 221.9	Sex equity in competitive athletics
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 231.5-231.6	Sexual harassment policy
Ed. Code 234.4	Mandated policy on bullying prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 32282	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
Ed. Code 35292.6	Stocking of menstrual products
Ed. Code 35330	Field trips and excursions; student fees

Ed. Code 38001.5	Training for security officers
Ed. Code 38080-38086	School meals
Ed. Code 39831.3	Transportation safety plan
Ed. Code 39843	Disciplinary action against bus driver; report to Department of Motor Vehicles
Ed. Code 41024	Report of expenditure of state facility funds
Ed. Code 42100	Annual statement of receipts and expenditures
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44237	Criminal record summary
Ed. Code 44258.9	Monitoring of teacher assignments
Ed. Code 44691	Information on detection of child abuse; annual training
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125.1	Criminal records summary; employees of contracting entity
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47634.2	Nonclassroom-based instruction
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47651	Apportionment of funds; charter schools
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48010-48011	Minimum age of admission (first grade)
Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48913.5	Suspended students; homework assignments
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 49011	Student fees
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49061	Definitions, directory information
Ed. Code 49062.5	Student records, name or gender change
Ed. Code 49070	Challenging student records
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49076.7	Student records; data privacy; social security numbers
Ed. Code 49110	Authority to issue work permits
Ed. Code 49381	Human trafficking prevention
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist

Ed. Code 49428	Notification of mental health services
Ed. Code 49430-49434	The Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49431.9	Prohibition of advertisement of non-nutritious foods
Ed. Code 49475	Health and safety; concussions and head injuries
Ed. Code 49501.5	Free breakfast and lunch to all students
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017
Ed. Code 49564	Meals for needy students
Ed. Code 49564.3	Provision of federal universal meal service
Ed. Code 49700-49701	Education of children of military families
Ed. Code 51224.7	Mathematics placement policy
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation
Ed. Code 51225.7-51225.8	Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application
Ed. Code 51413	Diploma of graduation without passage of high school exit examination
Ed. Code 51745-51749.6	Independent study
Ed. Code 51925-51929	Mandatory mental health education
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Uniform complaint procedures
Ed. Code 56026	Special education
Ed. Code 56040.3	Availability of assistive technology device
Ed. Code 56145-56146	Special education services in charter schools
Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools
Ed. Code 60600-60648.5	Assessment of academic achievement
Ed. Code 64000	Categorical programs included in consolidated application
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 65000-65001	School site councils
Ed. Code 69432.9-69432.92	Cal Grant program; notification of grade point average and high school graduation
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3555-3559	Public employee communication, information and orientation
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 6250-6270	California Public Records Act
Gov. Code 81000-91014	Political Reform Act of 1974
H&S Code 104420	Tobacco Use Prevention Education grant program
H&S Code 104559	Tobacco-free schools
Lab. Code 1198.5	Personnel records related to performance and grievance
Lab. Code 3074.2	Notice of college and career fairs

Pen. Code 1192.7
 Pen. Code 667.5
 Veh. Code 28160

Definition of serious felony
 Definition of violent felony
 Child safety alert system

Federal References

20 USC 1681-1688
 20 USC 6311
 20 USC 7221-7221j
 34 CFR 200.1-200.78
 42 USC 11431-11435

Description

Title IX of the Education Amendments of 1972; discrimination based on sex
 State plan
 Charter schools
 Accountability
 McKinney-Vento Homeless Assistance Act

Management Resources References

Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 CA Department of Education Publication
 CA Office of Administrative Hearings Decisions
 California Department of Education Publication
 California Dept. of Pesticide Reg. Publication
 California Interscholastic Federation Publication
 Court Decision
 CSBA Publication
 CSBA Publication
 CSBA Publication
 U.S. DOE Guidance
 Website
 Website
 Website
 Website
 Website
 Website
 Website

Description

104 Ops.Cal.Atty.Gen. 66 (2021)
 101 Ops.Cal.Atty.Gen. 92 (2018)
 78 Ops.Cal.Atty.Gen. 297 (1995)
 89 Ops.Cal.Atty.Gen. 166 (2006)
 80 Ops.Cal.Atty.Gen. 52 (1997)
 California School Accounting Manual
 Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763
 Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020
 School District Integrated Pest Management Plan Template
 Pursuing Victory with Honor, 1999
 Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986
 Charter Schools: A Guide for Governance Teams, rev. 2016
 Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017
 Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018
 Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
 U.S. Department of Agriculture -
<https://simbli.eboardsolutions.com/SU/RslshJVkZjGiBHO8TX9tA3tqQ==>
 National Suicide Prevention Lifeline -
<https://simbli.eboardsolutions.com/SU/yAd89LtBVSINaH2almpg2Q==>
 National Domestic Violence Hotline -
<https://simbli.eboardsolutions.com/SU/d1fBFpjosh4vvBXfU68zMWg==>
 California State Teachers Retirement System -
<https://simbli.eboardsolutions.com/SU/dDkW9gdO2YplusqCvo1qG2vslshw==>
 California Public Employees Retirement System -
<https://simbli.eboardsolutions.com/SU/BtrWsDRenb5z2ZZethXOCw==>
 California Department of General Services, Office of Administrative Hearings -
<https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTlh3V79tXg==>
 California Commission on Teacher Credentialing -
<https://simbli.eboardsolutions.com/SU/EgOpluss7NDrgK1KmPo9MgqplusA==>

Website	California Commission on Peace Officer Standards and Training - https://simbli.eboardsolutions.com/SU/T42f3sLyPIGPzJCTWmplusqxA==
Website	California Bureau of Security and Investigative Services - https://simbli.eboardsolutions.com/SU/7cVjGFeMAXplusS8IdHUhceYQ==
Website	California State Controller - https://simbli.eboardsolutions.com/SU/P16GQ6rhv8osIqGWli7phA==
Website	California Department of Pesticide Regulation - https://simbli.eboardsolutions.com/SU/oAOBdj0jGZedpcK5jhJiw==
Website	California Student Aid Commission - https://simbli.eboardsolutions.com/SU/YTrTIOffijZjZQWhb3fewg==
Website	National Association of Charter School Authorizers - https://simbli.eboardsolutions.com/SU/9nzhOG5X2YVH42kMJnO6kg==
Website	California Charter Schools Association - https://simbli.eboardsolutions.com/SU/aplushtDM8pluszN2tpwTckx11kA==
Website	California Department of Education, Charter Schools - https://simbli.eboardsolutions.com/SU/PdGgkCs2YZ3fwPslshsIshoGe7iQ==
Website	California Interscholastic Federation - https://simbli.eboardsolutions.com/SU/QthhhDMKplusJ3akAI8GRP72g==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcy9khGiA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==

Cross References

Description

0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/0i0m3LftdUnEuoDDGxB2mQ==
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/6aKw9KbSgexgJfcQrYo5eQ==
0420.42	Charter School Renewal - https://simbli.eboardsolutions.com/SU/uuLbZeec3Y3u1wMajl8dHg==
0420.43	Charter School Revocation - https://simbli.eboardsolutions.com/SU/ohXLQZICr9Y37KSqCta5dA==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdl7DbzBBg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXallgcLPJYKR9w==
0500	Accountability - https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/yvGJj2X8PyrSmBYInybbQA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qu1ox8qD0SpMJPXqVt6gag==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BslshPMK886oDyrBoOyAftUdg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/HDslshuPXC0G3Oslshr71TMVplus4Jw==
1431	Waivers - https://simbli.eboardsolutions.com/SU/9BuYxz0B2l1rRqC5ldthA==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKH040A==

6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/oZbkKwYtcu0mkplusF9H7PNfQ==
7160	Charter School Facilities - https://simbli.eboardsolutions.com/SU/plussx0ytUqrR6vrkEezQAlqg==
7160	Charter School Facilities - https://simbli.eboardsolutions.com/SU/WxGxcu8vOqvCeGbLR3x1KA==

Exhibit 1113-E(1): District And School Web Sites

Status: ADOPTED

Original Adopted Date: 10/01/2020 | Last Revised Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

MATERIALS REQUIRED TO BE POSTED ON DISTRICT WEB SITE

CSBA NOTE: The following exhibit lists material which the law explicitly requires be posted on district or school web sites. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related requirements. The exhibit does not include other postings that may be recommended throughout CSBA's sample policy manual but are not required by law.

Materials to Prominently Display

The following must be posted in a prominent location on the district's web site, such as on the home page when required by law:

1. The district's local control and accountability plan (LCAP), any updates or revisions to the LCAP, and the local control funding formula budget overview (Education Code 52064.1, 52065). See AR 0460 - Local Control and Accountability Plan.
2. A direct link to the current board agenda containing the time and location of the meeting and a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session, or a link to the district's agenda management platform where the current agenda shall be the first available (Government Code 54954.2, 54956). Post at least 72 hours before a regular board meeting or 24 hours before a special meeting. See BB 9320 - Meetings and Notices and BB 9322 - Agenda/Meeting Materials.
3. The district's policy on student suicide prevention including, for grades K-6, the age appropriateness of the policy (Education Code 234.6). See BP 5141.52 - Suicide Prevention.
4. The district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media (Education Code 234.6). See AR 5131.2 - Bullying and AR 5145.3 - Nondiscrimination/Harassment.
5. The district's policy on preventing and responding to hate violence, if the district has adopted such a policy (Education Code 234.6). See BP 5145.9 - Hate-Motivated Behavior.
6. The definition of discrimination and harassment based on sex as described in Education Code 230, including the rights set forth in Education Code 221.8 (Education Code 234.6). See AR 5145.3 - Nondiscrimination/Harassment.
7. Information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the name and contact information of the Title IX Coordinator, the rights of students and the public as specified in Education Code 221.8, the responsibilities of the district under Title IX, web links to information about those rights and responsibilities on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights, a description of how to file a complaint of noncompliance under Title IX with specified components, and a link to Title IX information posted on the California Department of Education's (CDE) web site (Education Code 221.6, 221.61, 234.6; 34 CFR 106.8). See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment.
8. A link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families (Education Code 234.5, 234.6). See AR 5145.3 - Nondiscrimination/Harassment.
9. Posters published by the California Department of Fair Employment and Housing (DFEH) including, "California Law Prohibits Workplace Discrimination and Harassment," and for districts with five or more employees, "Transgender Rights in the Workplace," "Your Rights and Obligations as a Pregnant Employee," and "Family Care and Medical Leave and Pregnancy Disability Leave" (Government Code 12950). See AR 4030 - Nondiscrimination in Employment and AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

10. If the district has formed a community facilities district (Mello-Roos district) for the acquisition or improvement of school facilities, a copy of the annual report for the fiscal year if requested pursuant to Government Code 53343.1, the report provided to the California Debt and Investment Advisory Commission pursuant to Government Code 53359.5, and the report provided to the State Controller's office pursuant to Government Code 12463.2 (Government Code 53343.2). Post within seven months after the last day of the fiscal year. See BP 7212 - Mello-Roos Districts.

Other Postings

The following materials are also required to be posted on the district web site. However, there are no specific requirements related to where they are posted on the web site.

1. The Special Education Local Plan Area's approved comprehensive local plan for special education, annual budget plan, annual service plan, and annual assurances support plan and any updates or revisions to the plans (Education Code 56205.5). See AR 0430 - Comprehensive Local Plan for Special Education.
2. The district's nondiscrimination policy and regulation, including the complaint procedure and the compliance coordinator's contact information (34 CFR 100.6, 106.8). See BP 0410 - Nondiscrimination in District Programs and Activities and AR 4030 - Nondiscrimination in Employment.
3. Training materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and any person(s) who facilitate an informal resolution process in response to a Title IX sexual harassment complaint (34 CFR 106.45). See AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.
4. Contact information for the district's liaison(s) for homeless students and other persons as required by Education Code 48852.6, and information regarding the educational rights and resources available to persons experiencing homelessness (Education Code 48852.6). See AR 6173 - Education for Homeless Children.
5. For all schools offering competitive athletics, the total enrollment of the school classified by gender, the number of students enrolled at the school who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9). The information shall be posted at the end of the school year on the school's web site or, if the school does not have a web site, on the district's web site. See AR 6145.2 - Athletic Competition.
6. If the district has interdistrict attendance agreement(s), the procedures and timelines for requesting an interdistrict transfer permit, including, but not limited to, a link to the board's policy on interdistrict attendance, the date that the district will begin accepting applications, reasons that the district may approve/deny the request, the process for appeal, that failure to meet timelines will be deemed an abandonment of the request, and the condition under which an existing interdistrict transfer permit may be revoked or rescinded (Education Code 46600.2). See AR 5117 - Interdistrict Transfer.
7. If the district has elected to be a school district of choice, application information including, at a minimum, any applicable form, the timeline for a transfer, and an explanation of the selection process (Education Code 48301). See AR 5117 - Interdistrict Transfer.
8. For districts that offer grade 9, the district's policy and protocols related to student placement in mathematics courses (Education Code 51224.7). See AR 6152.1 - Placement in Mathematics Courses.
9. The section(s) of the district's employee code of conduct addressing interactions with students (Education Code 44050). Post these section(s) or a link to them on each school's web site or, if a school does not have its own web site, on the district's web site in a manner that is accessible to the public without a password. See BP 4119.21/4219.21/4319.21 - Professional Standards and BP 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions.
10. The district's meal payment collection policy and procedures (U.S. Department of Agriculture (USDA) Memorandum SP 46-2016). See BP/AR 3551 - Food Services Operations/Cafeteria Fund.
11. If the district includes information about the free and reduced-priced meal program on its web site, a nondiscrimination statement about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district (USDA FNS Instruction 113-1). For the required wording of the statement, see E 3555 - Nutrition Program Compliance.

12. The school's or district's integrated pest management plan, whenever a school chooses to use a pesticide not exempted pursuant to Education Code 17610.5 (Education Code 17611.5). Post on the school's web site or, if the school does not have a web site, then on the district's web site. See AR 3514.2 Integrated Pest Management.
13. When the California Environmental Quality Act requires an environmental impact report, negative declaration, or mitigated negative declaration, those environmental review documents, public notice of the preparation and availability of such documents within a reasonable period of time prior to certification of the environmental impact report, adoption of a negative declaration, or determination that a proposed subsequent project will have no additional significant effect on the environment, and specified notices when written requests for notices have been filed (Public Resources Code 21082.1, 21092, 21092.2).
14. When a citizens' oversight committee is formed after the approval of a bond under the 55 percent majority threshold, the committee's minutes, documents received, and reports issued (Education Code 15280). See AR 7214 - General Obligation Bonds.
15. Copy of each school's school accountability report card, on or before February 1 of each year (Education Code 35258). See BP 0510 - School Accountability Report Card.
16. Results of the Western Association of Schools and Colleges (WASC) or other accrediting agency's inspection of a school, within 60 days of receiving the results. (This notification could be made in writing to parents/guardians instead of or in addition to posting the results on the district's web site.) In addition, if a school loses its WASC or other agency's accreditation, the district and school shall post on their web sites a notice of the loss of accreditation and potential consequences (Education Code 35178.4). See BP 6190 - Evaluation of the Instructional Program.

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

State References	Description
Bus. Code 22580-22582	Privacy Rights for California Minors in the Digital World - https://simbli.eboardsolutions.com/SU/XpZUgtS77ETvzOJMtcapFA==
Bus. Code 22584-22585	Student Online Personal Information Protection Act - https://simbli.eboardsolutions.com/SU/FnawJhpluaffvcCQodyGJjng==
Bus. Code 22586-22587	Early Learning Personal Information Protection Act - https://simbli.eboardsolutions.com/SU/HVBisqFqyGv3GFCOYAFARQ==
Ed. Code 35182.5	Contracts for advertising
Ed. Code 35258	Internet access to school accountability report cards
Ed. Code 48852.6	Information regarding homelessness
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 49061	Definitions, directory information
Ed. Code 49073	Release of directory information
Ed. Code 60048	Commercial brand names, contracts or logos
Gov. Code 11135	Nondiscrimination; accessibility to state web sites - https://simbli.eboardsolutions.com/SU/PcUFWMcCJnzBrKAL0EtFQ==
Gov. Code 12950	California Department of Fair Employment and Housing posters
Gov. Code 3307.5	Publishing identity of public safety officers
Gov. Code 6254.21	Publishing addresses and telephone numbers of officials
Gov. Code 6254.24	Definition of public safety official

Pen. Code 14029.5	Prohibition against publishing personal information of person in witness protection program
Pub. Res. Code 21082.1	California Environmental Quality Act environmental review documents
Pub. Res. Code 21092	California Environmental Quality Act environmental review documents
Pub. Res. Code 21092.2	California Environmental Quality Act environmental review documents
Federal References	Description
16 CFR 312.1-312.12	Children's Online Privacy Protection Act
17 USC 101-122	Subject matter and scope of copyright
17 USC 504	Penalties for copyright infringement
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
29 USC 705	Definitions; Vocational Rehabilitation Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 104.1-104.61	Nondiscrimination on the basis of disability
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 12101-12213	Americans with Disabilities Act
Management Resources References	Description
CA Dept of Fair Employment and Housing Publication	Family Care and Medical Leave and Pregnancy Disability Leave
CA Dept of Fair Employment and Housing Publication	California Law Prohibits Workplace Discrimination and Harassment
CA Dept of Fair Employment and Housing Publication	Transgender Rights in the Workplace
CA Dept of Fair Employment and Housing Publication	Your Rights and Obligations as a Pregnant Employee
Court Decision	Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112
Court Decision	City of San Jose v. Superior Court, (2017) 2 Cal.5th 608
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016
U.S. Department of Justice Publication	Accessibility of State and Local Government Websites to People with Disabilities, June 2003
U.S. DOE Office For Civil Rights Publication	Dear Colleague Letter, May 26, 2011
U.S. DOE Office for Civil Rights Publication	Joint Dear Colleague Letter: Electronic Book Readers, June 29, 2010
Website	Governor's Office of Planning and Research, The California Environmental Quality Act - https://simbli.eboardsolutions.com/SU/n5xh7yqpDOayP5DTOPda0A==
Website	California Department of Education, Web Accessibility Standards - https://simbli.eboardsolutions.com/SU/ZXERSvLs5Tm5Y5TnRi4NA==
Website	California School Public Relations Association - https://simbli.eboardsolutions.com/SU/csB0m6f7E6wVaFPfZWZFcw==
Website	U.S. Department of Justice, Civil Rights Division, Disability Rights Section - https://simbli.eboardsolutions.com/SU/9sZBTK5qxS65pFY07h6ktA==
Website	World Wide Web Consortium, Web Accessibility Initiative - https://simbli.eboardsolutions.com/SU/bidXfpUplusS7mVvEQmsT1yhA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==
Website	California Department of Fair Employment and Housing - https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyI8K40jw==
World Wide Web Consortium Publication	Web Content Accessibility Guidelines, December 2008

Cross References

0000	Vision - https://simbli.eboardsolutions.com/SU/KIjZfslsh88rWzvlh7AJ98iog==
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/c3TEEZEDFLVMDh05wI0TCQ==
0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/xvf0pluskxWXJh5WUIB3QBmHA==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdI7DbzBBg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXalGcLPJYKR9w==
0500	Accountability - https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==
0510	School Accountability Report Card - https://simbli.eboardsolutions.com/SU/tZgonRHxkvRwnPrVQ1WmBg==
1100	Communication With The Public - https://simbli.eboardsolutions.com/SU/m4slshfz41M67B2WioVNfzUDg==
1112	Media Relations - https://simbli.eboardsolutions.com/SU/shlpe1iHslshJABaNkEITAw==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/oxiplus18K0ELhbFRHpReJLZw==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/yjVorBCGm2rPCjkELGVV5A==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/yvGJj2X8PyrSmBYInybbQA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qu1ox8qD0SpMJPXqVt6gag==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BslshPMK886oDyrBoOyAftUdg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/HDslshuPXC0G3Oslshr71TMVplus4Jw==
1325	Advertising And Promotion - https://simbli.eboardsolutions.com/SU/TPq9ClqZ7jLx8c5I0jsyog==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/xf1Aslshslsh7GO4WA2Z2wFHc4ng==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/gcCBzkehrVuucd9EFStBmQQ==
3290	Gifts, Grants And Bequests - https://simbli.eboardsolutions.com/SU/v0uP5OYKyNQGAvaslshoK4zOw==
3311	Bids - https://simbli.eboardsolutions.com/SU/HcK7HUZFN9Aj9DplusJHCDH4Q==
3311	Bids - https://simbli.eboardsolutions.com/SU/ry0hLBz8DRvRct6kukvHHA==

3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/YcXDCkQsxpNcLpvl3ATIA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/PD0MCVslshDCYPHDWjcAvbVoQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/alawUcBgaoPCgRAFFsBZwA==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/islshVvU1K0PPplusBixlN5IS77w==
3515.7	Firearms On School Grounds - https://simbli.eboardsolutions.com/SU/oslshFhmBWrrp6toa9Ebffmbg==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/x6NWrX0FV0TusDr7guOmSQ==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/UzirPzb2Tud8LJ2LD05W5w==
3516.5	Emergency Schedules - https://simbli.eboardsolutions.com/SU/GJMMbkTekoVslshhcplusb8hSIGA==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/aWC2AHy6NLmMLvqBaeqp7g==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/NsIKZ3UxVB4jy5glgHITWg==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/wzUihV3gK9PplusFxGH4t0Ew==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/byXci7oy4EQvJziZSatkag==
3580	District Records - https://simbli.eboardsolutions.com/SU/8fsDI9HykDCitBSvVLEIIA==
3580	District Records - https://simbli.eboardsolutions.com/SU/gX132ogfrNaLpqF5dbh66Q==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/z8saAb1i9vjlsishyJNjIXOrA==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXdnJq9P0DHTilzg==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/3Md2dsishuyFrpXYhStKTrQw==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/josKeRFFqslshEcP1vE5cw0Gg==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/RUg2Aozy5plusrWMBTJVdlsyg==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXJO0g==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/700vA0ysAx5YXC8kTtgs9Q==
4132	Publication Or Creation Of Materials - https://simbli.eboardsolutions.com/SU/A6lhj3LSheVqArWU9OaXJA==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/R0ajur05Y0LDobGfDwFO7A==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplussQbA==

4219.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/52slshZb5LuY0skwfJSo8bV0Q==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/DzT84jcjiN31dA5odXslshEoA==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/FAuFrJnlbcVy3kgsTslshNU6g==
4232	Publication or Creation of Materials - https://simbli.eboardsolutions.com/SU/sOOi3RNQ8O2UrE6Qdbsubg==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/nBLZm9LwJchMFF3Yja1slshFg==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/3BIBFE9slshf2AInllsFw7ag==
4332	Publication or Creation of Materials - https://simbli.eboardsolutions.com/SU/GlslshGwQt15nlsUrEfg1bgaA==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/qfxyeoli1L04rJjMbB8XNA==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/3to8RplnokMSGvb2EJ8Qmg==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/nplusdgJwa04NhAQWxYfv3GKA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/9slshJjOjwllKjNef0pJUBtbg==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/jYtwXJDslshkuKNsmoetBdSzQ==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/A00pFESMUslshDODL2a9HlbtQ==
5125.1-E PDF(1)	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/u8Wpluss34VJFsqplusSplusApU7gow==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/Sw0juMy0rrGlgPDYiJ2Rvw==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/MwcrPaiVN3oQ15PFbAoQPA==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/8BBILRHFPN4Ze3IDgjitlg==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/Q0ib1gK3KHGsHNlpTjql8A==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==
6152.1	Placement In Mathematics Courses - https://simbli.eboardsolutions.com/SU/jt6w4Ob9I5Fk3Zp4xZKDSQ==
6152.1	Placement In Mathematics Courses - https://simbli.eboardsolutions.com/SU/oGGI7Kob81ls1e8P3iauiA==

6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/K58wRXLhiQ7HqkoPGCSxplusw==
6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/gh5CLLEvMmcAhYPOAhkflA==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/JYZqEAGgHSQ8NKf76jftkw==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/liN2QJndz1plusqQ6wtTMtpZw==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/zsjkyhfKAplusFQR21mndj3hw==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/vD4ZxTplusVHjDJcdnxYRslshO3g==
6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/WeRWxD20iReBezFN3aKzplusQ==
6173-E PDF(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/D7vRHxXZslshBORslshzL7t0wPg==
6190	Evaluation Of The Instructional Program - https://simbli.eboardsolutions.com/SU/okRYD9py3tHKzr20XkWFZg==
7214	General Obligation Bonds - https://simbli.eboardsolutions.com/SU/dOKQx4NVWC5LFmUtiJEplusXw==
7214	General Obligation Bonds - https://simbli.eboardsolutions.com/SU/UHc8Hs9xMjvZltK9cK5rUw==
9010	Public Statements - https://simbli.eboardsolutions.com/SU/cOm032UPyLms8FYn6ghPXA==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/Xl4RzcjjBhPgLiAhBeu5CA==
9310	Board Policies - https://simbli.eboardsolutions.com/SU/GplusMEzk1NsVWNthQXAx4LFQ==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/Y0cKfotkiMlw5r0OyNix2A==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/rPzCGxop9pluspluscD3iWn6mhcw==

Regulation 1312.4: Williams Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 11/01/2010 | Last Revised Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

CSBA NOTE: Education Code 35186 mandates that districts establish policies and procedures to address complaints regarding insufficiency of textbooks and instructional materials, teacher vacancy or misassignment, and emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff. When such a complaint is filed with the district, the district is required to investigate and resolve the complaint in accordance with the Williams uniform complaint procedures established pursuant to 5 CCR 4680-4687.

It is recommended that districts use these procedures only for complaints specified in law and this administrative regulation. See BP/AR 1312.3 - Uniform Complaint Procedures for a discussion of the types of complaints subject to the uniform complaint procedures established pursuant to 5 CCR 4600-4670. For procedures related to complaints about employees, see BP/AR 1312.1 - Complaints Concerning District Employees. For complaints concerning the district's adoption and selection of specific instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials. For complaints regarding the district's nutrition program, see BP 3555 - Nutrition Program Compliance.

Types of Complaints

The district shall use the procedures described in this administrative regulation only to investigate and resolve the following:

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that: (Education Code 35186; 5 CCR 4681)
 - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
 - b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
 - d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that: (Education Code 35186; 5 CCR 4682)
 - a. A semester begins and a teacher vacancy exists.
 - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
 - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code 35186; 5 CCR 4600)

CSBA NOTE: 5 CCR 4600, as amended by Register 2020, No. 21, revises the definition of "beginning of the year or semester" as provided below

Beginning of the year or semester means the time period from the first day students attend classes for a year-long course or semester-long course though not later than 20 business days afterwards.

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5 CCR 4600)

3. Complaints regarding the condition of school facilities, including any complaint alleging that: (Education Code 35186; 5 CCR 4683)

- a. A condition poses an emergency or urgent threat to the health or safety of students or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate. (Education Code 17592.72)

- b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

Clean or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers. (Education Code 35292.5)

Open restroom means the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs. (Education Code 35292.5)

CSBA NOTE: The following optional paragraph is for use by districts that maintain any of grades 6-12, and may be revised to reflect the grade levels served by the district.

Pursuant to Education Code 35292.6, as added by AB 367 (Ch. 664, Statutes of 2021), before the start of the 2022-23 school year, a school that serves any of grades 6-12 is required to stock the school's restrooms with menstrual products for use in connection with the menstrual cycle free of charge. See AR 3517 - Facilities Inspection.

Although Education Code 35292.6 does not require a complaint process, it is recommended that the Williams uniform complaint procedures be used to address any allegation of noncompliance with Education Code 35292.6 in order to ensure consistency in the procedures that districts use to address allegations of noncompliance with all restroom maintenance requirements.

In any school serving any of grades 6-12, a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 to, at all times, stock and make available and accessible free of cost, an adequate supply of menstrual products in every women's and all-gender restroom, and in at least one men's restroom. (Education Code 35292.6)

Forms and Notices

The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

CSBA NOTE: Education Code 35186 requires that the district's complaint form contain the elements stated in the following paragraph. In addition, Education Code 35186 requires that a notice be posted in each classroom in each school in the district, as specified below. See the accompanying exhibits for a sample form and classroom notice.

The Superintendent or designee shall ensure that the district's complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired. (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall post in each classroom in each school a notice containing the components specified in Education Code 35186. (Education Code 35186)

Filing of Complaint

CSBA NOTE: Education Code 35186 requires that complaints be investigated and resolved within the timelines specified below. During the Federal Program Monitoring (FPM) process, the California Department of Education (CDE) staff will expect to see statements regarding the filing of the complaint, the investigation, timelines, and the complainant's right to appeal to the Governing Board and to appeal facilities complaints to CDE, as detailed in the following section and the section "Investigation and Response" below.

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the principal or designee at the school in which the complaint arises. A complaint about problems beyond the authority of the principal shall be forwarded to the Superintendent or designee in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously. (Education Code 35186; 5 CCR 4680)

Investigation and Response

The principal or a designee of the Superintendent shall make all reasonable efforts to investigate any problem within the principal's or designee's authority. (Education Code 35186; 5 CCR 4685)

The principal or Superintendent's designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the principal or Superintendent's designee shall send written resolution of the complaint to the mailing address of the complainant as indicated on the complaint within 45 working days of the initial filing of the complaint. If the principal makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

CSBA NOTE: Education Code 48985 specifies that, when 15 percent or more of the students enrolled in a particular school speak a single primary language other than English, all notices, reports, statements, or records sent to the parents/guardians of such students be written in English and in the primary language. Education Code 35186 requires that, when Education Code 48985 is applicable, any response requested by the complainant must be written in English and in the primary language in which the complaint was filed.

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in Item #3a in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

Reports

CSBA NOTE: During the FPM process, CDE staff will expect to see the following statement.

On a quarterly basis, the Superintendent or designee shall report, to the Board at a regularly scheduled Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code 35186; 5 CCR 4686)

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

State References

5 CCR 4600-4670

5 CCR 4680-4687

Description

Uniform complaint procedures

Williams uniform complaint procedures

Ed. Code 1240	County superintendent of schools, duties - https://simbli.eboardsolutions.com/SU/zxiNbLNKXQ1Z3w2H1beZIA==
Ed. Code 17592.72	Urgent or emergency repairs; School Facility Emergency Repair Account
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 33126	School accountability report card
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 35292.5-35292.6	Restrooms; maintenance and cleanliness
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 60119	Hearing on sufficiency of instructional materials
Federal References	Description
20 USC 6314	Title I schoolwide program
Management Resources References	Description
Website	State Allocation Board, Office of Public School Construction - https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==
Website	California Department of Education, Williams Case - https://simbli.eboardsolutions.com/SU/lgEokvl5m4hnKA9yXFZ58A==
Website	California County Superintendents Educational Services Association - https://simbli.eboardsolutions.com/SU/Wyr1WplusZPL9SDth52IMoLrg==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Cross References	Description
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdl7DbzBBg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXalLgcLPJYKR9w==
1100	Communication With The Public - https://simbli.eboardsolutions.com/SU/m4sishfz41M67B2WioVNfzUDg==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/fQesiYtQfPyCw4jPFcug3A==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/tWaslsh7PMJ3L8KcyZCNmtCCg==
1312.2	Complaints Concerning Instructional Materials - https://simbli.eboardsolutions.com/SU/4UdaJKloaYSSEbRRROYJaw==
1312.2	Complaints Concerning Instructional Materials - https://simbli.eboardsolutions.com/SU/WiQNe3KFNC05p9iplusYuECZQ==
1312.2-E PDF(1)	Complaints Concerning Instructional Materials - https://simbli.eboardsolutions.com/SU/M8iCyLiEBtdadBi4mgLASw==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/yvGJj2X8PyrSmBYlNybbQA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qu1ox8qD0SpMJPXqvT6gag==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BslshPMK886oDyrBoOyAftUdg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/HDslshuPXC0G3Oslshr71TMVplus4Jw==

1340	Access To District Records - https://simbli.eboardsolutions.com/SU/xf1Aslshslsh7GO4WA2Z2wFHc4ng==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/gcCBzkrVuucd9EFStBmQQ==
3270	Sale And Disposal Of Books, Equipment And Supplies - https://simbli.eboardsolutions.com/SU/4xVQsptyceRtGBj5E9mJGQ==
3270	Sale And Disposal Of Books, Equipment And Supplies - https://simbli.eboardsolutions.com/SU/CPwhCGZXgC6KkTGvmlgLw==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/FREeZf6a8MvAoYS87Pslshlplsw==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/BSLtfUgO3jNMI5qQwVEu7A==
3514.2	Integrated Pest Management - https://simbli.eboardsolutions.com/SU/b5iETQeqP351rst21A1Vxg==
3517	Facilities Inspection - https://simbli.eboardsolutions.com/SU/FwTPOhvRxliNJJsishEW1LnHQ==
3517-E(1)	Facilities Inspection - https://simbli.eboardsolutions.com/SU/pluswdSb1sGBbeWLETQ8P8ylQ==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/O8qN2JplusCipasRtU7nhplus2qg==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/Qo9sz5aT68knWPK2vi8Djg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjOFaFlw==
4112.22	Staff Teaching English Learners - https://simbli.eboardsolutions.com/SU/fPplusfI4CbbT2rsQorgRhGQ==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BhXFYknFTIzslshK6TX1rcPNw==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BHJLvt0UWpluspJ20aXCvNAPQ==
4144	Complaints - https://simbli.eboardsolutions.com/SU/gUFnuw70jWGezEp60OAE0w==
4144	Complaints - https://simbli.eboardsolutions.com/SU/slshuuXuplus3vKAplusjaXKpIlZpQQ==
4244	Complaints - https://simbli.eboardsolutions.com/SU/dpWU08slsh6hjddsVYvxoilag==
4244	Complaints - https://simbli.eboardsolutions.com/SU/T94gjCe5she2llWxwooVA==
4344	Complaints - https://simbli.eboardsolutions.com/SU/0m0xiT7oKn9m9TLZpluszeRyA==
4344	Complaints - https://simbli.eboardsolutions.com/SU/35PWlyWDSzcCYbz2slshslshaWog==
6142.92	Mathematics Instruction - https://simbli.eboardsolutions.com/SU/FTMquy4qCooO0o5vPBAIDA==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/OknJQUnz7OqdbiwOmRU3OQ==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/fXBcLMA6WABwBGWhEnOY9Q==

6161.1-E PDF(1)	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/b1DLaOxc8rcgTsfoplusV89zg==
6161.2	Damaged Or Lost Instructional Materials - https://simbli.eboardsolutions.com/SU/pzjgEGaCof7djCAI2snnsQ==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslsbkYpCeLkOFFduR2FE4g==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/XI4RzcjJBhPgLiahBeu5CA==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/9D6eWnslshnjc4aK9zGITm6Ow==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/rPzCGxop9pluspluscD3iWn6mhcw==

Exhibit 1312.4-E(2): Williams Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 11/01/2010 | Last Revised Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

CSBA NOTE: Education Code 35186 creates the Williams uniform complaint procedures for the filing of complaints concerning deficiencies in textbooks or instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, or teacher vacancy or misassignment. The following form contains elements required by Education Code 35186 and 5 CCR 4681-4683. During the Federal Program Monitoring process, California Department of Education staff will check to ensure that the complaint form includes all of the elements specified below.

**K-12 COMPLAINT FORM:
WILLIAMS UNIFORM COMPLAINT PROCEDURES**

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, or teacher vacancy or misassignment. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? ☐ Yes ☐ No

Contact information: (if response is requested)

Name: _____
Address: _____
Phone number: Day: _____ Evening: _____
E-mail address, if any: _____

Date problem was observed: _____

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

School name/address: _____
Course title/grade level and teacher name: _____
Room number/name of room/location of facility: _____

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

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

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)

- ☐ A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
- ☐ A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
- ☐ Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- ☐ A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4682)

A semester begins and a teacher vacancy exists. A *teacher vacancy* is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

- ☐ A teacher who lacks credentials or training to teach English learners is assigned to teach a class with

more than 20 percent English learners in the class.

A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facilities conditions: (Education Code 17592.72, 35186, 35292.5, 35292.6; 5 CCR 4683)

A condition exists that poses an emergency or urgent threat to the health or safety of students or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; and any other condition deemed appropriate by the district.

A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers.

CSBA NOTE: The following optional item is for districts that choose to use the Williams uniform complaint procedures to address complaints alleging noncompliance with requirements to stock restrooms at certain schools with menstrual products pursuant to Education Code 35292.6; see the accompanying administrative regulation.

For a school serving any of grades 6-12, the school has not, at all times, stocked and made available and accessible free of cost, an adequate supply of menstrual products in every women's and all-gender restroom, and in at least one men's restroom.

The school has not kept all restrooms open during school hours when students are not in classes and has not kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when temporary closing of the restroom is necessary for student safety or to make repairs.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of students or staff.

CSBA NOTE: Education Code 35186 requires that complaints be filed with the principal or designee and that the complaint form specify the location for filing the complaint. Districts should specify the name and/or location in the spaces below.

Please file this complaint at the following location:

(principal or designee)

(address)

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

(Signature)

(Date)

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

State References

5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4680-4687	Williams uniform complaint procedures
Ed. Code 1240	County superintendent of schools, duties - https://simbli.eboardsolutions.com/SU/zxiNbLNKXQ1Z3w2H1beZIA==
Ed. Code 17592.72	Urgent or emergency repairs; School Facility Emergency Repair Account
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 33126	School accountability report card
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 35292.5-35292.6	Restrooms; maintenance and cleanliness
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 60119	Hearing on sufficiency of instructional materials

Federal References

20 USC 6314	Title I schoolwide program
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Management Resources References

Website	State Allocation Board, Office of Public School Construction - https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==
Website	California Department of Education, Williams Case - https://simbli.eboardsolutions.com/SU/lgEokvI5m4hnKA9yXFZS8A==
Website	California County Superintendents Educational Services Association - https://simbli.eboardsolutions.com/SU/Wyr1WplusZPL9SDth52IMoLrg==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdI7DbzBBg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXalLgcLPJYKR9w==
1100	Communication With The Public - https://simbli.eboardsolutions.com/SU/m4slshfz41M67B2WioVNfzUDg==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/fQesiYtQfPyCw4jPFcug3A==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/tWaslsh7PMJ3L8KcyZCNmtCCg==
1312.2	Complaints Concerning Instructional Materials - https://simbli.eboardsolutions.com/SU/4tJdaJKloaYSSEbRROYJaw==
1312.2	Complaints Concerning Instructional Materials - https://simbli.eboardsolutions.com/SU/WiQNe3KFNC05p9iplusYuECZQ==
1312.2-E PDF(1)	Complaints Concerning Instructional Materials - https://simbli.eboardsolutions.com/SU/M8iCyLiEBtdadBi4mgLASw==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/yvGJj2X8PyrSmBYInybbQA==

1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qu1ox8qD0SpMJPXqVt6gag==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BslshPMK886oDyrBoOyAftUdg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/HDslshuPXC0G3Oslshr71TMVplus4Jw==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/xf1Aslshslsh7GO4WA2Z2wFHc4ng==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/gcCBzehrVuucd9EFStBmQQ==
3270	Sale And Disposal Of Books, Equipment And Supplies - https://simbli.eboardsolutions.com/SU/4xVQsptytceRtGBj5E9mJGQ==
3270	Sale And Disposal Of Books, Equipment And Supplies - https://simbli.eboardsolutions.com/SU/CPwhCGZXgC6KkTGvmlgLw==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/FREeZf6a8MvAoYS87Pslshlplusw==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/BSLtfUgO3jNMI5qQwVEu7A==
3514.2	Integrated Pest Management - https://simbli.eboardsolutions.com/SU/b5iETQeqP351rst21A1Vxg==
3517	Facilities Inspection - https://simbli.eboardsolutions.com/SU/FwTPOhvRxliNJJslshEW1LnHQ==
3517-E(1)	Facilities Inspection - https://simbli.eboardsolutions.com/SU/pluswdSb1sGBbeWLETQ8P8ylQ==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/O8qN2JplusCipasRtU7nhplus2qg==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/Qo9sz5aT68knWpk2vi8Djg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjOfaFlw==
4112.22	Staff Teaching English Learners - https://simbli.eboardsolutions.com/SU/fPplusf14CbbT.2rsQorgRrhGQ==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BhXFYknfTlZslshK6TX1rcPNw==
4113	Assignment - https://simbli.eboardsolutions.com/SU/8HJLvt0UWpluspJ20aXCvNAPq==
4144	Complaints - https://simbli.eboardsolutions.com/SU/gUFnuw70jWGezEp60OAE0w==
4144	Complaints - https://simbli.eboardsolutions.com/SU/slshuuXuplus3vKAplusjaXKpilZpQQ==
4244	Complaints - https://simbli.eboardsolutions.com/SU/dpWU08slsh6hjddsVYvxoiIag==
4244	Complaints - https://simbli.eboardsolutions.com/SU/T94gjCe5she2llWxwooVA==
4344	Complaints - https://simbli.eboardsolutions.com/SU/0m0xiT7oKn9m9TLZpluszeRyA==
4344	Complaints - https://simbli.eboardsolutions.com/SU/35PWlyWDSzcCYbz2slshslshaWog==

6142.92	Mathematics Instruction - https://simbli.eboardsolutions.com/SU/ftMquy4qCooO0o5vPBAlDA==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/OknJQUnz7OqdbiwOmRU3OQ==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/fXBcLMA6WABwBGWhEn0Y9Q==
6161.1-E PDF(1)	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/b1DLaOxc8rcgTsfoplusV8?zg==
6161.2	Damaged Or Lost Instructional Materials - https://simbli.eboardsolutions.com/SU/pzjgEGaCof7djCAI2snnsQ==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBsishkYpCeLkOFFduR9FE4g==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/Xl4RzcjjBhPgLiAhBeu5CA==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/9D6eWnslshmc4aK9zGITm6Qw==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/rPzCGxop9pluspluscD3iWn6mbcw==

Policy 3110: Transfer Of Funds

Status: ADOPTED

Original Adopted Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

CSBA NOTE: Education Code 41010 and 42600 require districts to expend funds in accordance with the classification of expenditures included in their adopted budget and in the "California School Accounting Manual." However, in certain limited circumstances, the Governing Board may approve interfund borrowing or the transfer of money between funds. The following policy may be revised to reflect district practice.

The Governing Board recognizes its responsibility to monitor the district's fiscal practices to ensure accountability regarding the expenditure of public funds and compliance with legal requirements.

The total amount budgeted by the district for each major classification of expenditures, as listed in the California Department of Education's budget forms, shall be the maximum amount which the district may expend for that classification for the school year. (Education Code 42600)

However, when it is in the best interest of the district, the Board may:

1. At any time, adopt a written resolution providing for transfers from the designated fund balance or the unappropriated fund balance to any expenditure classification or between classifications. The resolution shall be filed with the County Superintendent of Schools and the County Auditor. (Education Code 42600)
2. Direct the temporary transfer of monies held in any district fund or account to another fund or account as necessary for the payment of obligations. Such borrowing shall occur only when the fund or account receiving the money will earn sufficient income during the current fiscal year to repay the amount transferred. No more than 75 percent of the maximum amount held in any fund or account during the current fiscal year may be transferred. Amounts transferred shall be repaid in the same fiscal year, or in the following fiscal year if the transfer takes place within the final 120 calendar days of a fiscal year. (Education Code 42603)

CSBA NOTE: Pursuant to Education Code 42601, the district, with the approval of the Board, may identify and request that the County Superintendent of Schools make transfers at the close of a school year in order to permit the payment of district obligations incurred during that school year, as provided in item #3 below. For elementary school districts with average daily attendance (ADA) of 900 or less, high school districts with ADA of 300 or less, or unified districts with ADA of 1,500 or less, the County Superintendent may identify and make the transfers, with the consent of the Board.

3. At the close of a school year, request that the County Superintendent make transfers between the designated fund balance or the unappropriated fund balance and any expenditure classification(s), or balance any expenditure classifications of the district budget as necessary for the payment of obligations incurred during that school year. (Education Code 42601)
4. If any special reserve funds that are maintained for capital outlay or other purposes pursuant to Education Code 42842 are not actually encumbered for ongoing expenses, transfer those monies into the general fund for the general operating purposes of the district. If any monies remain in the special reserve fund at the conclusion of a project, the Board may submit a written request to the County Superintendent, Auditor, and Treasurer to discontinue the special reserve fund and transfer those monies to the district's general fund. (Education Code 42841-42843)
5. Transfer monies between other funds or accounts when authorized by law.

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

State References

Ed. Code 16095
Ed. Code 41301
Ed. Code 42125
Ed. Code 42238-42251

Description

Transfer of district funds to district state school building fund -
<https://simbli.eboardsolutions.com/SU/DckNjgplus9tDnTa0uSOC6Kdw==>
Section A state school fund allocation schedule
Designated and unappropriated fund balances
Apportionments to districts

Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 42600	District budget limitation on expenditure
Ed. Code 42601	Transfers between funds to permit payment of obligations at close of year
Ed. Code 42603	Transfer of monies held in any fund or account to another fund; repayment
Ed. Code 42840-42843	Special reserve fund
Ed. Code 5200	Districts governed by boards of education
Ed. Code 52616.4	Expenditures from adult education fund
Ed. Code 78	Definition, governing board

Management Resources References

CA Department of Education Publication

Website

Website

Website

Description

California School Accounting Manual

California Department of Education -
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2EPsDsQBnMIENxGg==>

Fiscal Crisis and Management Assistance Team -
<https://simbli.eboardsolutions.com/SU/1KDBnxplus9GCIDTyFvbLOOxQ==>

Cross References

0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdI7DbzBBg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXaILgcLPJYKR9w==
3000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/cplusZbQcQ4TXPVaA1IFqU7LQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNtU1b1FQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw==
3300	Expenditures And Purchases - https://simbli.eboardsolutions.com/SU/mVe0QYRtN4WLxpjXZCEPuQ==
3350	Travel Expenses - https://simbli.eboardsolutions.com/SU/3IS9Ww7bWuqEabgSwrFJplusg==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/0csifafQslshei8bwlwWEsitQ==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/IP5i9D5BpfgQNQiUrXYkrQ==
3470	Debt Issuance And Management - https://simbli.eboardsolutions.com/SU/uaUO1PslshiQVjouQLbEBfPg==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/aWC2AHy6NLmMLvqBaeq7g==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/NsIKZ3UxVB4jy5glgHITWg==

Regulation 3517: Facilities Inspection

Status: ADOPTED

Original Adopted Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

CSBA NOTE: As part of the Williams litigation settlement, Education Code 17070.75 requires that each school district participating in the state's School Facility Program have a facility inspection system in place for all schools to ensure that school facilities are kept in good repair. Education Code 17002 defines "good repair" to mean that the facility is maintained in a manner that ensures that it is clean, safe, and functional as determined pursuant to the Facility Inspection Tool (FIT) developed by the Office of Public School Construction (OPSC) or a local evaluation instrument that uses the same criteria.

The Superintendent or designee shall inspect school facilities to ensure that they are maintained in good repair. At a minimum, the Superintendent or designee shall assess those facility conditions specified on the facilities inspection tool developed by the Office of Public School Construction, including, but not limited to, the following: (Education Code 17002, 35292.5)

1. Gas Leaks: Gas systems and pipes appear and smell safe, functional, and free of leaks.
2. Mechanical Systems: Heating, ventilation, and air conditioning systems, as applicable, are functional and unobstructed; appear to supply an adequate amount of air to all classrooms, work spaces, and facilities; and maintain interior temperatures within normally acceptable ranges.
3. Windows and Doors: Windows and doors are intact, functional, and open, close, and lock as designed, unless there is a valid reason they should not function as designed.
4. Fences and Gates: Fences and gates are intact, functional, and free of holes and other conditions that could present a safety hazard to students, staff, or others. Locks and other security hardware function as designed.
5. Interior Surfaces (walls, floors, ceilings): Interior surfaces are free of safety hazards from tears, holes, missing floor and ceiling tiles, torn carpet, water damage, or other cause. Ceiling tiles are intact. Surfaces display no evidence of mold or mildew.
6. Hazardous Materials: Hazardous and flammable materials are stored properly. No evidence of peeling, chipping, or cracking paint is apparent. No indicators of mold, mildew, or asbestos exposure are evident. There does not appear to be evidence of hazardous materials that may pose a threat to the health and safety of students or staff.
7. Structures: Posts, beams, supports for portable classrooms and ramps, and other structures appear intact, secure, and functional as designed. Ceilings and floors are not sloping or sagging beyond their intended design. There is no visible evidence of severe cracks, dry rot, mold, or damage that undermines structural components.
8. Fire Safety and Emergency Equipment: Fire sprinklers, fire extinguishers, emergency alarm systems, and all emergency equipment and systems appear to be functioning properly. Fire alarm pull stations are clearly visible. Fire extinguishers are current and placed in all required areas, including every classroom and assembly area. Emergency exits are clearly marked and unobstructed.
9. Electrical Systems: Electrical systems, components, and equipment, including switches, junction boxes, panels, wiring, outlets, and light fixtures, are securely enclosed, properly covered and guarded from student access, and appear to be working properly.
10. Lighting: Interior and exterior lighting appears to be adequate and working properly. Lights do not flicker, dim, or malfunction, and there is no unusual hum or noise from light fixtures.
11. Pest/Vermin Infestation: No visible or odorous indicators of pest or vermin infestation are evident.
12. Drinking Fountains: Interior and exterior drinking fountains are functional, accessible, and free of leaks. Drinking water pressure is adequate. Fountain water is clear and without unusual taste or odor, and moss, mold, or excessive staining is not evident.
13. Restrooms: Restrooms are fully operational, maintained and cleaned regularly, and stocked at all times with supplies (including toilet paper, soap, and paper towels or functional hand dryers) in accordance with Education Code 35292.5. The school keeps all restrooms open during school hours when students are not in classes and

keeps a sufficient number of restrooms open during school hours when students are in classes, except when necessary to temporarily close a restroom for student safety or to repair the facility.

CSBA NOTE: The following paragraph should be revised to reflect the grade levels served by the district. Pursuant to Education Code 35292.6, as added by AB 367 (Ch. 664, Statutes of 2021), before the start of the 2022-23 school year, a school that serves any of grades 6-12 is required to stock the school's restrooms with free menstrual products for use in connection with the menstrual cycle, and post a notice as described below. See the accompanying exhibit for a sample notice.

In addition, any school serving any of grades 6-12 shall, at all times, stock and make available and accessible free of cost, an adequate supply of menstrual products in every women's and all-gender restroom, and in at least one men's restroom. The district shall post in a prominent and conspicuous location a notice regarding this requirement that includes an email address and telephone number for a designated individual responsible for maintaining the requisite supply of menstrual products. (Education Code 35292.6)

14. Sewers: The sanitary sewer system controls odors as designed, displays no signs of stoppage, backup, or flooding in school facilities or on school grounds, and appears to be functioning properly.
15. Roofs: Roofs, gutters, roof drains, and downspouts appear to be functioning properly and are free of visible damage and evidence of disrepair when observed from the ground from inside and outside the building
16. Drainage: School grounds do not exhibit signs of drainage problems, such as visible evidence of flooded areas, eroded soil, water damage to asphalt playgrounds or parking areas, or clogged storm drain inlets.
17. Playground/School Grounds: Playground equipment (exterior fixtures, seating, tables, and equipment), school grounds, fields, walkways, and parking lot surfaces are functional and free of significant cracks, trip hazards, holes, deterioration that affects functionality or safety, and other health and safety hazards.
18. Overall Cleanliness: School grounds, buildings, common areas, and individual rooms appear to have been cleaned regularly and are free of accumulated refuse and unabated graffiti. Restrooms, drinking fountains, and food preparation or serving areas appear to have been cleaned each day that school is in session.

CSBA NOTE: Although the FIT does not specifically require districts to test for the presence of lead in drinking water, soil, or painted surfaces, such testing is recommended by the U.S. Environmental Protection Agency due to the health risks posed by lead exposure, especially for young children. Schools and child care facilities that maintain their own public water systems must test for lead pursuant to the Safe Drinking Water Act (42 USC 300f-300j-27). See AR 3514 - Environmental Safety for further information about lead testing and abatement in schools.

In addition, to ensure the health and safety of students, the Superintendent or designee shall provide for the testing of drinking water on campus and of the soil and painted surfaces of school facilities for the presence of lead and/or other harmful substances, in accordance with state and federal standards.

The Superintendent or designee shall ensure that any necessary repairs or removal of hazards identified during the inspection are made in a timely and expeditious manner.

An assessment of the safety, cleanliness, and adequacy of school facilities, including any needed maintenance to ensure good repair as defined in Education Code 17002, shall be reported on the school accountability report card. (Education Code 33126)

CSBA NOTE: Education Code 35186 provides that the Williams uniform complaint procedures should be used for any complaint alleging a school facility condition that poses an emergency or urgent threat, as defined in Education Code 17592.72, or any complaint that a school restroom is not clean, maintained, or kept open, as defined in Education Code 35292.5. See E/AR 1312.4 - Williams Uniform Complaint Procedures.

Any complaint alleging a school facility condition that poses an emergency or urgent threat to the health or safety of students or staff, or alleging that a school restroom is not clean, maintained, stocked, or kept open, shall be addressed in accordance with AR 1312.4 - Williams Uniform Complaint Procedures.

CSBA NOTE: Education Code 1240 requires the County Superintendent of Schools to visit low-performing schools to determine (1) the status of any facility condition that may create an emergency or urgent threat to the health or safety of students or staff and (2) the accuracy of data reported on the school accountability report card with respect to the safety, cleanliness, and adequacy of school facilities. Education Code 1240 requires that the County Superintendent provide a quarterly report to the Governing Board on the results of any county office of education (COE) visit. Education Code 1240 provides that, if the County Superintendent determines that a facility condition

poses an emergency or urgent threat, the County Superintendent may return to the school to verify repairs and/or prepare a report that identifies areas of noncompliance if the district has not provided evidence that the repairs will be made within 30 days or, for major repairs, in a timely manner. The County Superintendent may then present the report to the Board at a public meeting and post the report on the COE's web site.

The Superintendent or designee shall provide the Governing Board with regular reports regarding the district's facility inspections and updates of any visits to district schools by the County Superintendent of Schools to review school facilities.

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

State References

2 CCR 1859.300-1859.330	Emergency Repair Program - https://simbli.eboardsolutions.com/SU/ZtX55Ue9ctaSCHdnkNBQAw==
Ed. Code 1240	County superintendent of schools, duties - https://simbli.eboardsolutions.com/SU/zxiNbLNKXQ1Z3w2H1beZIA==
Ed. Code 17002	State School Building Lease-Purchase Law, including definition of good repair - https://simbli.eboardsolutions.com/SU/SWCTtYtHLbJV2oTkKplusAVTw==
Ed. Code 17070.10-17077.10	Leroy F. Greene School Facilities Act of 1998 - https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==
Ed. Code 17565-17591	Property maintenance and control
Ed. Code 17592.72	Urgent or emergency repairs; School Facility Emergency Repair Account
Ed. Code 33126	School accountability report card
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment
Ed. Code 35292.5-35292.6	Restrooms; maintenance and cleanliness

Federal References

20 USC 6314	Schoolwide programs
42 USC 300f-300j-27	Safe Drinking Water Act

Management Resources References

State Allocation Board, Public School Construction Facility Inspection Tool: School Facility Conditions Evaluation	
Website	California County Superintendents Educational Services Association - https://simbli.eboardsolutions.com/SU/FJy7Gf2djdpluso3aMdrnckQ==
Website	California Department of Education, Williams Case - https://simbli.eboardsolutions.com/SU/IgEokvI5m4hnKA9yXFZS8A==
Website	State Allocation Board, Office of Public School Construction - https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==
Website	Coalition for Adequate School Housing - https://simbli.eboardsolutions.com/SU/zOaL3RZeoCPBOQ9GOYjpAg==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdI7DbzBBg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXaLlGcLPJYKR?w==

0510	School Accountability Report Card - https://simbli.eboardsolutions.com/SU/tZgonRHxkvRwnPrVQ1WmBg==
1312.4	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/K4sSLEmfPDpDFCTIDy3T6A==
1312.4-E(1)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/jNRJER1z7850tslshkvfYJ15Q==
1312.4-E(2)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/cqrHyplusslshVG7skrok5E8EbRw==
1330.1	Joint Use Agreements - https://simbli.eboardsolutions.com/SU/MApP1vZuzplus4Gqg6jSyK5KQ==
3000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/cplusZbQcQ4TXPVaA1fQu7LQ==
3311	Bids - https://simbli.eboardsolutions.com/SU/HcK7HUZFN9Aj9DplusJHCDH4Q==
3311	Bids - https://simbli.eboardsolutions.com/SU/ry0hLBz8DRvRct6kukvHHA==
3511.1	Integrated Waste Management - https://simbli.eboardsolutions.com/SU/Y9FyWG0RGodKIGNRslshKMofg==
3511.1	Integrated Waste Management - https://simbli.eboardsolutions.com/SU/UNtBkiqKOcpoemKmiFAE2w==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/FREeZf6a8MvAoYS87Pslshplusw==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/BSLtfUgO3jNMI5qQwVEuZA==
3514.2	Integrated Pest Management - https://simbli.eboardsolutions.com/SU/b5iETQeqP351rst21A1Vxg==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/x6NWrX0FV0TusDr7guOm5Q==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/UzirPzb2Tud8LJ2LDo5W5w==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/08qN2JplusCipasRtU7nhplus2qg==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/Qo9sz5aT68knWPk2vi8Djg==
6117	Year-Round Schedules - https://simbli.eboardsolutions.com/SU/PGJ0eo0EaMcrbETUgSfnfg==
7110	Facilities Master Plan - https://simbli.eboardsolutions.com/SU/HOPXuOCfbfbkplussVfoH3BEA==
7111	Evaluating Existing Buildings - https://simbli.eboardsolutions.com/SU/goJJck1h6pJu8MfDmEnYslshg==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBsishkYpCeLkOFduR9FE4g==

Exhibit 3517-E(1): Facilities Inspection

Status: ADOPTED

Original Adopted Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

CSBA NOTE: Education Code 35292.6 requires that the following notice be posted in a prominent and conspicuous location in each restroom where menstrual products are stocked.

NOTICE REGARDING MENSTRUAL PRODUCTS

Education Code 35292.6 requires that:

- a. On or before the start of the 2022-23 school year, a public school, including a school operated by a school district, county office of education, or charter school, maintaining any combination of classes from grades 6 to 12, inclusive, shall stock the school's restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women's restrooms and all-gender restrooms, and in at least one men's restroom.
- b. A public school described in subdivision (a) shall not charge for any menstrual products provided to pupils.
- c. A public school described in subdivision (a) shall post a notice regarding the requirements of this section in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost, pursuant to this section. This notice shall include the text of this section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.
- d. For purposes of this section, "menstrual products" means menstrual pads and tampons for use in connection with the menstrual cycle.
- e. This section shall become operative on July 1, 2022.

The name and contact information for the individual responsible for maintaining the requisite supply of menstrual products is:

(name and/or title/position)

(telephone number)

(email address)

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

State References

2 CCR 1859.300-1859.330

Ed. Code 1240

Ed. Code 17002

Ed. Code 17070.10-17077.10

Ed. Code 17565-17591

Description

Emergency Repair Program -
<https://simbli.eboardsolutions.com/SU/ZtX55Ue9ctaSCHdnkNBQAw==>

County superintendent of schools, duties -
<https://simbli.eboardsolutions.com/SU/zxiNbLNKXQ1Z3w2H1beZIA==>

State School Building Lease-Purchase Law, including definition of good repair -
<https://simbli.eboardsolutions.com/SU/SWCTtYtHLbJV2oTkKplusAVTw==>

Leroy F. Greene School Facilities Act of 1998 -
<https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==>

Property maintenance and control

Ed. Code 17592.72	Urgent or emergency repairs; School Facility Emergency Repair Account
Ed. Code 33126	School accountability report card
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment
Ed. Code 35292.5-35292.6	Restrooms; maintenance and cleanliness
Federal References	Description
20 USC 6314	Schoolwide programs
42 USC 300f-300j-27	Safe Drinking Water Act
Management Resources References	Description
State Allocation Board, Public School Construction Facility Inspection Tool: School Facility Conditions Evaluation	
Website	California County Superintendents Educational Services Association - https://simbli.eboardsolutions.com/SU/FJy7Gf2dixDpluso3aMdrnckQ==
Website	California Department of Education, Williams Case - https://simbli.eboardsolutions.com/SU/lgEokvl5m4hnKA9yXFZS8A==
Website	State Allocation Board, Office of Public School Construction - https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==
Website	Coalition for Adequate School Housing - https://simbli.eboardsolutions.com/SU/zOaL3RZeCPBOQ9GOYjpAg==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Cross References	Description
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdI7DbzBBg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bG5x8fXaILgcLPJYKR9w==
0510	School Accountability Report Card - https://simbli.eboardsolutions.com/SU/tZgonRHxkvRwnPrVQ1WmBg==
1312.4	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/K4sSLEmfPDpDFCTIDy3T6A==
1312.4-E(1)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/jNRJER1z7850tsishkvfYJ15Q==
1312.4-E(2)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/cqrHyplusslshVG7skrok5E8EbRw==
1330.1	Joint Use Agreements - https://simbli.eboardsolutions.com/SU/MApP1vZuzplus4Gqg6jSyK5KQ==
3000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/cplusZbQcQ4TXPVaA1lFqU7LQ==
3311	Bids - https://simbli.eboardsolutions.com/SU/HcK7HUZFN9Aj9DplusJHCDH4Q==
3311	Bids - https://simbli.eboardsolutions.com/SU/ry0hLBz8DRvRct6kukvHHA==
3511.1	Integrated Waste Management - https://simbli.eboardsolutions.com/SU/Y9FyWG0RGodKIGNRslshKMofg==
3511.1	Integrated Waste Management - https://simbli.eboardsolutions.com/SU/UNTbkiqKOcpoemKmiFAE2w==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/FREeZf6a8MvAoYS87Pslshlplusw==

3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/BSLtfUgO3jNMI5qQwVEu7A==
3514.2	Integrated Pest Management - https://simbli.eboardsolutions.com/SU/b5iETQeqP351rst21A1Vxg==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/x6NWrx0FV0TusDr7guQmSQ==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/UzirPzb2Tud8LJ2LDo5W5w==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/Q8qN2JplusCipasRtU7nhplus2qg==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/Qo9sz5aT68knWPK2vI8Djg==
6117	Year-Round Schedules - https://simbli.eboardsolutions.com/SU/PGJ0eo0EaMcrbETUg5fnfg==
7110	Facilities Master Plan - https://simbli.eboardsolutions.com/SU/H0PXuOCfbfbkplussVfoH3BEA==
7111	Evaluating Existing Buildings - https://simbli.eboardsolutions.com/SU/goJJck1h6pJu8MfDmEnYslshg==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFFduR9FE4g==

Policy 3523: Electronic Signatures

Status: ADOPTED

Original Adopted Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

CSBA NOTE: The following optional board policy may be revised to reflect district practice. Pursuant to Government Code 16.5, public entities, including districts, are permitted to use digital signatures in their communications and operations. A digital signature is a type of electronic signature, as defined in Civil Code 1633.1. Any such digital or electronic signature has the same force and effect as a manual signature, provided the signature is created using acceptable technology and includes attributes specified in 2 CCR 22000-22005, as described in the accompanying administrative regulation. In addition, Civil Code 1633.1-1633.17 (Uniform Electronic Transactions Act) and 15 USC 7001-7006 (Electronic Records and Signatures in Commerce Act) provide a framework for ensuring the validity of electronic contracts and security of electronic signatures in commerce and governmental transactions.

The Governing Board believes that the use of electronic records and signatures is a convenient paperless option that can increase efficiency in commercial and administrative transactions, reduce costs, and contribute to environmental sustainability in district operations. The Board authorizes the use of electronic signatures in district operations when authorized by law.

The Superintendent or designee shall ensure that any electronic signature utilized by the district conforms with criteria described in law and that the level of security is sufficient for the transaction being conducted. (Government Code 16.5; 2 CCR 22003, 22005)

The Superintendent or designee shall retain electronic records in accordance with law and regulations, and as specified in BP/AR 3580 - District Records.

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

State References

2 CCR 22000-22005

5 CCR 16020-16022

5 CCR 16023-16027

5 CCR 430

5 CCR 432

Civ. Code 1633.1-1633.17

Civ. Code 1798.29

Ed. Code 35252-35255

Ed. Code 44031

Ed. Code 49060-49079.7

Ed. Code 8234

Gov. Code 16.5

Gov. Code 6252-6265

Gov. Code 811.2

Description

Public entity use of electronic signatures - <https://simbli.eboardsolutions.com/SU/JjoxXkoplusnlSsKsUaPslshQplusYg==>

Records, general provisions

District records, retention and destruction

Individual student records; definition

Student records

Uniform Electronic Transactions Act

District records; breach of security - <https://simbli.eboardsolutions.com/SU/LBkkDX8QIBFu9JplusO9hdW9w==>

Records and reports

Personnel file contents and inspection

Student records

Electronic signatures; child care and development programs

Electronic signatures

Inspection of public records

Definition of public entity

Federal References

15 USC 7001-7006

20 USC 1232g

20 USC 1400-1482

34 CFR 300-300.818

Description

Electronic Records and Signatures in Commerce Act

Family Educational Rights and Privacy Act (FERPA) of 1974

Individuals with Disabilities Education Act

Assistance to states for the education of students with disabilities

34 CFR 99.1-99.8

Family Educational Rights and Privacy Act

Management Resources References

CA Department of Education Publication

Description

Management Bulletin 17-13, October 2017

Cross References

3510

Green School Operations -
<https://simbli.eboardsolutions.com/SU/K0GKzAB8i2S6wgjlLPfUw==>

3580

District Records -
<https://simbli.eboardsolutions.com/SU/8fsDI9HykDCItBSvVLEIIA==>

3580

District Records -
<https://simbli.eboardsolutions.com/SU/gX132ogfrNaLpqF5dbh66Q==>

5148

Child Care And Development -
<https://simbli.eboardsolutions.com/SU/gV15kvM64fYni0sishEytQg3A==>

5148

Child Care And Development -
<https://simbli.eboardsolutions.com/SU/IPi7b2rD5MZYxulLH90nRA==>

5148.3

Preschool/Early Childhood Education -
<https://simbli.eboardsolutions.com/SU/3WD3cPzZ5cHkLGieytbEKA==>

5148.3

Preschool/Early Childhood Education -
<https://simbli.eboardsolutions.com/SU/yUGzYIAmdf85jph2JwXT6Q==>

6159.1

Procedural Safeguards And Complaints For Special Education -
<https://simbli.eboardsolutions.com/SU/S0PIFWQ0dcwNeAZdN9bmYQ==>

6159.1

Procedural Safeguards And Complaints For Special Education -
<https://simbli.eboardsolutions.com/SU/3gc3YUKeG1b3e7zDpoTL3Q==>

Regulation 3523: Electronic Signatures

Status: ADOPTED

Original Adopted Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

CSBA NOTE: The following optional administrative regulation may be revised to reflect district practice. Pursuant to Government Code 16.5, public entities, including districts, are permitted to use digital signatures in their communications and operations. A digital signature is a type of electronic signature, as defined in Civil Code 1633.1. Any such digital or electronic signature has the same force and effect as a manual signature, provided the signature is created using an acceptable technology and includes attributes specified in 2 CCR 22000-22005, as described below. In addition, Civil Code 1633.1-1633.17 (Uniform Electronic Transactions Act) and 15 USC 7001-7006 (Electronic Records and Signatures in Commerce Act) provide a framework for ensuring the validity of electronic contracts and security of electronic signatures in commerce and governmental transactions.

In addition to the general authorization for use of electronic signatures as described above, an electronic signature may be used in specific instances. For example, an electronic signature may be used to fulfill the requirement for parental consent under the Individuals with Disabilities Education Act (20 USC 1400-1482). See comments to 71 Fed. Reg. 156 which provides that electronic signatures are permitted as long as the necessary steps are taken to ensure that there are appropriate safeguards to protect the integrity of the process. Also see the criteria for electronic signatures listed in Items #1-5 below and AR 6159.1 - Procedural Safeguards and Complaints for Special Education. Electronic signatures may also be used when families apply for child care and development services. See the California Department of Education's Management Bulletin 17-13.

When authorized by law, electronic signatures may be used in the operation of district business and/or administration.

In any business transaction, an electronic signature shall only be used when each party has agreed to conduct the transaction by electronic means. In other district operations, the Superintendent or designee may require the use of an electronic signature. (Civil Code 1633.5; 15 USC 7001)

CSBA NOTE: Pursuant to Civil Code 1633.2 and Government Code 16.5, a digital signature is a type of electronic signature. Aside from the definitions below, "electronic signature" will be used throughout this regulation to indicate all types of electronic signatures, including digital signatures.

A *digital signature* is defined as an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature. (Government Code 16.5)

An *electronic signature* consists of an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record. (Civil Code 1633.2)

In order for an electronic signature to be used, the electronic signature shall be: (Government Code 16.5; 2 CCR 22002)

1. Unique to the person using it
2. Capable of verification
3. Under the sole control of the person using it
4. Linked to data in such a manner that if the data are changed the electronic signature is invalidated
5. Conform to 2 CCR 22000-22005

Prior to accepting an electronic signature, the Superintendent or designee shall ensure the following: (2 CCR 22005)

1. That the signature is created by acceptable technology pursuant to 2 CCR 22003
2. That the level of security used to identify the signer of the document and to transmit the signature is sufficient for the transaction being conducted
3. That, if a certificate is a required component of the electronic signature, the certificate format used by the signer is sufficient for the security and interoperability needs of the district.

If a notarized signature is required with respect to an electronic signature, the electronic signature of the notary public together with all of the other information required by law to be included in a notarization shall accompany the electronic signature. (Civil Code 1633.11)

If a statement is required to be signed under penalty of perjury, the electronic signature shall include all of the information to which the declaration pertains together with a declaration under penalty of perjury by the person who submits the electronic signature that the information is true and correct. (Civil Code 1633.11)

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

State References	Description
2 CCR 22000-22005	Public entity use of electronic signatures - https://simbli.eboardsolutions.com/SU/jjoxXkoplusnlSsKsUaPslshQplusYg==
5 CCR 16020-16022	Records, general provisions
5 CCR 16023-16027	District records, retention and destruction
5 CCR 430	Individual student records; definition
5 CCR 432	Student records
Civ. Code 1633.1-1633.17	Uniform Electronic Transactions Act
Civ. Code 1798.29	District records; breach of security - https://simbli.eboardsolutions.com/SU/LBkkDX8OIBFu9JplusQ9hdW9w==
Ed. Code 35252-35255	Records and reports
Ed. Code 44031	Personnel file contents and inspection
Ed. Code 49060-49079.7	Student records
Ed. Code 8234	Electronic signatures; child care and development programs
Gov. Code 16.5	Electronic signatures
Gov. Code 6252-6265	Inspection of public records
Gov. Code 811.2	Definition of public entity
Federal References	Description
15 USC 7001-7006	Electronic Records and Signatures in Commerce Act
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
34 CFR 300-300.818	Assistance to states for the education of students with disabilities
34 CFR 99.1-99.8	Family Educational Rights and Privacy Act
Management Resources References	Description
CA Department of Education Publication	Management Bulletin 17-13, October 2017
Cross References	Description
3510	Green School Operations - https://simbli.eboardsolutions.com/SU/K0GKzAB8i2S6wgjLPfUw==
3580	District Records - https://simbli.eboardsolutions.com/SU/8fsDI9HykDCItBSvVLEIIA==
3580	District Records - https://simbli.eboardsolutions.com/SU/gX132ogfrNaLpqF5dbh66Q==

5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/gV15kvM64fYni0slshEytQg3A==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/lPl7b2rD5MZYxullH90nRA==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/3WD3cPzZ5cHklGieytbEKA==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/yUGzYlAmdf85jnh2JwXT6Q==
6159.1	Procedural Safeguards And Complaints For Special Education - https://simbli.eboardsolutions.com/SU/S0PIFWQ0dcwNeAZdN9bmYQ==
6159.1	Procedural Safeguards And Complaints For Special Education - https://simbli.eboardsolutions.com/SU/3gc3YUKeG1b3e7zDpoTL3Q==

Policy 3550: Food Service/Child Nutrition Program

Status: ADOPTED

Original Adopted Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

CSBA NOTE: The following optional policy may be revised to reflect district practice. Beginning in the 2022-23 school year, Education Code 49501.5, as added by AB 130 (Ch. 44, Statutes of 2021), requires districts, during each school day, to provide a breakfast and lunch free of charge to any student who requests a meal, regardless of the student's eligibility for a federally funded free or reduced-price meal. However, in order to receive reimbursements for the meals, a district must be approved for participation in the National School Lunch Program (42 USC 1751-1769j) or the School Breakfast Program (42 USC 1773). See BP/AR 3552 - Summer Meal Program, AR 5148 - Child Care and Development, and AR 5148.2 - Before/After School Programs for nutrition requirements pertaining to those programs. For food sales outside the district's food service program (e.g., by student and adult organizations, through vending machines, or at student stores), see BP/AR 3554 - Other Food Sales.

The Governing Board recognizes that adequate, nourishing food is essential to student health and well-being, development, and ability to learn. The Superintendent or designee shall develop strategies to increase students' access to and participation in the district's food service programs and maintain fiscal integrity of the programs in accordance with law.

Foods and beverages available through the district's food service program shall:

1. Be carefully selected so as to contribute to students' nutritional well-being and the prevention of disease

CSBA NOTE: 42 USC 1758b mandates each district participating in the National School Lunch Program (42 USC 1751-1769j) or any program in the Child Nutrition Act (42 USC 1771-1791), including the School Breakfast Program, to adopt a districtwide school wellness policy which includes nutrition guidelines for all foods available on school campuses; see BP 5030 - Student Wellness for language fulfilling this mandate. In addition, Education Code 49501.5, as added by AB 130, requires that meals provided under the California Universal Meals Program qualify for federal reimbursement. Also see the accompanying administrative regulation for state and federal legal requirements pertaining to nutrition standards.

2. Meet or exceed nutrition standards specified in law
3. Be prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits
4. Be served in age-appropriate portions

CSBA NOTE: Education Code 49501.5, as added by AB 130, requires that nutritionally adequate meals be provided to any student who requests a meal regardless of the student's eligibility for a free or reduced-price meal. However, the district still must determine student eligibility for free or reduced-price meals under the National School Lunch or School Breakfast Program, in order to be reimbursed for such meals as the funds provided under the California Universal Meal Program are meant to supplement, not supplant, federal funds.

5. Be provided at no cost to students who request a meal

CSBA NOTE: The following paragraph is optional and may be revised to reflect district practice. In its, "Food and Nutrition Services Instruction 113-1," the U.S. Department of Agriculture (USDA) states that a district must put in place a public notification system or grassroots effort to inform applicants, participants, and potentially eligible individuals of program availability, rights and responsibilities, and nondiscrimination policy related to federally funded nutrition programs.

At the beginning of each school year, the Superintendent or designee shall communicate information related to the district's food service programs to the public through available means, including, but not limited to, the district's web site, social media, flyers, and school publications.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Grant funding may be available through the Fresh Fruit and Vegetable Program (42 USC 1769a) to provide elementary students with a variety of free fresh fruits and vegetables throughout the school day as a supplement to school breakfast and lunch programs. Eligible schools are those that operate the National School Lunch Program and have 50 percent or more of students eligible for free and reduced-price meals.

The district's food service program shall give priority to serving unprocessed foods and fresh fruits and vegetables.

CSBA NOTE: The following paragraph is optional. Both state and federal law support the concept of using locally grown and/or organic produce in school cafeterias. Consistent with the state meal mandate, the Instructional School Gardens Program, established pursuant to Education Code 51795-51797, encourages the creation of school gardens as a means of providing children an opportunity to learn to make healthier food choices. In addition, 42 USC 1769 permits a high poverty school (schools with 50 percent or more students eligible for free and/or reduced-price meals) that runs a community garden to use produce from the garden to supplement food provided at the school. Thus, such use is allowable provided the foods comply with health and sanitation requirements as well as applicable nutrition standards.

District schools are encouraged to establish school gardens and/or farm-to-school projects to increase the availability of safe, fresh, seasonal fruits and vegetables for school meals and to support the district's nutrition education program.

CSBA NOTE: The following paragraph is optional. Education Code 49534, as amended by AB 486 (Ch. 666, Statutes of 2021), authorizes nutrition education programs to coordinate classroom instruction with the food service program and be of sufficient variety and flexibility to meet the needs of students in the district.

To the extent possible, the school meal program shall be coordinated with the nutrition education program, instructional program for teachers, parents/guardians and food service employees, available community resources, and other related district programs.

To encourage student participation in school meal programs, schools may offer multiple choices of food items within a meal service, provided all food items meet nutrition standards and all students are given an opportunity to select any food item.

The Superintendent or designee may invite students and parents/guardians to participate in the selection of foods of good nutritional quality for school menus.

Students shall be allowed adequate time and space to eat meals. To the extent possible, school, recess, and transportation schedules shall be designed to promote participation in school meal programs.

The Superintendent or designee shall periodically review the adequacy of school cafeterias and facilities for food preparation and consumption.

CSBA NOTE: The district's food service program is subject to the food safety standards in the California Retail Food Code (Health and Safety Code 113700-114437). In addition, 42 USC 1758 and 7 CFR 210.13 and 220.7 require all schools participating in the National School Lunch and/or Breakfast Program to implement a food safety program for the storage, preparation, and service of school meals. See the accompanying administrative regulation for requirements of the food safety program.

In accordance with law, the Superintendent or designee shall develop and maintain a food safety program in order to reduce the risk of foodborne hazards at each step of the food preparation and service process.

CSBA NOTE: The following optional paragraph may be revised to reflect program evaluation indicators and reporting schedules determined by the district. Districts that participate in the National School Lunch Program, School Breakfast Program, Seamless Summer Feeding Option, and/or other federal meal program are subject to a state Administrative Review of district compliance with requirements for federal meal programs, including, but not limited to, a review of nutritional quality, meal patterns, provision of drinking water, school meal environment, and food safety. Each district is reviewed at least once every three years. Also see BP 3551 - Food Service Operations/Cafeteria Fund. However, Education Code 49431, 49431.2 and 49431.5 express legislative intent that the Governing Board annually review the district's compliance with nutrition standards for foods sold outside the National School Lunch or Breakfast Program.

Pursuant to USDA's, "Food and Nutrition Services Instruction 113-1," any district participating in federal meal programs must collect racial and ethnic data on potentially eligible populations, applicants, and program participants; see BP 3555 - Nutrition Program Compliance.

The Superintendent or designee shall annually report to the Board on student participation in the district's nutrition programs and the extent to which the district's food service program meets state and federal nutrition standards for foods and beverages. In addition, the Superintendent or designee shall provide all necessary and available documentation required for the Administrative Review conducted by the California Department of Education (CDE) to ensure the food service program's compliance with federal requirements related to nutrition standards, meal patterns, provision of drinking water, school meal environment, food safety, and other areas as required by the CDE.

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

State References

5 CCR 15510
 5 CCR 15530-15535
 5 CCR 15550-15565
 5 CCR 15575-15578
 Ed. Code 35182.5
 Ed. Code 38080-38103
 Ed. Code 45103.5
 Ed. Code 48432.3
 Ed. Code 49430-49434
 Ed. Code 49490-49494
 Ed. Code 49500-49505
 Ed. Code 49501.5
 Ed. Code 49510-49520
 Ed. Code 49530-49536
 Ed. Code 49540-49546
 Ed. Code 49547-49548.3
 Ed. Code 49550-49562
 Ed. Code 49570
 Ed. Code 51795-51797
 H&S Code 113700-114437

Description

Mandatory meals for needy students
 Nutrition education
 School lunch and breakfast programs
 Requirements for foods and beverages outside the federal meals program
 Contracts for advertising
 Cafeteria; establishment and use
 Contracts for management consulting services; restrictions
 Voluntary enrollment in continuation education
 Pupil Nutrition, Health, and Achievement Act of 2001
 School breakfast and lunch programs
 School meals
 California Universal Meals Program
 Nutrition
 Child Nutrition Act
 Child care food program
 Comprehensive nutrition services
 Meals for needy students
 National School Lunch Act
 School instructional gardens
 California Retail Food Code; sanitation and safety requirements

Federal References

42 USC 1751-1769j
 42 USC 1758b
 42 USC 1761
 42 USC 1769a
 42 USC 1771-1793
 42 USC 1772
 42 USC 1773
 7 CFR 210.1-210.31
 7 CFR 215.1-215.18
 7 CFR 220.2-220.22
 7 CFR 245.1-245.13

Description

National School Lunch Program
 Local wellness policy
 Summer Food Service Program and Seamless Summer Feeding Option
 Fresh Fruit and Vegetable Program
 Child Nutrition Act
 Special Milk Program
 School Breakfast Program
 National School Lunch Program
 Special Milk Program
 National School Breakfast Program
 Eligibility for free and reduced-price meals and free milk

Management Resources References

CA Project Lean Publication
 California Department of Education Publication
 California Department of Education Publication

Description

Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006
 Healthy Children Ready to Learn, January 2005
 Professional Standards in the School Nutrition Programs, Management Bulletin SNP-13-2020, Updated January 2022

CSBA Publication	Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009
CSBA Publication	Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007
CSBA Publication	Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007
CSBA Publication	Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006
U.S. Department of Agriculture Publication	School Breakfast Toolkit
U.S. Department of Agriculture Publication	Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005
U.S. Department of Agriculture Publication	Dietary Guidelines for Americans, 2005
U.S. Department of Agriculture Publication	Food Buying Guide for Child Nutrition Programs, December 2007
U.S. Department of Agriculture Publication	Fresh Fruit and Vegetable Program: Handbook for Schools, December 2010
U.S. Department of Agriculture Publication	Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles, June 2005
Website	U.S. Department of Agriculture, Food and Nutrition Service - https://simbli.eboardsolutions.com/SU/Wcy6HD6BSTBkfn7BqplusR7BQ==
Website	California Farm Bureau Federation - https://simbli.eboardsolutions.com/SU/9DOFPfd6z2oylYGKzj0qKA==
Website	Nourish California - https://simbli.eboardsolutions.com/SU/5GeuVdU7HE4aLG3NFy4PTg==
Website	California Project LEAN (Leaders Encouraging Activity and Nutrition) - https://simbli.eboardsolutions.com/SU/lzuCbbhn3rBrfeZTSNnVCw==
Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/UUilrqtk65lplusLWplusApdRig==
Website	National Alliance for Nutrition and Activity - https://simbli.eboardsolutions.com/SU/GZJffQ4Hi71GbK8ILpJKsg==
Website	California School Nutrition Association - https://simbli.eboardsolutions.com/SU/KnWOpY7WknrOcdh5fJ85QQ==
Website	California Department of Education, Nutrition Services Division - https://simbli.eboardsolutions.com/SU/O5xpn2rTFL2uz0BslshlorGXQ==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsgA==
Website	California Healthy Kids Resource Center - https://simbli.eboardsolutions.com/SU/Ve9Yf61snLK7fRzOPU1xiQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

0470
0500
1312.4
1312.4-E(1)
1312.4-E(2)

Description

COVID-19 Mitigation Plan - <https://simbli.eboardsolutions.com/SU/UonRXG6LPiZi7EgyplusqAd8g==>
Accountability - <https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==>
Williams Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/K4sSLEmfPDpDfCTIDy3T6A==>
Williams Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/jNRJER1z7850tslshkvfY15Q==>
Williams Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/cqrHypIusslshVG7skrok5E8EbRw==>

1325	Advertising And Promotion - https://simbli.eboardsolutions.com/SU/TPq9ClqZ7jLx8c5l0jsyog==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/xf1Aslshslsh7GO4WA2Z2wFHc4ng==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/gcCBzokrVuucd9EFStBmQQ==
3000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/cplusZbQcQ4TXPVaA1IFqU7LQ==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xd3xUExA==
3510	Green School Operations - https://simbli.eboardsolutions.com/SU/KOGKzAB8i2S6wgjlLPFFUw==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/FREeZf6a8MxAoYS87Pslshlplusw==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/BSLtfUgO3jNMi5qQwVEu7A==
3517	Facilities Inspection - https://simbli.eboardsolutions.com/SU/FwTPOhvRxiNJjSlshEW1LnHQ==
3517-E(1)	Facilities Inspection - https://simbli.eboardsolutions.com/SU/pluswdSb1sGBbeWLETQ8P8ylQ==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/aWC2AHy6NLmMLvqBaeqp7g==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/NslKZ3UxVB4jy5glgHlTWg==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/wzUihV3gK9PplusFxGH4lt0Ew==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/byXciZoy4EQvJziZsatkag==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/Y07PII5plus2xHEiLURmRHYzQ==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/0Q5co4sXK4An7L2TouWocg==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/XA2ZvkzJLpluswEugplusbBS1IVw==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/npluszuymEvcWm0UlgSnn6laQ==
3555	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/XKe0wQEvO2cheo7acL3BFA==
3555-E PDF(1)	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/ukhuacwucDP1t5CkuDdS3w==
3580	District Records - https://simbli.eboardsolutions.com/SU/8fsDI9HykDCItBSvVLEIIA==
3580	District Records - https://simbli.eboardsolutions.com/SU/gX132ogfrNaLpqF5dbh66Q==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/700vA0ysAx5YXC8kTgs9Q==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/TtH8mfb4Zwc222YN76OTdg==

4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/nCKbnl3vsF4vwC2CzN850A==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/FAuFrJnlbcVy3kgsTslshNU6g==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/W5ExJpluss6yHnOMElqyCk9lQ==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/CvzKilnplusCH4n5fplusjplusl8ljA==
5141.27	Food Allergies/Special Dietary Needs - https://simbli.eboardsolutions.com/SU/MS09fvkpcFTxFXADdn7slshBg==
5141.27	Food Allergies/Special Dietary Needs - https://simbli.eboardsolutions.com/SU/pbePTFFyvpXAzJEa77Eu6w==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/gV15kvM64fYni0slshEytQg3A==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/IPI7b2rD5MZYxulLH90nRA==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/ZCXkdpn0NOWtDDYWmvGMPw==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/6TCxij5d2ShJygXCj1JXQ==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/3WD3cPzZ5cHkLGieytbEKA==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/yUGzYlAmdf85jnh2JwXT6Q==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/26yNHUwMmAXRvJ1b3jpT2g==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/tbwQlmdoEz4Q1Vjo8rYnlQ==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/zsjkyhfKAplusFQR21mnjd3hw==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/vD4ZxTplusVHjDJcdnxYRslshQ3g==
6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/WeRWxD20iReBezfn3aKzplusQ==
6173-E PDF(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/D7vRHZXXslshBORslshzL7t0wPgw==
6176	Weekend/Saturday Classes - https://simbli.eboardsolutions.com/SU/gT9qUoycsishwAqFdyRaQF4w==
7110	Facilities Master Plan - https://simbli.eboardsolutions.com/SU/HOPXuQCfbfbkplussVfoH3BEA==

Regulation 3550: Food Service/Child Nutrition Program

Status: ADOPTED

Original Adopted Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

CSBA NOTE: The following optional administrative regulation applies to food sales through the district's food service program, including, California's Universal Meals Program (Education Code 49501.5), the National School Lunch Program (42 USC 1751-1769j), the School Breakfast Program (42 USC 1773), and the Special Milk Program (42 USC 1772). The district should select all sections below that apply to programs offered by the district. See BP/AR 3552 - Summer Meal Program, AR 5148 - Child Care and Development, and AR 5148.2 - Before/After School Programs for nutrition requirements pertaining to those programs. For food sales outside the district's food service program (e.g., by student and adult organizations, through vending machines, or at student stores), see BP/AR 3554 - Other Food Sales.

Nutrition Standards for School Meals

CSBA NOTE: The following section is for use by all districts. Education Code 49501.5, as added by AB 130 (Ch. 44, Statutes of 2021), requires all schools to provide, free of charge, two nutritiously adequate meals per school day to any student who requests a meal, regardless of a student's eligibility to participate in any federally-funded free or reduced-price meal. Education Code 49553 defines a "nutritionally adequate meal" as one that qualifies for reimbursement under federal child nutrition program regulations. Schools participating in the National School Lunch and/or Breakfast Program must extend meal service to all students enrolled in the school.

Meals, food items, and beverages provided through the district's food services program shall: (Education Code 49501.5, 49553; 42 USC 1758, 1773)

1. Comply with National School Lunch and/or Breakfast Program standards for meal patterns, nutrient levels, and calorie requirements for the ages/grade levels served, as specified in 7 CFR 210.10 or 220.8 as applicable

CSBA NOTE: Item #2 below reflects an additional requirement for (1) districts participating in the National School Lunch and/or Breakfast Program which choose to apply for state reimbursements for free and reduced-price meals in addition to their base reimbursement and (2) districts participating in the State Meal Program. Pursuant to Education Code 49430.7, such districts may not provide foods that are deep fried, par fried, or flash fried. Other districts may delete or use this item at their discretion. Although the new California Universal Meals Program (Education Code 49501.5) is not expressly subject to this requirement, it is recommended that all districts comply with it as a best practice, since only meals that qualify for federal reimbursement are reimbursable by the state under the program.

2. Not be deep fried, par fried, or flash fried, as defined in Education Code 49430 and 49430.7

Drinking Water

CSBA NOTE: The following section is for use by all districts. Pursuant to 42 USC 1758, schools participating in the National School Lunch Program are required to make free drinking water available for consumption at locations where meals are served during meal service. In addition, Education Code 38086 requires all California schools to make free drinking water available during school meal times. Pursuant to Education Code 38086, a district may be exempted from this requirement only if the Governing Board adopts a resolution, publicly noticed on at least two consecutive meeting agendas, demonstrating that the district is unable to comply due to fiscal constraints or health or safety concerns. Any district whose Board has adopted such a resolution should delete this section.

Pursuant to Education Code 38086, schools may satisfy this requirement by, among other means, providing cups and containers of water or soliciting or receiving donated water. Recommendations on the California Department of Education's web site include providing chilled water, ensuring that all water fountains are clean and operational, and encouraging water consumption through marketing and advertising.

The district shall provide access to free, fresh drinking water during meal times in food service areas at all district schools, including, but not limited to, areas where reimbursable meals under the National School Lunch or Breakfast Program are served or consumed. (Education Code 38086; 42 USC 1758)

Special Milk Program

CSBA NOTE: The following section is optional. The Special Milk Program (42 USC 1772; 7 CFR 215.1-215.18) is a federally funded program which assists in providing milk at reasonable prices to students in schools that do not participate in the National School Lunch or Breakfast Program. Pursuant to 7 CFR 215.7, districts may choose to provide milk at no charge to students who qualify for free meals; see BP 3553 - Free and Reduced Price Meals.

Any school that does not participate in the National School Lunch or Breakfast Program may participate in the Special Milk Program to provide all enrolled students with reasonably priced milk. (7 CFR 215.7)

Food Safety

CSBA NOTE: Pursuant to Health and Safety Code 113789, school cafeterias are among food facilities subject to the California Retail Food Code.

The Superintendent or designee shall ensure that the district's food service program meets the applicable sanitation and safety requirements of the California Retail Food Code as set forth in Health and Safety Code 113700-114437.

CSBA NOTE: The remainder of this section is for use by any district participating in the National School Lunch and/or Breakfast Program and may be used or revised by other districts at their discretion. 42 USC 1758 requires such participating districts to implement a food safety program applicable to any facility or part of a facility in which food is stored, prepared, or served. Pursuant to 42 USC 1758 and 7 CFR 210.13 and 220.7, the food safety program must comply with Hazard Analysis and Critical Control Point (HACCP) principles, which include establishing measures needed to prevent hazards at each stage of food production. Pursuant to 7 CFR 210.13, districts may implement either the "traditional" HACCP system or the simplified "process approach." Under the process approach, foods are grouped together according to preparation process and the same control measure is applied to all menu items within the group, rather than developing an HACCP plan for each item. These principles are described in USDA's, "Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles".

For all district schools participating in the National School Lunch and/or School Breakfast Program, the Superintendent or designee shall implement a written food safety program for the storage, preparation, and service of school meals which complies with the national Hazard Analysis and Critical Control Point (HACCP) system. The district's HACCP plan shall include, but is not limited to, a determination of critical control points and critical limits at each stage of food production, monitoring procedures, corrective actions, and recordkeeping procedures. (42 USC 1758; 7 CFR 210.13, 220.7)

CSBA NOTE: Pursuant to 7 CFR 210.30, directors, managers, and staff in the food service program must complete annual training on specified topics, including, but not limited to, training on health and safety standards. Based on CDE Management Bulletin SNP-13-2020, districts must ensure that such directors, managers, and staff complete an annual continuing education or training on topics that are job-related, including, but not limited to, food safety standards. In addition, at least one employee at each food facility or site must have successfully passed an approved and accredited food safety certification examination in accordance with Health and Safety Code 113947.2-113947.3.

The Superintendent or designee shall ensure that food service directors, managers, and staff complete an annual continuing education or training as required by law. Each new employee, including a substitute, or volunteer shall complete initial food safety training prior to handling food. For each employee, the Superintendent or designee shall document the date, trainer, and subject of each training.

CSBA NOTE: The following paragraph is optional. USDA's, "Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles," states that districts should maintain the following types of records in order to periodically review the food safety program and, in the event of a foodborne illness, to document that reasonable care was exercised in the operation of the school's food service program.

The Superintendent or designee shall assign staff to maintain records and logs documenting food safety activities, including, but not limited to, records of food deliveries, time and temperature monitoring during food production, equipment temperature (freezer, cooler, thermometer calibration), corrective actions, verification or review of safety efforts, and staff training.

Inspection of Food Facilities

CSBA NOTE: Health and Safety Code 113725-113725.3 require all food facilities in California to be inspected by the county environmental health agency in accordance with the timelines and procedures established in county regulations. The inspections cover all food service areas, including cafeterias, vending machines, and mobile food carts. Health and Safety Code 113725 specifies findings that would be considered violations, including (1) improper holding temperatures, improper cooling, or inadequate cooking of potentially hazardous foods (i.e., foods that require temperature control); (2) poor personal hygiene of food service employees; (3) contaminated equipment; and (4) food from unapproved sources.

All food preparation and service areas shall be inspected in accordance with Health and Safety Code 113725-

113725.1 and applicable county regulations.

CSBA NOTE: The following paragraph is for use by districts participating in the National School Lunch and/or Breakfast Program. Notwithstanding the requirements of county regulations, districts participating in these programs must obtain at least two safety inspections each school year.

Each school participating in the National School Lunch and/or Breakfast Program shall, during each school year, obtain a minimum of two food safety inspections conducted by the county environmental health agency. (42 USC 1758; 7 CFR 210.13, 220.7)

The Superintendent or designee shall retain records from the most recent food safety inspection. All schools shall post a notice indicating that the most recent inspection report is available to any interested person upon request. (Health and Safety Code 113725.1; 42 USC 1758; 7 CFR 210.13, 210.15, 220.7)

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

State References

	Description
5 CCR 15510	Mandatory meals for needy students
5 CCR 15530-15535	Nutrition education
5 CCR 15550-15565	School lunch and breakfast programs
5 CCR 15575-15578	Requirements for foods and beverages outside the federal meals program
Ed. Code 35182.5	Contracts for advertising
Ed. Code 38080-38103	Cafeteria; establishment and use
Ed. Code 45103.5	Contracts for management consulting services; restrictions
Ed. Code 48432.3	Voluntary enrollment in continuation education
Ed. Code 49430-49434	Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49490-49494	School breakfast and lunch programs
Ed. Code 49500-49505	School meals
Ed. Code 49501.5	California Universal Meals Program
Ed. Code 49510-49520	Nutrition
Ed. Code 49530-49536	Child Nutrition Act
Ed. Code 49540-49546	Child care food program
Ed. Code 49547-49548.3	Comprehensive nutrition services
Ed. Code 49550-49562	Meals for needy students
Ed. Code 49570	National School Lunch Act
Ed. Code 51795-51797	School instructional gardens
H&S Code 113700-114437	California Retail Food Code; sanitation and safety requirements

Federal References

	Description
42 USC 1751-1769j	National School Lunch Program
42 USC 1758b	Local wellness policy
42 USC 1761	Summer Food Service Program and Seamless Summer Feeding Option
42 USC 1769a	Fresh Fruit and Vegetable Program
42 USC 1771-1793	Child Nutrition Act
42 USC 1772	Special Milk Program
42 USC 1773	School Breakfast Program

7 CFR 210.1-210.31

7 CFR 215.1-215.18

7 CFR 220.2-220.22

7 CFR 245.1-245.13

National School Lunch Program

Special Milk Program

National School Breakfast Program

Eligibility for free and reduced-price meals and free milk

Management Resources References

CA Project Lean Publication

California Department of Education Publication

California Department of Education Publication

CSBA Publication

CSBA Publication

CSBA Publication

CSBA Publication

U.S. Department of Agriculture Publication

U.S. Department of Agriculture Publication

U.S. Department of Agriculture Publication

U.S. Department of Agriculture Publication

U.S. Department of Agriculture Publication

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Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006

Healthy Children Ready to Learn, January 2005

Professional Standards in the School Nutrition Programs, Management Bulletin SNP-13-2020, Updated January 2022

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007

Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

School Breakfast Toolkit

Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005

Dietary Guidelines for Americans, 2005

Food Buying Guide for Child Nutrition Programs, December 2007

Fresh Fruit and Vegetable Program: Handbook for Schools, December 2010

Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles, June 2005

U.S. Department of Agriculture, Food and Nutrition Service - <https://simbli.eboardsolutions.com/SU/Wry6HD6BSTBkfn7BqplusR7BQ==>

California Farm Bureau Federation - <https://simbli.eboardsolutions.com/SU/9DOFpfd6z2oylYGKzjQKA==>

Nourish California - <https://simbli.eboardsolutions.com/SU/5GeuVdU7HE4aLG3NFy4PTg==>

California Project LEAN (Leaders Encouraging Activity and Nutrition) - <https://simbli.eboardsolutions.com/SU/lzuCbbhn3rBrfeZTSNnVCw==>

Centers for Disease Control and Prevention - <https://simbli.eboardsolutions.com/SU/UUiirqtk65lplusLWplusApdRjg==>

National Alliance for Nutrition and Activity - <https://simbli.eboardsolutions.com/SU/GZJffQ4Hi71GbK8ILPjKsg==>

California School Nutrition Association - <https://simbli.eboardsolutions.com/SU/KnWOpY7WknrQcdh5fJ85QQ==>

California Department of Education, Nutrition Services Division - <https://simbli.eboardsolutions.com/SU/O5xpn2rTFL2uz0BsishlorGXQ==>

California Department of Public Health - <https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==>

California Healthy Kids Resource Center - <https://simbli.eboardsolutions.com/SU/Ve9Yf61snLK7fRzQPU1xiQ==>

CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkkK2FPsDsQBnMIENxGg==>

Cross References	Description
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/UonRXG6LPiZi7EgvpplusqAd8g==
0500	Accountability - https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==
1312.4	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/K4sSLEmfPDpDFCTIDy3T6A==
1312.4-E(1)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/jNRJER1z7850tslshkvfYJ15Q==
1312.4-E(2)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/cqrHypIusslshVG7skrok5E8EbRw==
1325	Advertising And Promotion - https://simbli.eboardsolutions.com/SU/TPq9ClqZ7jLx8c5l0jsyog==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/xf1Aslshslsh7GO4WA2Z2wFHC4ng==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/gcCBzkrVuucd9EFStBmQQ==
3000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/cplusZbQcQ4TXPvAa1lFqU7LQ==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xdZd3xUExA==
3510	Green School Operations - https://simbli.eboardsolutions.com/SU/K0GKzAB8i2S6wglILPFfUw==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/FREeZf6a8MvAoYS87PslshIplusw==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/BSLtfUgO3jNMI5qQwVEu7A==
3517	Facilities Inspection - https://simbli.eboardsolutions.com/SU/FwTPOhvRxliNJJslshEW1LnHQ==
3517-E(1)	Facilities Inspection - https://simbli.eboardsolutions.com/SU/pluswd5b1sGBbeWLETQ8P8ylQ==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/aWC2AHy6NLmMLvqBaeqp7g==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/NslKZ3UxVB4jy5glgHITWg==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/wzUihV3gK9PplusFxGH4lt0Ew==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/byXci7oy4EQvJziZSatkag==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/Y07PII5plus2xHElURmRHYzQ==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/0Q5co4sXK4An7L2JouWocg==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/XA2ZvkzJLpluswEugplusbBS1IVw==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/npluszuymEvcWm0UlgSnn6laQ==

3555	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/XKe0wQEvO2cheo7acL3BFA==
3555-E PDF(1)	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/ukhuacwucDP1t5CkuDdS3w==
3580	District Records - https://simbli.eboardsolutions.com/SU/8fsDI9HykDCltBSvVLEIIA==
3580	District Records - https://simbli.eboardsolutions.com/SU/gX132ogfrNaLpqF5dbh66Q==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/700vA0ysAx5YXC8kTgs9Q==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/TtH8mfb4Zwc222YN76OTdg==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/nCKbnl3vsF4vwC2CzN850A==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/FAuFrJnlbcVy3kgsTslshNU6g==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVTdg==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/W5ExJpluss6yHnOMElqyCk9IQ==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/CvzKiInplusCH4n5fplusplusl8ljA==
5141.27	Food Allergies/Special Dietary Needs - https://simbli.eboardsolutions.com/SU/MS09fvkpcfTxfXADdn7slshBg==
5141.27	Food Allergies/Special Dietary Needs - https://simbli.eboardsolutions.com/SU/pbePTFFyvpXAzJEa77Eu6w==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/gV15kvM64fYni0slshEytQg3A==
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5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/ZCXkdpnONOWtDDYWmvGMPw==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/6TCzxiJ5d2ShJygcX1JXQ==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/3WD3cPzZ5cHkLGieytkEKA==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/yUGzYIAmdf85jnh2JwXT6Q==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/26yNHUwMmAXRvJ1b3jpT2g==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/tbwOlmdoEz4Q1Vjo8rYnlQ==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/zsjkyhfKAplusFQR21mnjd3hw==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/vD4ZxTplusVHJDJcdnxYRslshO3g==
6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/WeRWxD20iReBezfn3aKzplusQ==
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6176

Weekend/Saturday Classes -

<https://simbli.eboardsolutions.com/SU/gT9qUoycsishwAqFdyaRaqF4w==>

7110

Facilities Master Plan -

<https://simbli.eboardsolutions.com/SU/H0PXuOCfbfbkplussVfoH3BEA==>

Policy 3551: Food Service Operations/Cafeteria Fund

Status: ADOPTED

Original Adopted Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

CSBA NOTE: The following conditionally mandated policy may be revised to reflect district practice. Pursuant to U.S. Department of Agriculture's (USDA) Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773) are mandated to adopt policy addressing meal charges; see the section "Meal Sales" below and the accompanying administrative regulation. However, with the establishment of the California Universal Meal Program pursuant to Education Code 49501.5, as added by AB 130 (Ch. 44, Statutes of 2021), all public schools in California must provide free of charge, a nutritionally adequate breakfast and lunch to any student who requests a meal, regardless of the student's free or reduced-price meal eligibility status. Consequently, certain program requirements may no longer be applicable.

Pursuant to 7 CFR 210.9, 210.14, and 220.7, districts participating in the National School Lunch and/or Breakfast program must maintain a nonprofit school food service program. Revenues received through the program may be used for the operation or improvement of the food service program, but not to purchase land or buildings unless otherwise approved by USDA's Food and Nutrition Services, or to construct buildings. Authorized expenditures are specified in Education Code 38101 and defined in the California Department of Education's (CDE) "California School Accounting Manual."

The Governing Board intends that school food services shall be a self-supporting, nonprofit program. To ensure program quality and cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of foods and supplies, the planning of menus, and the auditing of all food service accounts for the district.

CSBA NOTE: The following paragraph is for use by districts that participate in the National School Lunch and/or Breakfast Program and may be adapted for use by other districts. Pursuant to 42 USC 1776 and 7 CFR 210.30, USDA has established minimum professional standards for food service directors and granted CDE the authority to adopt more flexible standards for districts with average daily attendance of less than 2,500. See CDE's Nutrition Services Division Management Bulletin SNP-13-2020 for updated information about state hiring standards.

The Superintendent or designee shall ensure that food service director(s) possess the qualifications required by 7 CFR 210.30 and California Department of Education (CDE) standards.

CSBA NOTE: The following paragraph is for use by districts participating in the National School Lunch and/or Breakfast Program. Pursuant to 42 USC 1776, such districts must ensure that food service personnel and other appropriate personnel who conduct or oversee administrative procedures receive training, at least once each year, on food service administrative practices (i.e., training in application, certification, verification, meal counting, and meal claiming procedures). In addition, all food service personnel are required to receive annual training that is designed to improve the accuracy of approvals for free and reduced-price meals and the identification of reimbursable meals at the point of service and to ensure program compliance and integrity. Food service personnel must obtain certification on an annual basis to demonstrate competence in the training. Such training is required to include modules on nutrition, health and food safety standards and methodologies, and any other appropriate topics as determined by the U.S. Secretary of Agriculture. See CDE's web site for online training that meets these requirements.

At least once each year, food service administrators, other appropriate personnel who conduct or oversee administrative procedures, and other food service personnel shall receive training provided by CDE. (42 USC 1776)

Meal Sales

CSBA NOTE: Commencing with the 2022-23 school year, each district is required, pursuant to Education Code 49501.5, as added by AB 130, to provide a nutritionally adequate breakfast and lunch free of charge, to any student who requests a meal, regardless of the student's eligibility for participation in the federal free or reduced-price meal program. Consequently, only nonprogram foods may be sold to students. For further information, see BP 3553 - Free and Reduced Price Meals.

Any student who requests a meal shall be served a nutritionally adequate breakfast and lunch free of charge, each school day. (Education Code 49501.5)

As permitted by law, additional or second meals, adult meals, and other nonprogram foods, such as smart snack compliant food and beverages sold in vending machines, may be sold to students. (Education Code 38082, 49501.5)

Meals may be sold to district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)

CSBA NOTE: Pursuant to Education Code 38082, the Governing Board is authorized to adopt a resolution to permit the serving of meals to individuals and organizations other than those specified in the preceding paragraph. CDE's Nutrition Services Division Management Bulletin SNP-04-2021 states that funds from the National School Lunch or Breakfast Program may not be used to serve any nonstudent. The following optional paragraph is for districts that have adopted such a resolution and should be revised to reflect district practice.

In addition, meals may be sold to nonstudents, including parents/guardians, volunteers, students' siblings, or other individuals, who are authorized by the Superintendent or designee to be on campus. Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture (USDA) foods.

CSBA NOTE: Pursuant to Education Code 38084, the district may determine meal prices consistent with the goal of paying the costs of maintaining the cafeterias (exclusive of the costs of housing and equipping cafeterias or other costs determined by Board resolution, which are paid from district funds other than the cafeteria fund, pursuant to Education Code 38100).

Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760.

CSBA NOTE: Pursuant to USDA Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast Program are mandated to have a written and clearly communicated meal charge policy. See the accompanying administrative regulation for additional language fulfilling this mandate.

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments. Such procedures shall conform with 2 CFR 200.426 and any applicable CDE guidance. The Superintendent or designee shall clearly communicate these procedures to students and parents/guardians, and shall make this policy and the accompanying administrative regulation available to the public pursuant to Education Code 49557.5.

Cafeteria Fund and Account

CSBA NOTE: Pursuant to Education Code 38090, money received for the sale of food or for any services performed by the cafeterias may be paid into the county treasury to the credit of a "cafeteria fund" for the district. The Superintendent or designee shall establish a cafeteria fund independent of the district's general fund.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. 2 CFR Part 200, Appendix VII and USDA's guidance, "Indirect Costs: Guidance for State Agencies and School Food Authorities," provide information regarding allowable indirect costs that may be charged to the nonprofit school food service account. Also see the accompanying administrative regulation.

The Superintendent or designee shall ensure that state and federal funds provided through school meal programs are allocated only for purposes related to the operation or improvement of food services and for reasonable and necessary indirect program costs as allowed by law.

CSBA NOTE: Education Code 38103 allows the Board, at its discretion and with the approval of the County Superintendent of Schools who is responsible for a countywide payroll/retirement system under Education Code 42646, to have wages, salaries, and benefits of food service employees paid either from the district's general fund (Option 1 below) or from the district's cafeteria fund (Option 2).

OPTION 1: The wages, salaries, and benefits of food service employees shall be paid from the district's general fund. At any time, the Board may order reimbursement from the district's cafeteria fund for these payments in amounts prescribed by the Board and not exceeding the costs actually incurred. (Education Code 38103)

OPTION 1 ENDS HERE

✱ **OPTION 2:** The wages, salaries, and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

OPTION 2 ENDS HERE

Contracts with Outside Services

CSBA NOTE: The following section is optional. Pursuant to Education Code 45103.5, the district is authorized to contract for consulting services related to food service management. Education Code 45103.5, 42 USC 1758, and 7

CFR 210.16 authorize a district, under specified conditions, and with approval of CDE, to contract with a food service management company to manage food service operations in any district school. See the accompanying administrative regulation for related requirements.

With Board approval, the district may enter into a contract for food service consulting services or management services in one or more district schools. (Education Code 45103.5; 42 USC 1758; 7 CFR 210.16)

Procurement of Foods, Equipment and Supplies

CSBA NOTE: The following two paragraphs reflect requirements for districts participating in the National School Lunch and/or Breakfast Program. Pursuant to 7 CFR 210.21, districts are required to comply with all requirements for purchasing commercial food products served in the school meal programs, including those outlined in the Buy American provision. USDA's Memorandum SP 38-2017 clarifies that a district participating in the National School Lunch and/or Breakfast Program or any entity purchasing food on its behalf must, to the maximum extent practicable, purchase domestically grown and processed foods, as defined. According to the Memorandum, a domestic commodity or product is deemed to be "substantially using" domestic agricultural commodities when over 51 percent of the final processed product consists of agricultural commodities produced in the United States.

Limited exceptions to the Buy American requirement are described in USDA's Memorandum SP 38-2017. If the district is using one of these exceptions, it must maintain documentation justifying the exception(s).

Pursuant to Education Code 49563, CDE is required to make resources, requirements, and best practices related to the Buy American provision available on its web site and to provide districts with related USDA guidance or regulations as updates are issued.

To the maximum extent practicable, foods purchased for use in school meals by the district or by any entity purchasing food on its behalf shall be domestic commodities or products. Domestic commodity or product means an agricultural commodity that is produced in the United States and a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States. (42 USC 1760; 7 CFR 210.21)

A nondomestic food product may be purchased for use in the district's food service program only as a last resort when the product is not produced or manufactured in the United States in sufficient and reasonably available quantities of a satisfactory quality, or when competitive bids reveal the costs of a United States product are significantly higher than the nondomestic product. In such cases, the Superintendent or designee shall retain documentation justifying the use of the exception.

Furthermore, the district shall accept a bid or price for an agricultural product grown in California before accepting a bid or price for an agricultural product grown outside the state, if the quality of the California-grown product is comparable and the bid or price does not exceed the lowest bid or price of a product produced outside the state. (Food and Agriculture Code 58595)

CSBA NOTE: Pursuant to Public Contract Code 20111, districts participating in a federally funded child nutrition program, such as the National School Lunch and/or Breakfast Program, must comply with the federal procurement standards of 2 CFR 200.318-200.326 in regard to bid solicitations and awards. Also see BP/AR 3230 - Federal Grant Funds. Districts that do not participate in such a program may revise the following paragraph.

Bid solicitations and awards for purchases of equipment, materials, or supplies in support of the district's child nutrition program, or for contracts awarded pursuant to Public Contract Code 2000, shall be consistent with the federal procurement standards in 2 CFR 200.318-200.326. Awards shall be let to the most responsive and responsible party. Price shall be the primary consideration, but not the only determining factor, in making such an award. (Public Contract Code 20111)

Program Monitoring and Evaluation

The Superintendent or designee shall present to the Board, at least annually, financial reports regarding revenues and expenditures related to the food service program.

CSBA NOTE: The following paragraph is for use by districts that have one or more schools participating in the National School Lunch Program, School Breakfast Program, Seamless Summer Feeding Option, and/or other federal meal program. The state monitoring process (the Administrative Review) includes a review of district compliance with requirements for federal meal programs, including a review of resource management in the food service program as provided in the following paragraph. The CDE performs an Administrative Review of participating

districts every three years. See CDE's nutrition services web site for a current list of documents that may be requested for the review.

The Superintendent or designee shall provide all necessary documentation required for the Administrative Review conducted by CDE to ensure compliance of the district's food service program with federal requirements.

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

State References

5 CCR 15550-15565
Ed. Code 38080-38086
Ed. Code 38090-38095
Ed. Code 38100-38103
Ed. Code 42646
Ed. Code 45103.5
Ed. Code 49490-49493
Ed. Code 49500-49505
Ed. Code 49550-49564.5
Ed. Code 49554
Ed. Code 49580-49581
F&A Code 58595
H&S Code 113700-114437
Pub. Cont. Code 2000-2002
Pub. Cont. Code 20111

Description

School lunch and breakfast programs
School meals
Cafeterias, funds and accounts
Cafeterias, allocation of charges
Alternate payroll procedure
Contracts for management consulting services; restrictions
School breakfast and lunch programs
School meals
Meals for needy students
Contract for services
Food recovery program
Preference for California-grown agricultural products
California Retail Food Code; sanitation and safety requirements
Responsive bidders
Contracts over \$50,000; contracts for construction; award to lowest responsible bidder

Federal References

2 CFR 200
2 CFR 200.318-200.326
2 CFR 200.400-200.475
2 CFR 200.56
42 USC 1751-1769j
42 USC 1771-1793
42 USC 1773
7 CFR 210.1-210.31
7 CFR 210.1-210.33
7 CFR 220.1-220.21
7 CFR 220.1-220.22
7 CFR 245.8
7 CFR 250.1-250.70

Description

Appendix VII Indirect cost proposals
Procurement standards
Cost principles
Indirect costs, definition
School Lunch Program
Child nutrition
School Breakfast Program
National School Lunch Program
National School Lunch Program
National School Breakfast Program
National School Breakfast Program
Nondiscrimination practices for students eligible for free and reduced price meal and free milk
USDA foods

Management Resources References

CA Department of Education Publication

Description

California School Accounting Manual

California Department of Education Publication	Pricing of Adult Meals in the National School Lunch and School Breakfast Programs, NSD Management Bulletin, SNP-04-2021, August 2021
California Department of Education Publication	Procuring and Monitoring of Food Service Management Contracts, NSD Management Bulletin, SNP-13-2015, January 2015
California Department of Education Publication	Cafeteria Funds--Allowable Uses, NSD Management Bulletin, NSD-SNP-05-2020, February 2020
California Department of Education Publication	Food Distribution Program Administrative Manual
California Department of Education Publication	Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018
U.S. Department of Agriculture Publication	Indirect Costs: Guidance for State Agencies and School Food Authorities SP 60-2016, September 2016
U.S. Department of Agriculture Publication	Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP-38-2017, June 2017
U.S. Department of Agriculture Publication	Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP-46-2016, July 2016
U.S. Dept of Agriculture Publication	School Meals - FAQs
Website	U.S. Department of Agriculture, Food and Nutrition Service - https://simbli.eboardsolutions.com/SU/Wry6HD6BSTBkfn7BqplusR7BQ==
Website	California Department of Education, Nutrition Services Division - https://simbli.eboardsolutions.com/SU/Q5xpn2rTFL2uz0BslshlorGXQ==
Website	California School Nutrition Association - https://simbli.eboardsolutions.com/SU/KnWOpY7WknrOcdh5fJ85QQ==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/tuHL5JjVCCjJcBx3RI3Hfw==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/ZEoW4ZKHcT3nfqLxRTR1fw==
1113-E(1)	District And School Web Sites - https://simbli.eboardsolutions.com/SU/i5TLslsh83D1nplusoytHTIsM6ew==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/xf1Aslshslsh7GO4WA2Z2wFHc4ng==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/gcCBzskrVuucd9EFStBmQQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNJtUb1FQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw==
3110	Transfer Of Funds - https://simbli.eboardsolutions.com/SU/g7jG6Z2VGWY4vyMKAjslshXplusA==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO7I1TFHYg==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA==

3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xdZd3xUExA==
3300	Expenditures And Purchases - https://simbli.eboardsolutions.com/SU/mVe0QYRtN4WLxpjXZCEPuQ==
3311	Bids - https://simbli.eboardsolutions.com/SU/HcK7HUZFN9Aj9DplusJHCDH4Q==
3311	Bids - https://simbli.eboardsolutions.com/SU/ry0hLBz8DRvRct6kukvHHA==
3312	Contracts - https://simbli.eboardsolutions.com/SU/fXvC3hMz5b6WCsish8VCWplus8QQ==
3314.2	Revolving Funds - https://simbli.eboardsolutions.com/SU/JslshEYCCuajlw6avqMYfuJug==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVh50Pg==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/OcsifafQslshei8bwlwWEsitQ==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/IP5i9D5BpfgONQiuRXYkrQ==
3510	Green School Operations - https://simbli.eboardsolutions.com/SU/K0GKzAB8i2S6wgilLPEfUw==
3511	Energy And Water Management - https://simbli.eboardsolutions.com/SU/6U4LYM8ognqwmrbp8zWccQ==
3511	Energy And Water Management - https://simbli.eboardsolutions.com/SU/iAnvY3u49coMifpxvKeARg==
3512	Equipment - https://simbli.eboardsolutions.com/SU/eZslshZHMnYpluscHnfpO2vztUslshg==
3512-E PDF(1)	Equipment - https://simbli.eboardsolutions.com/SU/vT6eQv7UTk9liR0gVplusiBg==
3515.6	Criminal Background Checks For Contractors - https://simbli.eboardsolutions.com/SU/geomrY9Sslshaklhn9Zl2plusQbA==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/08qN2JplusCipasRtU7nhplus2qg==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/Qo9sz5aT68knWPk2vi8Djg==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/wzUihV3gK9PplusFxGH4lt0Ew==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/byXci7oy4EQvJziZSatkag==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/Y07PIl5plus2xHEiLURmRHYzQ==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/0Q5co4sXK4An7L2TouWocg==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/XA2ZvkzJLpluswEugplusbBS1IVw==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/nplusuymEvcWm0UIgsNn6laQ==
3555	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/XKe0wQEvO2cheo7acL3BFA==
3555-E PDF(1)	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/ukhuacwucDP1t5CkuDdS3w==

3580	District Records - https://simbli.eboardsolutions.com/SU/8fsDI9HykDCItBSvVLEIIA==
3580	District Records - https://simbli.eboardsolutions.com/SU/gX132ogfrNaLpqF5dbh66Q==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/sILMlsishxLI2YOPYoMMU2U7w==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8LA==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/RQiw5kZIComkqEEHCuYAIA==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/FAuFrJnlbcVy3kgsTslshNU6g==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/obiSk8rTa5gKJ7TuV2j8Xw==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/3BIIIBE9slshf2AInllsFw7ag==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/CvzKiInplusCH4n5fplusplusl8lJA==
5145.6	Parental Notifications - https://simbli.eboardsolutions.com/SU/SuvNxTilUJ0XfalLul15AA==
5145.6-E PDF(1)	Parental Notifications - https://simbli.eboardsolutions.com/SU/3aQzL6ew2Hslshlwsish02DEyMg==

Regulation 3551: Food Service Operations/Cafeteria Fund

Status: ADOPTED

Original Adopted Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

CSBA NOTE: With the establishment of the California Universal Meal Program pursuant to Education Code 49501.5, as added by AB 130 (Ch. 44, Statutes of 2021), all public schools in California must provide free of charge, a nutritionally adequate breakfast and lunch to any student who requests a meal, regardless of the student's free or reduced-price meal eligibility status. To receive state reimbursement for the two meals, districts must participate in both the National School Lunch Program and the School Breakfast Program and comply with the requirement to have a written and clearly communicated meal charge policy as mandated pursuant to U.S. Department of Agriculture's (USDA) Memorandum SP 46-2016. However, some requirements of the National School Lunch Program and/or School Breakfast Program are no longer applicable.

Payments for Meals

The Superintendent or designee shall maintain a system for accurately recording payments received and tracking meals provided to each student.

At the beginning of the school year, the Superintendent or designee shall communicate the district's meal payment policies through multiple methods, including, but not limited to:

1. Explaining the meal charge policy within registration materials provided to parents/guardians at the start of the school year
2. Including the policy in print versions of student handbooks, if provided to parents/guardians annually
3. Providing the policy whenever parents/guardians are notified regarding the application process for free and reduced-price meals, such as in the distribution of eligibility forms at the start of the school year
4. Posting the policy on the district's web site

Reimbursement Claims

CSBA NOTE: To streamline administration of state and federal meal programs, the California Department of Education (CDE) has developed an online Child Nutrition Information and Payment System which must be used to submit reimbursement claims and to submit and track the status of applications and USDA food requests.

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free and reduced-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to the California Department of Education (CDE) using the online Child Nutrition Information and Payment System.

Donation of Leftover Food

To minimize waste and reduce food insecurity, the district may provide sharing tables where students and staff may return appropriate unused cafeteria food items to be made available to students during the course of a regular school meal time. If food on the sharing tables is not taken by a student, the school cafeteria may donate the food to a food bank or any other nonprofit charitable organization. (Health and Safety Code 114079)

Food that may be donated includes prepackaged, nonpotentially hazardous food with the packaging still intact and in good condition, whole uncut produce that complies with Health and Safety Code 113992, unopened bags of sliced fruit, unopened containers of milk that are immediately stored in a cooling bin maintained at 41 degrees Fahrenheit or below, and perishable prepackaged food if it is placed in a proper temperature-controlled environment. The preparation, safety, and donation of food shall be consistent with Health and Safety Code 113980. (Health and Safety Code 114079)

Cafeteria Fund and Account

CSBA NOTE: Education Code 38093 authorizes the Governing Board to establish one or more cafeteria revolving accounts to be treated as revolving cash accounts of the cafeteria fund.

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. (Education Code 38090, 38093)

CSBA NOTE: Education Code 38101 permits a district, with approval from CDE, to utilize cafeteria funds to pay for the purchase of a mobile food facility. However, if the district uses federal reimbursements from any of the federal child nutrition programs for such purchase, the mobile food facility shall only be used to support the administration of those federal programs. Mobile food facilities used for any purposes other than to support the administration of federal child nutrition programs shall not be purchased with cafeteria funds.

The cafeteria fund shall be used only for those expenditures authorized by the Governing Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR Part 200 Appendix VII, and the California School Accounting Manual.

CSBA NOTE: The following paragraph is optional. By law, cafeteria funds may be used for the operation and improvement of school food services. For example, pursuant to Education Code 49550.5, districts may use cafeteria funds to supplement the cost of providing universal breakfast provided they submit the required certification to CDE.

The district may use cafeteria funds to supplement the provision of a nutritionally adequate breakfast and/or lunch to district students when permitted by law.

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the purpose of and basis for the expenditure. (Education Code 38101)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. 2 CFR Part 200 Appendix VII and USDA's guidance, "SP 60-2016, Indirect Costs: Guidance for State Agencies and School Food Authorities," provide information regarding allowable indirect costs that may be charged to the nonprofit school food service account. Indirect costs are those that are incurred for the benefit of multiple programs or objectives and typically support administrative overhead functions (e.g., accounting, payroll, purchasing, utilities, janitorial services). Each program or objective that benefits from the indirect cost bears a commensurate portion of the cost. Costs may be charged to the nonprofit food service account only if properly documented.

Indirect costs charged to the food service program shall be based on either the district's prior year indirect cost rate as approved by CDE or the statewide average approved indirect cost rate for the second prior fiscal year, whichever is less. (Education Code 38101)

CSBA NOTE: Pursuant to 7 CFR 210.14 and 220.7, net cash resources (i.e., all monies that have accrued to the nonprofit school food service at any given time, less cash payable) should not exceed three months' average expenditures. If there is a surplus, then according to USDA's guidance, "Indirect Costs: Guidance for State Agencies and School Food Authorities," the district must lower the price of paid lunches, improve food quality, or make other improvements to school meal operations. CDE's Nutrition Services Division Management Bulletin NSD-SNP-07-2013 provides that CDE may approve a district's net cash resources in an amount greater than three months' average expenditures if the district has a spending plan for the excess funds in place with the Nutrition Services Division.

Net cash resources in the nonprofit school food service shall not exceed three months' average expenditures. (7 CFR 210.14, 220.7)

U.S. Department of Agriculture Foods

CSBA NOTE: The following optional section is for use by districts that participate in the National School Lunch Program and receive foods from USDA pursuant to 42 USC 1755 and 7 CFR 250.1-250.70. CDE is responsible for ordering and distributing USDA foods for use in California schools.

The district shall provide facilities for the storage and control of foods received through the U.S. Department of Agriculture (USDA) that protect against theft, spoilage, damage, or other loss. Such storage facilities shall maintain donated foods in sanitary conditions, at the proper temperature and humidity, and with adequate air circulation. The district shall comply with all federal, state, or local requirements related to food safety and health and procedures for responding to a food recall, as applicable, and shall obtain all required health inspections. (7 CFR 250.14)

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

USDA donated foods shall be used in school lunches as far as practicable. USDA foods also may be used in other nonprofit food service activities, including, but not limited to, school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students, provided that any revenues from such activities accrue to the district's nonprofit food service account. (7 CFR

250.59)

Contracts with Outside Services

CSBA NOTE: The following optional section is for use by districts that contract for food service management services pursuant to Education Code 49554, 42 USC 1758, or 7 CFR 210.16 or consulting services pursuant to Education Code 45103.5, and should be modified to reflect the type(s) of contracts the district maintains; see the accompanying Board policy.

The term of any contract for food service management or consulting services shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5; 7 CFR 210.16)

Any contract for management of the food service operation shall be approved by CDE and comply with the conditions in Education Code 49554 and 7 CFR 210.16 as applicable. The district shall retain control of the quality, extent, and general nature of its food services. (Education Code 49554; 42 USC 1758; 7 CFR 210.16)

Any contract for consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits, or other terms and conditions of employment of classified food service staff or positions. All persons providing consulting services shall be subject to applicable employment conditions related to health and safety as listed in Education Code 45103.5. (Education Code 45103.5)

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

State References

State References	Description
5 CCR 15550-15565	School lunch and breakfast programs
Ed. Code 38080-38086	School meals
Ed. Code 38090-38095	Cafeterias, funds and accounts
Ed. Code 38100-38103	Cafeterias, allocation of charges
Ed. Code 42646	Alternate payroll procedure
Ed. Code 45103.5	Contracts for management consulting services; restrictions
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Ed. Code 49500-49505	School meals
Ed. Code 49550-49564.5	Meals for needy students
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Ed. Code 49580-49581	Food recovery program
F&A Code 58595	Preference for California-grown agricultural products
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Pub. Cont. Code 20111	Contracts over \$50,000; contracts for construction; award to lowest responsible bidder

Federal References

Federal References	Description
2 CFR 200	Appendix VII Indirect cost proposals
2 CFR 200.318-200.326	Procurement standards
2 CFR 200.400-200.475	Cost principles
2 CFR 200.56	Indirect costs, definition
42 USC 1751-1769j	School Lunch Program

42 USC 1771-1793	Child nutrition
42 USC 1773	School Breakfast Program
7 CFR 210.1-210.31	National School Lunch Program
7 CFR 210.1-210.33	National School Lunch Program
7 CFR 220.1-220.21	National School Breakfast Program
7 CFR 220.1-220.22	National School Breakfast Program
7 CFR 245.8	Nondiscrimination practices for students eligible for free and reduced price meal and free milk
7 CFR 250.1-250.70	USDA foods

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Website	California School Nutrition Association - https://simbli.eboardsolutions.com/SU/KnWOpY7WknrOcdh5fJ85QQ==

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1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/ZEoW4ZKHcT3nfqLxRTR1fw==
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1340	Access To District Records - https://simbli.eboardsolutions.com/SU/xf1Aslshslsh7GO4WA2Z2wFHc4ng==
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3100	Budget - https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNJtUb1FQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw==
3110	Transfer Of Funds - https://simbli.eboardsolutions.com/SU/g7jG6Z2VGWy4vyMKAjslshXplusA==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO7I1TFHYg==
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3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xdZd3xUExA==
3300	Expenditures And Purchases - https://simbli.eboardsolutions.com/SU/mVe0QYRtN4WLxpjXZCEPUQ==
3311	Bids - https://simbli.eboardsolutions.com/SU/HcK7HUZFN9Aj9DplusJHCDH4Q==
3311	Bids - https://simbli.eboardsolutions.com/SU/ry0hLBz8DRvRct6kukvHHA==
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3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0P==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/0csifafQslshei8bwlwWEsitQ==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/IP5i9D5BpfgONQjUrXYkrQ==
3510	Green School Operations - https://simbli.eboardsolutions.com/SU/K0GKzAB8i2S6wgilLPfUw==
3511	Energy And Water Management - https://simbli.eboardsolutions.com/SU/6U4LYM8ognqwmrbp8zWccQ==
3511	Energy And Water Management - https://simbli.eboardsolutions.com/SU/iAnvY3u49coMifpxvKeARg==
3512	Equipment - https://simbli.eboardsolutions.com/SU/ezslshZHMnYpluscHnfpO2vztUslshg==
3512-E PDF(1)	Equipment - https://simbli.eboardsolutions.com/SU/vT6eQv7UTk9lkiR0gVplusiBg==
3515.6	Criminal Background Checks For Contractors - https://simbli.eboardsolutions.com/SU/geomrY9Sslshaklhn9Zl2plusQbA==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/08qN2JplusCipasRtU7nhplus2qg==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/Qo9sz5aT68knWPk2vi8Djg==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/wzUihV3gK9PplusFxGH4lt0Ew==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/byXci7oy4EQvJziZSatkag==

3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/Y07PII5plus2xHEiLURmRHYzQ==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/0Q5co4sXK4An7L2TouWocg==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/XA2ZvkzJLpluswEugplusbBS1IVw==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/npluszuymEvcWm0UlgSnn6laQ==
3555	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/XKe0wQEwQ2cheo7acL3BFA==
3555-E PDF(1)	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/ukhuacwucDP1t5CkuDdS3w==
3580	District Records - https://simbli.eboardsolutions.com/SU/8fsDI9HykDCItBSvVLEIIA==
3580	District Records - https://simbli.eboardsolutions.com/SU/gX132ogfrNaLpqF5dbh66Q==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/sILMIsIshxLI2YQPYoMMU2U7w==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/lxExNaSMhpQ8wsNQbau8LA==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/RQiw5kZICOMkqEEHCuYAlA==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/FAuFrJnlbcVY3kgsTsIshNU6g==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/obiSk8rTaSgKJ7TuV2j8Xw==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/3BIIBFE9sIshf2AInllsFw7ag==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/CvzKIInplusCH4n5fplusjplusl8ljA==
5145.6	Parental Notifications - https://simbli.eboardsolutions.com/SU/SuvNxTtlUJOXfalLui15AA==
5145.6-E PDF(1)	Parental Notifications - https://simbli.eboardsolutions.com/SU/3aQzL6ew2HsIshlwsIsh02DTEyMg==

Policy 3553: Free And Reduced Price Meals

Status: ADOPTED

Original Adopted Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

CSBA NOTE: In addition to the requirement, pursuant to Education Code 49550, that all districts provide at least one nutritionally adequate meal during each school day to needy students, as defined in Education Code 49552, commencing June 1, 2022, all districts are required pursuant to Education Code 49501.5, as added by AB 130 (Ch. 44, Statutes of 2021), to provide a free, nutritionally adequate breakfast and lunch each school day, to any student who requests a meal, regardless of the student's free or reduced-price meal eligibility. To be eligible for state reimbursement for provision of meals under Education Code 49501.5, a district must participate in the National School Lunch and/or School Breakfast Programs. Consequently, the federal rules and regulations governing those programs are applicable to districts that may want to seek state reimbursement for the cost of meals required pursuant to Education Code 49501.5.

Pursuant to 42 USC 1758 and 1773, districts that participate in the National School Lunch and/or Breakfast Program (42 USC 1751-1769; 1773) may receive a higher reimbursement rate for free and reduced-price meals than that provided for meals for noneligible students. In addition, state funding may be available through the State Breakfast and Lunch Program (Education Code 49490-49494). The district may apply to the California Department of Education (CDE) for available state and federal funds.

The requirement to provide at least one nutritionally adequate meal to needy students applies during summer school sessions unless the district receives a waiver from the State Board of Education (SBE) under the conditions described in Education Code 49548. In order to receive a waiver, the district is required to submit a waiver request no later than 60 days before the last regular meeting of the SBE before the start of the summer school session for which the waiver is sought. Funding to support the provision of summer school meals is available through the Seamless Summer Feeding Option and/or Summer Food Service Program (Education Code 49547.5; 42 USC 1761); see BP/AR 3552 - Summer Meal Program.

Student eligibility for free and reduced-price meals serves as the basis for identifying students as low income for a variety of purposes, including, but not limited to, state allocations of supplemental and concentration funding within the local control funding formula. Districts must use such funding to increase or improve services for low-income students and other populations of "unduplicated students" (see BP/AR 3100 - Budget) and must establish goals and specific actions for low-income students in the local control and accountability plan (see BP/AR 0460 - Local Control and Accountability Plan).

The following policy is mandated for any district that authorizes employee access to students' free and reduced-price meal eligibility information for the disaggregation of academic achievement data and other specified purposes; see section "Confidentiality/Release of Records" below.

The Governing Board recognizes that adequate nutrition is essential to the development, health and well-being, and learning of all students. The Superintendent or designee shall facilitate and encourage the participation of all students in the district's food service program.

Each school day, the district shall provide, free of charge, a nutritionally adequate breakfast and lunch for any student who requests a meal. (Education Code 49501.5)

CSBA NOTE: Education Code 49564.3, as added by AB 130, requires districts with a "high poverty school," defined as a school that is eligible to operate the Community Eligibility Provision (CEP) pursuant to 42 USC 1759a, to adopt a universal meal service provision such as the CEP or Provision 2 no later than June 30, 2022.

To provide optimal nutrition and ensure that schools receive maximum federal meal reimbursement, the Superintendent or designee shall assess the eligibility of district schools to operate a federal universal meal service provision, such as Provision 2 or the Community Eligibility Provision, pursuant to 42 USC 1759a. The Superintendent or designee shall submit an application to operate a federal universal meal provision to the California Department of Education (CDE) on behalf of any district school that meets the definition of a "high poverty school." (Education Code 49564.3)

CSBA NOTE: In order to be reimbursed for the California Universal Meal Program established pursuant to Education Code 49501.5, as added by AB 130, or for free and reduced-price meals under the federal National School Lunch or School Breakfast Program, a school must meet state and/or federal nutritional guidelines in Education Code 49430 and 49430.7 and 7 CFR 210.10 and 220.8, as described in AR 3550 - Food Service/Child Nutrition Program.

The Superintendent or designee shall ensure that meals served under the school nutrition program meet applicable state and/or federal nutritional standards in accordance with law, Board policy, and administrative regulation.

CSBA NOTE: Education Code 49557 requires the district to develop a plan ensuring that students eligible to receive free and reduced-price meals are not treated differently in the implementation of the food services program. See the accompanying administrative regulation for plan requirements.

The Board shall approve, and shall submit to CDE for approval, a plan that ensures that students eligible to receive free or reduced-price meals are not treated differently from other students and that meets other requirements specified in Education Code 49557.

Confidentiality/Release of Records

All applications and records related to eligibility for the free and reduced-price meal program shall be confidential and may not be disclosed except as provided by law and authorized by the Board or pursuant to a court order. (Education Code 49558)

CSBA NOTE: The remainder of this section should be revised to reflect the purposes for sharing free and reduced-price eligibility information that are authorized by the Board. Districts wishing to use free and reduced-price meal records for the following purposes are mandated by Education Code 49558 to adopt a policy authorizing employee access. See the accompanying administrative regulation for additional requirements applicable to districts that authorize such access.

The Board authorizes designated employees to use records pertaining to an individual student's eligibility for the free and reduced-price meal program for the following purposes: (Education Code 49558)

1. Disaggregation of academic achievement data

CSBA NOTE: Education Code 49558 allows districts to use the name and eligibility status of students participating in the free and reduced-price meal program to identify students eligible for school choice and supplemental educational services (SES) in Title I schools identified for program improvement. However, the Every Student Succeeds Act (P.L. 114-95) repealed 20 USC 6316 which had required the provision of student transfers and SES.

Although Education Code 49558 has not yet been amended to reflect the repeal of 20 USC 6316, CSBA believes that the use of free and reduced-price eligibility data would be necessary to implement Title I, Part A of the Elementary and Secondary Education Act, which provides financial assistance to meet the needs of students from low-income families, as well as other federal programs. The district should consult legal counsel if it has questions about the use of free and reduced-price meal information for these or other purposes.

2. Identification of students eligible for services under the federal Elementary and Secondary Education Act pursuant to 20 USC 6301-6576

CSBA NOTE: In its Management Bulletin SNP-02-2018, CDE clarified that designated school officials authorized to administer the free and reduced-price meal program may share the name and eligibility status of a student with other school officials within the district for purposes not directly related to the free and reduced-price meal program, such as to facilitate the provision of educational services and support to students who participate in the free and reduced-price meal program on a targeted basis rather than on a schoolwide or districtwide basis, in accordance with the local control accountability plan.

3. Facilitation of targeted educational services and supports to individual students based on the local control accountability plan

CSBA NOTE: According to CDE's Management Bulletin SNP-12-2015, Education Code 49558 does not prohibit the sharing of free and reduced-price meal application information to other districts/schools for the purpose of determining student eligibility. For this purpose, the district may provide only a student's name and eligibility status unless the applicant consents to the sharing of additional information.

If a student transfers from the district to another district, charter school, county office of education program, or private school, the Superintendent or designee may share the student's meal eligibility information to the other educational agency to assist that other educational agency in ensuring that the student continues to receive school meals.

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to another school district, charter school, or county office of education that is serving a

student living in the same household for purposes related to program eligibility and data used in local control funding formula (LCFF) calculations. (Education Code 49558)

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to the Superintendent of Public Instruction for purposes of determining allocations under the LCFF and for assessing accountability of that funding. (Education Code 49558)

The Superintendent or designee may release information on the school lunch program application to the local agency that determines eligibility for participation in the Medi-Cal program if the student has been approved for free meals or, if included in the agreement with the local agency, for reduced-price meals. The Superintendent or designee also may release information on the school lunch application to the local agency that determines eligibility for CalFresh or another nutrition assistance program authorized under 7 CFR 210.1 if the student has been approved for free or reduced-price meals. Information may be released for these purposes only if the student's parent/guardian consents to the sharing of information and the district has entered into a memorandum of understanding with the local agency which, at a minimum, includes the roles and responsibilities of the district and local agency and the process for sharing the information. After sharing information with the local agency for purposes of determining eligibility for that program, no further information shall be shared unless otherwise authorized by law. (Education Code 49557.2, 49557.3, 49558)

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

State References

State References	Description
5 CCR 15510	Mandatory meals for needy students
5 CCR 15530-15535	Nutrition education
5 CCR 15550-15565	School lunch and breakfast programs
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49430-49434	Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49490-49494	School breakfast and lunch programs
Ed. Code 49500-49505	School meals
Ed. Code 49501.5	California Universal Meals Program
Ed. Code 49510-49520	Nutrition
Ed. Code 49530-49536	Child Nutrition Act
Ed. Code 49547-49548.3	Comprehensive nutrition services
Ed. Code 49550-49564.5	Meals for needy students
Ed. Code 49564.3	High-poverty schools; universal meal service

Federal References

Federal References	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
42 USC 1751-1769j	School Lunch Program
42 USC 1771-1791	Child nutrition
42 USC 1773	School Breakfast Program
7 CFR 210.1-210.31	National School Lunch Program
7 CFR 220.10-220.21	National School Breakfast Program
7 CFR 245.1-245.13	Eligibility for free and reduced-price meals and free milk

Management Resources References

Description

California Department of Education Publication	Clarification on the Sharing of Individual Student Eligibility Information for Local Control and Accountability Plan Purposes, Management Bulletin SNP-02-2018, May 2018
CSBA Publication	Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, 2012
CSBA Publication	Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012
U.S. Department of Agriculture Publication	Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002
U.S. Dept of Agriculture Publication	Eligibility Manual for School Meals: Determining and Verifying Eligibility, July 2017
Website	U.S. Department of Agriculture, Food and Nutrition Service - https://simbli.eboardsolutions.com/SU/Wry6HD6BSTBkfn7BqplusR7BQ==
Website	Nourish California - https://simbli.eboardsolutions.com/SU/5GeuVdU7HE4aLG3NFy4PTg==
Website	California Project LEAN (Leaders Encouraging Activity and Nutrition) - https://simbli.eboardsolutions.com/SU/lzuCbbhn3rBrfeZTSNnVCw==
Website	California Department of Education, Nutrition Services Division - https://simbli.eboardsolutions.com/SU/O5xpn2rTFL2uz0BsishlorGXQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

	Description
0200	Goals For The School District - https://simbli.eboardsolutions.com/SU/9j90oJApxGvQ9isl1lyD8g==
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBEBQ9dQ==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdIZDbzBBg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXaIlgcLPJYKR9w==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/UonRXG6LPiZi7EgyplusqAd8g==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/xf1Aslshslsh7GQ4WA2Z2wFHc4ng==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/gcCBzkrVuucd9EFStBmQQ==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/vJHizKCtUNwIjEfGnHx4CA==
3100	Budget - https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNjtUb1FQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw==
3250	Transportation Fees - https://simbli.eboardsolutions.com/SU/52vnhtEZtk37HQDb8atpZw==
3250	Transportation Fees - https://simbli.eboardsolutions.com/SU/83aLjBFLBoIAUBqRh8Lwmg==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xdZd3xUEXA==

3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/08qN2JplusCipasRtU7nhplus2qg==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/Qo9sz5aT68knWPK2vi8Djg==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/aWC2AHy6NLmMLvqBaeq7g==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/NsIKZ3UxVB4jy5glgHITWg==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/wzUihV3gK9PplusFxGH4lt0Ew==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/byXci7oy4EQvJziZSatkag==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/XA2ZykzJLpluswEugplusBBS1IVw==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/npluszuymEvcWm0UlgSnn6laQ==
3555	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/XKe0wQEVO2cheo7acL3BFA==
3555-E PDF(1)	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/ukhuacwucDP1t5CkuDdS3w==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCpNgtM48l3kplusPslshlOslshSw==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/DzT84jciN31dA5odXslshEoA==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/CvzKilnplusCH4n5fplusjplusl8ljA==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/be8UrO5tYpPBjYfPslshJOslshgg==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/YpwmrnK3MFpslshPeaNfGkpoQ==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/9slshJjOjwlIKjNef0pjUBtbg==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/KxDBTjskEdIUR2Gj3BFRPw==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/0vHj1CrosCLePopplusArHjplusg==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/2yjABQdVf4fFrislsho9qlzfg==
5145.6	Parental Notifications - https://simbli.eboardsolutions.com/SU/SuvNxTtiUJ0XfalLui15AA==
5145.6-E PDF(1)	Parental Notifications - https://simbli.eboardsolutions.com/SU/3aQzL6ew2Hslshlswlsh02DEyMg==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/gV15kvM64fYni0slshEytQg3A==

5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/IPi7b2rD5MZYxuLH9QnRA==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/ZCXkdpn0NOWtDDYWmyGMPw==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/6TCzxiJ5d2ShJyXCj1JXQ==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKH040A==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/oZbkKwYtcu0mkplusF9H7PNfQ==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/p4BMACj6yFUh6jSJgfA2gA==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/Dbh9ejHszdfmzm1699QEQQ==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/zsjkyhfKAplusFQR21mnjd3hw==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/yD4ZxTplusVHjDJcdnxYRslshQ3g==
6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/WcRVWxD20iReBezfn3aKzplusQ==
6173-E PDF(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/D7vRHxXZslshBORslshzL7t0wPg==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/hwZQyTeELA0r5Chn5ZTpg==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/r9gaWHVtSEiLuKk6s8KJNw==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/roLeyXGgp5I03jcdK5slshG1A==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/eE1675F33ZkvAHsw1f17g==
6176	Weekend/Saturday Classes - https://simbli.eboardsolutions.com/SU/gT9qUoycslshwAqFdyAraqF4w==
6177	Summer Learning Programs - https://simbli.eboardsolutions.com/SU/ezqaj3pDRTAplus4B05UJGzw==

Regulation 3553: Free And Reduced Price Meals

Status: ADOPTED

Original Adopted Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

CSBA NOTE: In addition to the requirement pursuant to Education Code 49550, that all districts provide at least one nutritionally adequate meal during each school day to needy students, as defined in Education Code 49552, commencing June 1, 2022, all districts are required pursuant to Education Code 49501.5, as added by AB 130 (Ch. 44, Statutes of 2021), to provide a free, nutritionally adequate breakfast and lunch each school day to any student who requests a meal, regardless of the student's free or reduced-price meal eligibility. To be eligible for state reimbursement for provision of meals under Education Code 49501.5, a district must participate in the National School Lunch and/or School Breakfast Programs. Consequently, the federal rules and regulations governing those programs are applicable to districts that may want to seek state reimbursement for the cost of meals required pursuant to Education Code 49501.5.

The following administrative regulation is for use by all districts, regardless of whether they receive reimbursement for free and reduced-price meals through the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773) and/or the State Meal Program (Education Code 49490-49494).

Applications

CSBA NOTE: The California Department of Education's (CDE), "Universal Meals Program Questions and Answers," clarifies that districts participating in the National School Lunch and/or Breakfast Program must continue to collect meal applications, as meal counts for reimbursement purposes need to be claimed in accordance with the amount of free, reduced-price, and paid meals served.

The Superintendent or designee shall ensure that the district's application form for free and reduced-price meals and related materials include the statements specified in Education Code 49557 and 7 CFR 245.5. The district's application packet shall include the notifications and information listed in Education Code 49557.2.

The application form and related information shall be distributed in paper form to all parents/guardians at the beginning of each school year and shall be available to students at all times during the school day. (Education Code 48980, 49520; 42 USC 1758; 7 CFR 245.5)

CSBA NOTE: The following paragraph is optional. In addition to the paper application form described above, Education Code 49557 authorizes districts to make the application for free or reduced-price meals available online, provided that it complies with specified requirements.

In addition, the district application form for free and reduced price meals shall be available online. The online application form shall require completion of only those questions necessary for determining eligibility, contain clear instructions for families that are homeless or migrant, and comply with other requirements specified in Education Code 49557.

CSBA NOTE: According to the U.S. Department of Agriculture's (USDA), "Eligibility Manual for School Meals: Determining and Verifying Eligibility," households enrolling a new student after the start of the school year must also be provided an application and related materials.

An application form and related information shall also be provided whenever a new student is enrolled.

At the beginning of each school year, the Superintendent or designee shall send a public release, containing the same information supplied to parents/guardians and including eligibility criteria, to local media, the local unemployment office, and any major employers in the district attendance area contemplating large layoffs. Copies of the public release shall be made available upon request to any interested person. (7 CFR 245.5)

Eligibility

CSBA NOTE: Districts are responsible for determining students' eligibility for free and reduced-price meals in accordance with criteria established by CDE consistent with 42 USC 1758 and 1773 and 7 CFR 245.3. Family income levels that qualify for free or reduced-price meals, by household size, are annually posted on CDE's web site.

Pursuant to 42 USC 1769c, a district that has demonstrated a high level of, or a high risk for, administrative error may be required to implement a second-level, independent review of the eligibility determination for each application. Such districts also will be subject to additional CDE reporting requirements.

The Superintendent or designee shall determine students' eligibility for the free and reduced-price meal program based on the criteria specified in 42 USC 1758 and 1773 and 7 CFR 245.1-245.13 and made available by the

CSBA NOTE: In accordance with law, participants in certain state and federal programs are deemed to have met the income eligibility requirements of the free and reduced-price meal program and therefore may be directly certified as eligible without further action or additional application. For purpose of direct certification, districts may obtain data through the California Longitudinal Pupil Achievement Data System (CALPADS) or may enter into a local agreement with the county department of social or welfare services to match enrollment data.

Pursuant to 42 USC 1758 and 7 CFR 245.6, districts must directly certify for enrollment in the free and reduced-price meal program students who participate in the CalFresh program or California Work Opportunity and Responsibility to Kids (CalWORKs) program. 42 USC 1758 and 7 CFR 245.6 also authorize, but do not require, districts to directly certify any student who is homeless, migratory, a foster youth, or enrolled in a Head Start program. Education Code 49562, also requires districts to use participation data in the Medi-Cal program to directly certify students as eligible for free and reduced-price meals, beginning with participation data from the 2017-18 school year as provided by CDE.

Further information about direct certification and eligibility is available in the USDA's "Eligibility Guidance for School Meals Manual."

Pursuant to 42 USC 1759a, certain districts located in high poverty areas may be eligible to participate in alternative processes for annual determinations of student eligibility for free and reduced-price meals (Provisions 1, 2, 3, and 4). Districts participating in these alternative processes should revise the following section to reflect district practice.

Participants in the CalFresh, California Work Opportunity and Responsibility to Kids (CalWORKs), and Medi-Cal programs shall be directly certified for enrollment in the free and reduced-price meal program without further application. Participants in other state or federal programs may be directly certified when authorized by law. (Education Code 49561, 49562; 42 USC 1758; 7 CFR 245.6)

Verification of Eligibility

Not later than November 15 of each year, the Superintendent or designee shall verify the eligibility of a sample of household applications approved for the school year in accordance with the sample sizes and procedures specified in 42 USC 1758 and 7 CFR 245.6a. (42 USC 1758; 7 CFR 245.6a)

If the review indicates that the initial eligibility determination is correct, the Superintendent or designee shall verify the approved household application. If the review indicates that the initial eligibility determination is incorrect, the Superintendent or designee shall: (42 USC 1758; 7 CFR 245.6a)

1. If the eligibility status changes from reduced price to free, make the increased benefits immediately available and notify the household of the change in benefits
2. If the eligibility status changes from free to reduced price, first verify the application, then notify the household of the correct eligibility status, and, when required by law, send a notice of adverse action as described below
3. If the eligibility status changes from free or reduced price to paid, send the household a notice of adverse action as described below

If as a result of verification activities, the eligibility of a household that is receiving free or reduced-price benefits cannot be confirmed, or if the household fails to cooperate with verification efforts, the Superintendent or designee shall reduce or terminate benefits, as applicable, and shall properly document and retain on file in the district the reasons for the household's ineligibility. At least 10 days prior to the actual reduction or termination, the Superintendent or designee shall send a notice of adverse action to the household. The notice shall advise the household of: (7 CFR 245.6a)

1. The change and the reasons for the change
2. The right to appeal, when the appeal must be filed to ensure continued benefits while awaiting a hearing and decision, and instructions on how to appeal
3. The right to reapply at any time during the school year

Confidentiality/Release of Records

CSBA NOTE: The following section is for use by districts that have adopted a policy, pursuant to Education Code 49558, allowing designated district employees to use individual student records compiled in the administration of the free and reduced-price meal program for the purpose of disaggregation of academic achievement data and/or the provision of services under the federal Elementary and Secondary Education Act pursuant to 20 USC 6301-6576. See the accompanying Board policy. The district should consult legal counsel if it has questions about the use of free and reduced-price meal information for these or other purposes.

It is recommended that the district designate by name or job title the employee(s) authorized to use records for these purposes. Districts should identify the specific title(s) of the designated employee(s) in the space provided below, such as Title I Coordinator.

The Superintendent designates the following district employee(s) to disclose a student's name and eligibility status from individual meal records only for the purpose of disaggregation of academic achievement data and/or the provision of services under the federal Elementary and Secondary Education Act pursuant to 20 USC 6301-6576.

School Secretary
(title or position)

In permitting the disclosure of student records for such purposes, the Superintendent or designee shall ensure that: (Education Code 49558)

1. No individual indicators of participation in the free and reduced-price meal program are maintained in the permanent records of any student if not otherwise allowed by law.
2. Information regarding individual student participation in the free and reduced-price meal program is not publicly released.
3. All other confidentiality provisions required by law are met.
4. Information collected regarding individual students certified to participate in the free and reduced-price meal program is destroyed when no longer needed for its intended purpose.

Nondiscrimination Plan

CSBA NOTE: Pursuant to Education Code 49557, even with the establishment of the universal meal program, the legal obligation under federal law to ensure that students who are eligible for free and reduced-price meals are not treated differently remains applicable to districts.

In implementing the district's food service programs for students who are eligible to receive free or reduced-price meals, the district shall ensure the following: (Education Code 49557; 42 USC 1758)

1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.
2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.
3. The students shall not be required to work for their meals.
4. The students shall not be required to use a separate dining area, go through a separate serving line or entrance, or consume their meals at a different time.

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

State References

5 CCR 15510

5 CCR 15530-15535

Description

Mandatory meals for needy students

Nutrition education

5 CCR 15550-15565

Ed. Code 48980

Ed. Code 49430-49434

Ed. Code 49490-49494

Ed. Code 49500-49505

Ed. Code 49501.5

Ed. Code 49510-49520

Ed. Code 49530-49536

Ed. Code 49547-49548.3

Ed. Code 49550-49564.5

Ed. Code 49564.3

Federal References

20 USC 1232g

20 USC 6301-6576

42 USC 1751-1769j

42 USC 1771-1791

42 USC 1773

7 CFR 210.1-210.31

7 CFR 220.10-220.21

7 CFR 245.1-245.13

Management Resources References

California Department of Education Publication

CSBA Publication

CSBA Publication

U.S. Department of Agriculture Publication

U.S. Dept of Agriculture Publication

Website

Website

Website

Website

Website

Cross References

School lunch and breakfast programs

Parent/Guardian notifications

Pupil Nutrition, Health, and Achievement Act of 2001

School breakfast and lunch programs

School meals

California Universal Meals Program

Nutrition

Child Nutrition Act

Comprehensive nutrition services

Meals for needy students

High-poverty schools; universal meal service

Description

Family Educational Rights and Privacy Act (FERPA) of 1974

Title I Improving the Academic Achievement of the Disadvantaged

School Lunch Program

Child nutrition

School Breakfast Program

National School Lunch Program

National School Breakfast Program

Eligibility for free and reduced-price meals and free milk

Description

Clarification on the Sharing of Individual Student Eligibility Information for Local Control and Accountability Plan Purposes, Management Bulletin SNP-02-2018, May 2018

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, 2012

Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012

Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002

Eligibility Manual for School Meals: Determining and Verifying Eligibility, July 2017

U.S. Department of Agriculture, Food and Nutrition Service - <https://simbli.eboardsolutions.com/SU/Wry6HD6BSTBkfn7BqplusR7BQ==>

Nourish California - <https://simbli.eboardsolutions.com/SU/5GeuVdU7HE4aLG3NFy4PTg==>

California Project LEAN (Leaders Encouraging Activity and Nutrition) - <https://simbli.eboardsolutions.com/SU/lzuCbbhn3rBrfeZTSNnVCw==>

California Department of Education, Nutrition Services Division - <https://simbli.eboardsolutions.com/SU/O5xpn2rTFL2uz0BslshlorGXQ==>

CSBA - <https://simbli.eboardsolutions.com/SU/W3Qxkk2FPsDsQBnMIENxCg==>

Description

0200 Goals For The School District -
<https://simbli.eboardsolutions.com/SU/9j90oJApXGvO9isl1lyD8g==>

0410 Nondiscrimination In District Programs And Activities -
<https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==>

0460 Local Control And Accountability Plan -
<https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdI7DbzBBg==>

0460 Local Control And Accountability Plan -
<https://simbli.eboardsolutions.com/SU/N8bGSx8fXaILgcLPJYKR9w==>

0470 COVID-19 Mitigation Plan -
<https://simbli.eboardsolutions.com/SU/UonRXG6LPiZi7EgvplusqAd8g==>

1340 Access To District Records -
<https://simbli.eboardsolutions.com/SU/xf1Aslshslsh7GO4WA2Z2wFHC4ng==>

1340 Access To District Records -
<https://simbli.eboardsolutions.com/SU/gcCBzkrVuucd9EFStBmQQ==>

1400 Relations Between Other Governmental Agencies And The Schools -
<https://simbli.eboardsolutions.com/SU/vJHizKCtUNwljEfGnHx4CA==>

3100 Budget -
<https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNjUtb1FQ==>

3100 Budget -
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3250 Transportation Fees -
<https://simbli.eboardsolutions.com/SU/52vnhtEZtk37HQDb8atpZw==>

3250 Transportation Fees -
<https://simbli.eboardsolutions.com/SU/83aLJBFLBoIAUBqRh8Lwmng==>

3260 Fees And Charges -
<https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA==>

3260 Fees And Charges -
<https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xdZd3xUExA==>

3550 Food Service/Child Nutrition Program -
<https://simbli.eboardsolutions.com/SU/08qN2JplusCipasRtU7nhplus2qg==>

3550 Food Service/Child Nutrition Program -
<https://simbli.eboardsolutions.com/SU/Qo9sz5aT68knWPK2vi8Djg==>

3551 Food Service Operations/Cafeteria Fund -
<https://simbli.eboardsolutions.com/SU/aWC2AHy6NLmMLvqBaeq7g==>

3551 Food Service Operations/Cafeteria Fund -
<https://simbli.eboardsolutions.com/SU/NslKZ3UxVB4jy5glgHITWg==>

3552 Summer Meal Program -
<https://simbli.eboardsolutions.com/SU/wzUihV3gK9PplusFvGH4It0Ew==>

3552 Summer Meal Program -
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3554 Other Food Sales -
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3554 Other Food Sales -
<https://simbli.eboardsolutions.com/SU/npluszuymEvcWm0UigsNn6laQ==>

3555 Nutrition Program Compliance -
<https://simbli.eboardsolutions.com/SU/XKe0wQEvO2cheo7acL3BFA==>

3555-E PDF(1) Nutrition Program Compliance -
<https://simbli.eboardsolutions.com/SU/ukhuacwucDP1t5CkuDdS3w==>

4119.23 Unauthorized Release Of Confidential/Privileged Information -
<https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==>

4219.23 Unauthorized Release Of Confidential/Privileged Information -
<https://simbli.eboardsolutions.com/SU/DzT84jciN31dA5odXslshEoA==>

4319.23 Unauthorized Release Of Confidential/Privileged Information -
<https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==>

5030 Student Wellness -
<https://simbli.eboardsolutions.com/SU/CvzKiInplusCH4n5fplusplusl8ljA==>

5117 Interdistrict Attendance -
<https://simbli.eboardsolutions.com/SU/be8UrO5tYpPBjYfPslshJOSlshgg==>

5117 Interdistrict Attendance -
<https://simbli.eboardsolutions.com/SU/YpwmrnK3MFpslshPeaNfGkpoQ==>

5125 Student Records -
<https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==>

5125 Student Records -
<https://simbli.eboardsolutions.com/SU/9slshJjOjwllKjNefOpjUBtbgt==>

5141.6 School Health Services -
<https://simbli.eboardsolutions.com/SU/KxDBTjskEdlUR2Gj3BFRPw==>

5141.6 School Health Services -
<https://simbli.eboardsolutions.com/SU/OvHj1CrosCLePopplusArHjplusg==>

5145.3 Nondiscrimination/Harassment -
<https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==>

5145.3 Nondiscrimination/Harassment -
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5145.6 Parental Notifications -
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5145.6-E PDF(1) Parental Notifications -
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5148 Child Care And Development -
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5148.2 Before/After School Programs -
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6162.51 State Academic Achievement Tests -
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6171 Title I Programs -
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<https://simbli.eboardsolutions.com/SU/Dbh9ejHszdfmzm1699QEQQ==>

6173 Education For Homeless Children -
<https://simbli.eboardsolutions.com/SU/zsjkyhfKAplusFQR21mnjd3hw==>

6173 Education For Homeless Children -
<https://simbli.eboardsolutions.com/SU/vD4ZxTplusVHJDJcdnxYRslshO3g==>

6173-E PDF(1) Education For Homeless Children -
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6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/roLeyXGgp5l03jcIK5slshG1A==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/eEj167SF33ZkvAHsw1fi7g==
6176	Weekend/Saturday Classes - https://simbli.eboardsolutions.com/SU/gT9qUqyyslshwAqFdyRaQF4w==
6177	Summer Learning Programs - https://simbli.eboardsolutions.com/SU/ezqaj3pDRTAplus4B05UJGzw==

Regulation 4112.2: Certification

Status: ADOPTED

Original Adopted Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

Verification of Credentials

CSBA NOTE: The following optional section may be revised to reflect district practice. Pursuant to Education Code 44330, 44332.5, and 44857, each person employed in a position requiring certification qualifications must register a valid credential not later than 60 days after beginning employment in the district or not later than 60 days after renewing a credential. Pursuant to Education Code 44332.5, a district with over 10,000 average daily attendance (ADA) may provide for the registration of its own certificated employees' credentials. If it does not do so, or if the district has 10,000 ADA or less, certificated employees' credentials must be registered with the county office of education (COE). The following section may be revised to reflect district practice.

The Commission on Teacher Credentialing (CTC) does not provide credentials in a paper format. Pursuant to 5 CCR 80001, the official record of a credential includes any credential in a paper or electronic format, including, but not limited to, information obtained from CTC's web site. For all other certificated staff, the district must obtain verification of its employees' certification through CTC's online service and may print the displayed information.

The Superintendent or designee shall verify that each employee in a position requiring certification qualifications possesses a valid certification document issued by the Commission on Teacher Credentialing (CTC). Such verification shall occur not later than 60 days after the commencement of employment or the renewal of a credential. (Education Code 44857)

CSBA NOTE: Pursuant to Education Code 44332, 44332.5, and 44332.6, an individual may be employed while CTC is processing the application if the individual holds a temporary certificate issued by a district with over 10,000 ADA or the COE, indicating that the individual has passed the state assessment of teachers' basic skills and completed a criminal record check. Education Code 44332, 44332.5, and 44332.6 require the district or COE, prior to issuing a temporary certificate, to obtain a certificate of clearance (fingerprint clearance) from CTC to satisfy the criminal record check requirement.

The Superintendent or designee shall verify that any person who is employed by the district while CTC is processing the application for certification possesses a temporary certificate based on a demonstration of basic skills and completion of a criminal background check. (Education Code 44332, 44332.5, 44332.6)

The Superintendent or designee shall maintain records of the appropriate certification of all employees serving in certificated positions.

Basic Skills Proficiency

CSBA NOTE: Education Code 44830 provides that a district cannot employ an individual in a position requiring certification unless that person has met the basic skills proficiency requirement or is exempted from the requirement by law. Such exemptions are specified in Education Code 44252 and 44830. Unless exempted, persons who have been granted a credential by CTC have met the basic skills proficiency requirement as a condition of obtaining the credential.

The district shall not initially hire a person in a position requiring certification, on a permanent, temporary, or substitute basis, unless that person has demonstrated basic skills proficiency in reading, writing, and mathematics or is specifically exempted from the requirement by law. (Education Code 44252, 44252.6, 44830)

CSBA NOTE: According to CTC leaflet CL-667, "Basic Skills Requirement", the basic skills proficiency requirement may be met as reflected in Items #1-8, below.

A person may demonstrate basic skills proficiency in reading, writing, and mathematics by:

1. Passage of the California Basic Educational Skills Test (CBEST) (Education Code 44252.5)
2. Passage of the California Subject Examinations for Teachers plus Writing Skills Examination
3. Passage of the California State University (CSU) Early Assessment Program or the CSU Placement Examinations (Education Code 44252)
4. Achieving a qualifying score on the Scholastic Aptitude Test or the American College Test (Education Code 44252)

5. Achieving a qualifying score on College Board Advanced Placement Examinations
6. Passage of a basic skills examination from another state

CSBA NOTE: Pursuant to Education Code 44252, as amended by AB 130 (Ch. 44, Statutes of 2021), a person is exempt from the basic skills proficiency test requirement by earning at least a letter grade of B in qualifying coursework determined by a credential preparation program, or determined by CTC for an applicant not enrolled in a California credential preparation program. "Qualifying coursework" means a course or courses taken at a regionally accredited institution of higher education for academic credit that applies toward the requirements for an associate's degree, baccalaureate degree, or higher degree. Qualifying coursework does not include professional development or continuing education units, inservice training or workshops, or courses where credits do not apply toward the requirements for an associate's degree, baccalaureate degree, or higher degree. Pursuant to Education Code 44203, as amended by AB 320 (Ch. 663, Statutes of 2021), the definition of a "regionally accredited institution" includes an institution of higher education that held preaccreditation status at the time the degree of an applicant for a credential was conferred if the institution achieved full accreditation status within five years of earning preaccreditation status in addition to an institution of higher education that has already been designated as regionally accredited. CTC is proposing emergency regulations to implement the statutory changes to subject matter competence requirements enacted by AB 130; see CTC Coded Correspondence 21-06 for more information on the proposed regulations.

7. Qualifying coursework (Education Code 44252)

CSBA NOTE: Pursuant to Education Code 44252, as amended by AB 130 and AB 167 (Ch. 252, Statutes of 2021), a person is exempt from the basic skills proficiency test requirement if a credential preparation program or CTC determines that an applicant has demonstrated proficiency through a combination of coursework, as described in Item #7, above, passage of a component or components of the basic skills proficiency test, and scores described in Items #3 and 4, above.

8. Qualifying coursework and exams (Education Code 44252)

The district may hire a certificated employee who has not taken a test of basic skills proficiency if the employee has not yet been afforded the opportunity to take the test, provided that the employee takes the test at the earliest opportunity. The employee may remain employed by the district pending the receipt of the test results. (Education Code 44830)

An out-of-state prepared teacher shall meet the basic skills requirement within one year of being issued a California preliminary credential by CTC unless the teacher has completed a basic skills proficiency test in another state, passed a basic skills proficiency test developed and administered by the district, by cooperating districts or by the county office of education (COE), or is otherwise exempted by law. The district shall develop a basic skills proficiency test, which shall be at least equivalent to the district test required for high school graduation, for purposes of assessing out-of-state prepared teachers pending completion of the basic skills requirement. (Education Code 44252, 44274.2; 5 CCR 80071.4, 80413.3)

CSBA NOTE: Pursuant to Education Code 44252 and 44830, persons holding or applying for a "designated subjects special subjects" credential must be assessed with a district basic skills proficiency test, unless their credential requires possession of a bachelor's degree in which case they are required to meet the state basic skills proficiency requirement. When such persons are employed by a consortium of districts or a joint powers agreement, the test may instead be established by the boards of those entities.

Any person holding or applying for a "designated subjects special subjects" credential which does not require possession of a bachelor's degree shall pass a district proficiency test in lieu of meeting the state basic skills proficiency requirement. (Education Code 44252, 44830)

The district may charge a fee to cover the costs of developing, administering, and grading the district proficiency test. (Education Code 44252, 44830)

Short-Term Staff Permit

CSBA NOTE: 5 CCR 80021 establishes the short-term staff permit (STSP) to immediately fill teacher vacancies based on unforeseen circumstances. Pursuant to 5 CCR 80021, CTC will issue the STSP to an individual only once and for no more than one year. The STSP will expire no later than July 1, unless the STSP is for a summer school

assignment in which case the STSP will expire no later than September 1.

The district may request that CTC issue a short-term staff permit (STSP) to a qualified applicant whenever there is a need to immediately fill a classroom based on unforeseen circumstances, including, but not limited to: (5 CCR 80021)

1. Enrollment adjustments requiring the addition of another teacher
2. Inability of the teacher of record to finish the school year due to approved leave or illness
3. The applicant's need for additional time to complete preservice requirements for enrollment into an approved internship program
4. Inability of the applicant to enroll in an approved internship program due to timelines or lack of space in the program
5. Unavailability of a third-year extension of an internship program or the applicant's withdrawal from an internship program

The Superintendent or designee shall ensure that the applicant possesses a bachelor's or higher degree from a regionally accredited college or university, has met the basic skills proficiency requirement unless exempted by state law or regulations, and has satisfied the coursework/experience requirements specified in 5 CCR 80021 for the multiple subject, single subject, or education specialist STSP as appropriate. (5 CCR 80021)

When requesting issuance of an STSP, the Superintendent or designee shall submit to CTC: (5 CCR 80021)

1. Verification that the district has conducted a local recruitment for the permit being requested
2. Verification that the district has provided the permit holder with orientation to the curriculum and to instruction and classroom management techniques and has assigned a mentor teacher for the term of the permit
3. Written justification for the permit signed by the Superintendent or designee

CSBA NOTE: 5 CCR 80021 provides that a holder of the STSP is authorized to provide the same service as a holder of the preliminary or clear credential of the same type (i.e., multiple subject, single subject, education specialist). 5 CCR 80021 provides that all STSPs will also include an English learner authorization allowing the holder to provide services in English language development (ELD) or specially designed academic instruction in English (SDAIE); see AR 4112.22 - Staff Teaching English Learners. Upon request by the district and verification of the applicant's target-language proficiency, the STSP may instead include a bilingual authorization allowing the holder to provide instruction for primary language development or content instruction delivered in the primary language, in addition to ELD and SDAIE.

The holder of an STSP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021)

Provisional Internship Permit

CSBA NOTE: 5 CCR 80021.1 establishes the provisional internship permit (PIP) to staff classrooms when appropriately credentialed teachers cannot be found after a diligent search. 5 CCR 80021.1 provides that the PIP will be issued for one calendar year and may not be renewed.

Before requesting that CTC issue a provisional internship permit (PIP), the district shall conduct a diligent search for a suitable credentialed teacher or intern, including, but not limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media. (5 CCR 80021.1)

Whenever a suitable credentialed teacher cannot be found after a diligent search, the Superintendent or designee may request that CTC issue a PIP to an applicant who possesses a bachelor's or higher degree from a regionally accredited college or university, has met the basic skills proficiency requirement unless exempted by state law or regulations, and has satisfied the coursework/experience requirements specified in 5 CCR 80021.1 for the multiple subject, single subject, or education specialist PIP as appropriate. (5 CCR 80021.1)

When submitting the request for a PIP, the district shall provide verification of all of the following: (5 CCR 80021.1, 80026.5)

1. A diligent search has been conducted for a suitable credentialed teacher or suitable qualified intern as evidenced by documentation of the search.
2. Orientation, guidance, and assistance shall be provided to the permit holder as specified in 5 CCR 80026.5.

The orientation shall include, but not be limited to, an overview of the curriculum the permit holder is expected to teach and effective instruction and classroom management techniques at the permit holder's assigned level. The permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or COE and who has completed at least three years of full-time classroom teaching experience.

3. The district shall assist the permit holder in developing a personalized plan through a district-selected assessment that would lead to subject-matter competence related to the permit.
4. The district shall assist the permit holder to seek and enroll in subject-matter training, such as workshops or seminars and site-based courses, along with training in test-taking strategies, and shall assist the permit holder in meeting the credential subject-matter competence requirement related to the permit.
5. A notice of intent to employ the applicant in the identified position has been made public.

The district shall submit a copy of the agenda item presented at an open Governing Board meeting which shall state the name of the applicant, the assignment in which the applicant will be employed including the name of the school, subject(s), and grade(s) that the applicant will be teaching, and that the applicant will be employed on the basis of a PIP. The district also shall submit a signed statement from the Superintendent or designee that the agenda item was acted upon favorably.

6. The candidate has been apprised of steps to earn a credential and enroll in an intern program.

CSBA NOTE: 5 CCR 80021.1 provides that a holder of the PIP is authorized to provide the same service as a holder of the preliminary or clear credential of the same type (i.e., multiple subject, single subject, education specialist). In addition, 5 CCR 80021.1 provides that all PIPs will include an English learner authorization allowing the holder to provide services in ELD or SDAIE; see AR 4112.22 - Staff Teaching English Learners. Upon request by the district and verification of the applicant's target-language proficiency, the PIP may instead include a bilingual authorization allowing the holder to provide instruction for primary language development or content instruction delivered in the primary language, in addition to ELD and SDAIE.

The holder of a PIP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021.1)

Teaching Permit for Statutory Leave

CSBA NOTE: 5 CCR 80022 establishes the Teaching Permit for Statutory Leave (TPSL), which authorizes the holder to serve as the interim teacher of record when a teacher takes a statutory leave. The applicable statutory leaves are specified in 5 CCR 80022 and, as clarified by CTC Coded Correspondence 16-10, exclude administrative leave. The TPSL is valid for one calendar year from the first day of the month immediately following the date of issuance, but may be renewed on an annual basis provided that the holder completes additional requirements as specified and the district verifies that it will provide continued mentoring and support.

Qualifications required for the TPSL include possession of a bachelor's or higher degree, completion of the basic skills requirement unless exempted by state law or regulations, completion of a subject-matter requirement, and 45 hours of preservice preparation in the content areas listed in 5 CCR 80022. The design and delivery of the preservice preparation are at the discretion of the district and, as described in CTC Coded Correspondence 16-10, may include existing training and development programs, new preparation courses or modules, and/or partnerships with the COE, neighboring districts, colleges and universities, or private companies. CTC does not accredit or oversee any TPSL preparation. The following paragraph may be revised to reflect district practice.

Whenever there is an anticipated need for the district to temporarily fill the teaching assignment of a teacher of record who will be on sick leave, differential sick leave, industrial accident or illness leave, pregnancy disability leave, or family care and medical leave under the federal Family and Medical Leave Act or California Family Rights Act, the Superintendent or designee may request that CTC issue a Teaching Permit for Statutory Leave (TPSL) to a qualified individual who will be serving as the interim teacher of record. Prior to submitting an application to CTC, the district shall provide the applicant with 45 hours of preparation in the content areas listed in 5 CCR 80022. (5 CCR 80022)

A request for the TPSL shall only be submitted if the district has made reasonable efforts to hire a substitute with a full teaching credential that matches the setting and/or subject for the statutory leave position and no such candidate is available. (5 CCR 80022)

The district shall verify to CTC that it will provide the interim teacher: (5 CCR 80022)

1. An orientation to the assignment before or during the first month of service in the statutory leave assignment
2. An average of two hours of mentoring, support, and/or coaching per week through a system of support coordinated and/or provided by a mentor who possesses a valid life or clear credential that would also authorize service in the statutory leave assignment
3. Lesson plans for the first four weeks of the assignment as well as continued assistance in the development of curriculum, lesson planning, and individualized education programs

CSBA NOTE: The TPSL authorizes the interim teacher of record to serve for the full length of the statutory leave. CTC Coded Correspondence 16-10 clarifies that, when more than one acceptable leave is taken consecutively, the holder of the TPSL may continue to serve as the interim teacher of record for the entire length of those leaves.

The holder of the TPSL may serve as the interim teacher of record for up to the full length of the leave(s) during the school year. (5 CCR 80022)

The Superintendent or designee shall maintain documentation on the assignment in accordance with 5 CCR 80022 and annually report data on the use of the TPSL to the County Superintendent of Schools for assignment monitoring pursuant to Education Code 44258.9. (5 CCR 80022)

The Superintendent or designee may annually request renewal of the TPSL, provided that no substitute with a full teaching credential is available for the assignment. The application for each reissuance shall include verification that the interim teacher has completed an additional 45 hours of preparation and the district is continuing to provide mentoring in accordance with items #2-3 above. (5 CCR 80022)

Long-Term Emergency Permits

CSBA NOTE: Pursuant to Education Code 44225.7, the district may request that CTC grant an applicant a one-year emergency permit (Education Code 44300; 5 CCR 80023-80026.6) when a "fully prepared teacher," defined as a teacher who has completed a teacher preparation program, is unavailable to the district. Emergency permits may only be issued for the resource specialist permit (5 CCR 80024.3.1), teacher librarian services permit (5 CCR 80024.6), crosscultural, language and academic development permit (CLAD) (5 CCR 80024.8), and bilingual authorization permit (5 CCR 80024.7).

Pursuant to 5 CCR 80023.1, an emergency permit may be renewed for up to two additional one-year periods (for a maximum of three years of service).

In order to request an emergency permit, the district must first demonstrate that it has made reasonable efforts to recruit candidates who are enrolled in an intern program or are scheduled to complete preliminary credential requirements within six months and must submit a Declaration of Need for Fully Qualified Educators; see the accompanying Board policy.

As necessary, the Superintendent or designee may request that CTC issue an emergency resource specialist permit, emergency teacher librarian services permit, emergency crosscultural language and academic development permit (CLAD), or emergency bilingual authorization permit. (5 CCR 80024.3.1, 80024.6, 80024.7, 80024.8)

The Superintendent or designee shall provide any first-time recipient of an emergency teaching permit with an orientation which, to the extent reasonably feasible, shall occur before beginning a teaching assignment. The Superintendent or designee may vary the nature, content, and duration of the orientation to match the amount of training and experience previously completed by the emergency permit teacher. The orientation shall include, but not be limited to, the curriculum the teacher is expected to teach and effective techniques of classroom instruction and classroom management at the assigned grade-level span. The emergency permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or COE and who has completed at least three years of full-time classroom teaching experience. (5 CCR 80026.5)

Substitute Teaching Permits

The district may employ a person whose credential or permit authorizes substitute teaching services, provided that:

1. A person holding an emergency 30-day substitute teaching permit, STSP, PIP, TPSL, or any valid teaching or services credential that requires at least a bachelor's degree and completion of the CBEST, shall not serve as a substitute for more than 30 days for any one teacher during the school year or as a substitute in a special education classroom for more than 20 days for any one teacher during the school year. (5 CCR 80025, 80025.3, 80025.4)
2. A person with an emergency career substitute teaching permit shall not serve as a substitute for more than 60 days for any one teacher during the school year. (5 CCR 80025.1)
3. A person with an emergency substitute teaching permit for prospective teachers shall not serve as a substitute for more than 30 days for any one teacher during the school year and not more than 90 days total during the school year. (5 CCR 80025.2)
4. A person with an emergency designated subjects 30-day substitute teaching permit for career technical education shall teach only in a program of technical, trade, or vocational education and shall not serve as a substitute for more than 30 days for any one teacher during the school year. (5 CCR 80025.5)

CSBA NOTE: 5 CCR 80025 and 80025.5 require the district to have a Statement of Need on file before employing a person with an emergency substitute permit pursuant to item #1 or 4 above. The CTC form for the Statement of Need may be found in CTC's online, "Credential Information Guide," which may be accessed only by employers.

Before employing a person with an emergency substitute permit pursuant to item #1 or 4 above, the Superintendent or designee shall prepare and keep on file a signed Statement of Need for the school year. The Statement of Need shall describe the situation or circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed person does not meet the district's specified employment criteria. (5 CCR 80025, 80025.5)

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

State References

5 CCR 80001-80674.6
Ed. Code 32340-32341
Ed. Code 35186
Ed. Code 44066
Ed. Code 44200-44418
Ed. Code 44250-44277
Ed. Code 44300-44302
Ed. Code 44325-44328
Ed. Code 44330-44355
Ed. Code 44420-44440
Ed. Code 44450-44468
Ed. Code 44830-44929
Ed. Code 56060-56063
Ed. Code 8295-8305

Description

Commission on Teacher Credentialing
Unlawful issuance of a credential
Complaints regarding teacher vacancy or misassignment
Limitations on certification requirements
Teacher credentialing
Credentials and assignment of teachers
Emergency permit
District interns
Certificates and credentials
Revocation and suspension of credentials
University internship program
Employment of certificated persons; requirement of proficiency in basic skills
Substitute teachers in special education
Child development program personnel qualifications

Federal References

20 USC 6312

Description

Title I local educational agency plans; notifications regarding teacher qualifications

34 CFR 200.61

Parent notification regarding teacher qualifications

Management Resources References

Commission on Teacher Credentialing
Publication

Commission on Teacher Credentialing
Publication

Commission on Teacher Credentialing
Publication

Commission on Teacher Credentialing
Publication

Commission on Teacher Credentialing
Publication

Commission on Teacher Credentialing
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Publication

Commission on Teacher Credentialing
Publication

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Publication

Commission on Teacher Credentialing
Publication

Court Decision

Nat'l Board for Prof. Teaching Stds. Publication

Nat'l Board for Prof. Teaching Stds. Publication

Website

Website

Website

Website

Website

Website

Website

Description

Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to Subject Matter Competence, Coded Correspondence 21-06, September 20, 2021

Assembly Bill 320: Regional Accreditation for Coursework and Degrees Used for Certification Purposes, Credential Information Alert 22-02, March 1, 2022

Waiver Requests Guidebook, 2015

Credential Information Guide

Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013

Approved Addition and Amendments to Title 5 of the California Code of Regulations Pertaining to Teaching Permit for Statutory Leave (TPSL), Coded Correspondence 16-10, Aug 23, 2016

California Standards for the Teaching Profession (CSTP), 2009

CL-667 Basic Skills Requirement

CL-856 Provisional Internship Permit

CL-858 Short-Term Staff Permit

Subject Matter Authorization Guideline Book, December 2019

Supplementary Authorization Guideline Book, December 2019

The Administrator's Assignment Manual, 2021

Association of Mexican-American Educators et al. v. State of California and the Commission on Teacher Credentialing, (1993) 836 F.Supp. 1534

Using Federal Funds for National Board Activities: An Action-Planning Guide

Considerations for Using Federal Funds to Support National Board Certification

California Department of Education, CA NBPTS Certification Incentive Program 2021-26 -
<https://simbli.eboardsolutions.com/SU/uKmxE8VYIFbmXZaxGIRRVQ==>

National Board Resource Center -
<https://simbli.eboardsolutions.com/SU/g0vplusStn5Vnpluym4J8jU2DSw==>

National Board for Professional Teaching Standards -
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Commission on Teacher Credentialing -
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Commission on Teacher Credentialing, Credential Information Guide (for employers' use only) -
<https://simbli.eboardsolutions.com/SU/B9uurcEnh6RjWX7bEk1slshew==>

CSBA -
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Cross References**Description**

0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdl7DbzBBg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXalLgcLPJYKR9w==
1312.4	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/K4sLEmfPDpDFCTIDy3T6A==
1312.4-E(1)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/jNRJER1z7850tslshkvfYJ15Q==
1312.4-E(2)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/cqrHyplusslshVG7skrok5E8EbRw==
3580	District Records - https://simbli.eboardsolutions.com/SU/8fsDI9HykDCItBSvVLEIA==
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4111	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/6LxImFQPrUDOLAOZQgkINQ==
4112	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/MPR97KriNiwH94qpqg6SRw==
4112.21	Interns - https://simbli.eboardsolutions.com/SU/vEi1KKQ0DAwU3QQWMybsMg==
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4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/XxVcsvXe14TKDtGnWVyslshaAA==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/UxsEts3DeYslshRZpXyPvEL7w==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshc7i5jiVl8pLyA79vr9rhw==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BhXFYknfTlZslshK6TX1rcPNw==
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4114	Transfers - https://simbli.eboardsolutions.com/SU/mFpPJXC1QmDMIC74QI4ETg==
4117.14	Postretirement Employment - https://simbli.eboardsolutions.com/SU/xvIGEjl5lgZpfUxnfhwzJQ==
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4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/RUg2Aozy5plusrWMBTJVdlsyg==
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4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==
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4131.1	Teacher Support And Guidance - https://simbli.eboardsolutions.com/SU/o63bybiWnOwM5kCYo8bBLg==
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4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/HD5z3OhqJS1829uMir9NEw==
4161.3	Professional Leaves - https://simbli.eboardsolutions.com/SU/zWPmj61a8hznXqi20AMUCA==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/R0ajur05YOLDobGfDwFO7A==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/1n85hkOTllxsQq8EGSzpLA==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/zlCQLKslshYYocj135d8hWslshpQ==
4212.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/sDVasU4nkvGVxDODtvXKqg==
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4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshri5oA==

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6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/rwiNrLDQwuDqO6bbGPQasIshA==
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6183	Home And Hospital Instruction - https://simbli.eboardsolutions.com/SU/splusGW8slshHtohMvCGn2HgfrFA==
6200	Adult Education - https://simbli.eboardsolutions.com/SU/DZM1Ty9otkplusv0slshplusEqTiy9A==
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Regulation 4161.8: Family Care And Medical Leave

Status: ADOPTED

Original Adopted Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

CSBA NOTE: The following optional administrative regulation addresses mandatory subjects of bargaining. The laws referenced in this regulation provide minimum amounts of leave which the district must grant its employees if more generous benefits are not provided as part of its collective bargaining agreement. Any covered subject that is already addressed in the district's collective bargaining agreements should be deleted from this administrative regulation.

Both federal and state law provide for family care and medical leave (29 USC 2601-2654, the Family and Medical Leave Act of 1993 (FMLA), and Government Code 12945.1-12945.2, the California Family Rights Act (CFRA)). However, these laws do not always provide identical rights or operate in the same manner. For example, pregnancy as a "serious health condition" is covered under FMLA but not under CFRA. Instead, under state law, an employee who is disabled due to pregnancy, childbirth, or a related medical condition is entitled to pregnancy disability leave (PDL) pursuant to Government Code 12945. Where there is a difference between state and federal law, the law that grants the greatest benefits generally controls. In those situations, legal counsel should be consulted as needed. The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Eligible employee, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

CSBA NOTE: Government Code 12945.2, as amended by AB 1033 (Ch. 327, Statutes of 2021), includes a parent-in-law in the definition of "parent" for purposes of CFRA leave.

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, or sibling. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
 - a. A period of incapacity of more than three consecutive full days
 - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
 - c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
 - d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
 - e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility/Purposes of Leave

CSBA NOTE: Government Code 12945.2 and 29 USC 2611-2612 require a district to grant family care and medical leave to an eligible employee for any of the reasons stated below. These requirements apply to all public agencies regardless of the number of employees.

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. The care of an eligible family member with a serious health condition
3. The employee's own serious health condition that makes the employee unable to perform the job functions of the position

CSBA NOTE: Pursuant to 29 CFR 825.126, FMLA military family leave is available to any eligible employee for a qualifying exigency while the employee's spouse, child, or parent who is a military member is on covered active duty during deployment to a foreign country. Government Code 12945.2 provides exigency leave under CFRA for an employee whose registered domestic partner is on active duty. For requirements related to qualifying exigency leave, see the section "Military Family Leave Resulting from Qualifying Exigencies" below.

4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)

CSBA NOTE: Pursuant to 29 CFR 825.127, military caregiver leave is available to any eligible employee who

is a family member of a covered servicemember with a serious injury or illness. For requirements related to military caregiver leave, see the section on "Military Caregiver Leave" below.

5. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin of the covered servicemember

CSBA NOTE: Under federal law, pregnancy as a "serious health condition" is covered as part of FMLA leave. However, disability due to pregnancy is explicitly excluded from coverage under CFRA (2 CCR 11093). Instead, pursuant to Government Code 12926 and 12945, any California employee who is "disabled because of pregnancy, childbirth, or related medical conditions" is entitled to unpaid PDL of up to four months if the employer has five or more employees. Therefore, such an employee is entitled to up to four months of PDL and an additional 12 weeks of CFRA leave following the birth of the child.

Additionally, pursuant to 2 CCR 11037, PDL is not subject to eligibility requirements for other FMLA and CFRA leaves, such as minimum hours worked or length of service.

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

CSBA NOTE: Pursuant to Government Code 12945.2, leaves common to CFRA and FMLA run concurrently so that total leave to which an employee is entitled would not be more than 12 work weeks.

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

CSBA NOTE: To determine the 12-month period in which the leave entitlement occurs, the district may use any of the methods identified in 29 CFR 825.200 and specified in options #1-4 below. However, a district may choose not to use any of these options and may instead choose some other fixed 12-month period. Whichever option is selected, it must be applied uniformly to all employees. If the district fails to select a method for calculating the 12-month period, the method that provides the most beneficial outcome for the employee will be used. Pursuant to 2 CCR 11090, if the district decides to change the calculation method, it must provide at least 60 days' notice to all employees.

***OPTION 1:** The 12-month period shall coincide with the calendar year. (29 CFR 825.200)

OPTION 2: The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

OPTION 3: The 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

OPTION 4: The 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. (29 CFR 825.200)

CSBA NOTE: 2 CCR 11042 clarifies that the four months of PDL to which an employee is entitled means the number of days or hours that the employee would normally work within the four calendar months. For employees who work 40 hours per week, PDL leave is defined as 17-1/3 weeks, 122 days, or 693 hours.

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

CSBA NOTE: While leaves common to CFRA and FMLA run concurrently, PDL is separate and distinct from CFRA leave. Consequently, pursuant to 2 CCR 11046, an employee who is "disabled by pregnancy" may be entitled to up to four months of PDL, followed by 12 work weeks of CFRA leave for the birth of the child (baby bonding). Determining which leaves run concurrently is a complex endeavor and districts should consult legal counsel as needed.

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

CSBA NOTE: Although 29 USC 2612 allows the district to limit the aggregate number of work weeks of leave to which two parents may be entitled when both parents work for the district, such leave is covered under both FMLA and CFRA and state law prevails since it provides greater rights to employees.

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

Use/Substitution of Paid Leave

CSBA NOTE: The district may require employees (Option 1) or employees may elect (Option 2) to use paid leave during an otherwise unpaid portion of CFRA or FMLA leave or PDL. Pursuant to 2 CCR 11044 and 11092, the district may only require an employee to use sick leave if the leave is for the employee's own serious health condition or for PDL, unless mutually agreed to by the district and the employee.

***OPTION 1:** During any otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945, 12945.2; 2 CCR 11044, 11092; 29 USC 2612)

OPTION 2: During any otherwise unpaid period of PDL or any FMLA or CFRA leave, the employee may elect to use accrued vacation leave, or any other paid time off negotiated with the district that the employee is eligible to use. If the leave is for the employee's own serious health condition or PDL, the employee may also elect to use accrued sick leave during the period of leave. (Government Code 12945, 12945.2; 2 CCR 11044; 11092; 29 USC 2612)

CSBA NOTE: The following paragraph is for use with either option above.

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

CSBA NOTE: Pursuant to 2 CCR 11090, the minimum duration of CFRA parental leave for the birth, adoption, or foster care placement of a child is generally two weeks. However, the district must grant a request for CFRA leave of less than two weeks duration on any two occasions and may grant additional requests.

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.

CSBA NOTE: Pursuant to 2 CCR 11041, the district must accommodate the transfer request of a pregnant employee to the same extent that it accommodates transfer requests for other temporarily disabled employees.

2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.

3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, an employee is required to notify the district of the need to take PDL or family care and medical leave. The employee must provide at least verbal notice sufficient to make the district aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave. However, the employee does not need to assert rights under CFRA or FMLA or even mention CFRA or FMLA to meet the notice requirement, but must state the reason the leave is needed. If there is a question about whether leave is FMLA/CFRA qualifying or if the district is considering denying CFRA leave based on an employee's refusal to provide further information, legal counsel should be consulted.

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11091 require the district to provide an employee with notice of the designation of leave as either qualifying for CFRA or FMLA protection. See section entitled "Notifications" below for further requirements of this "designation notice" as well as other required notifications.

Pursuant to 2 CCR 11091, an employee has the obligation to respond to questions designed to determine whether an absence is potentially CFRA qualifying. If the district is unable to determine whether requested leave is CFRA qualifying because of an employee's refusal to respond to its inquiries, the employee may be denied CFRA protection.

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

CSBA NOTE: Pursuant to 2 CCR 11091, the district may require an employee to provide at least 30 days advance notice of the need for family care and medical leave, if the need is foreseeable. If the district requires such advance notice from employees, then the district's notification of FMLA/CFRA rights must so specify; see section below entitled "Notifications."

Pursuant to 2 CCR 11050, an employee requesting PDL is required to provide the district at least 30 days advance notice if the need for PDL is foreseeable.

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

Certification of Health Condition

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for family care and medical leave for an employee's own serious health condition or to care for the employee's eligible family member with a serious health condition. In order to help avoid claims of discrimination, the district should generally treat all such employees uniformly; thus, districts using this section should request a medical certification from all such employees.

Districts requiring written medical certification from employees may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11097.

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition

CSBA NOTE: Item #3 below addresses an eligible employee's request for leave to care for an eligible family member. In such a case, 2 CCR 11087 provides that the health care provider's certification need not identify the serious health condition involved. The U.S. Department of Labor (DOL) provides a form, "Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act," that districts may use for this purpose to avoid unauthorized disclosure of the serious health condition.

3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both of the following:
 - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the eligible family member during a period of the treatment or supervision
 - b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member
4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

CSBA NOTE: Government Code 12940 and other provisions of the California Genetic Information Nondiscrimination Act of 2011 prohibit an employer from making a non-job related inquiry into an employee's genetic information. A district which believes that an employee's leave may require obtaining this information should consult with legal counsel.

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for leave along with the request for PDL. Districts requiring written medical certification from employees who request reasonable accommodation, transfer, or disability leave because of pregnancy may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11050.

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

Release to Return to Work

CSBA NOTE: The following optional section is for use by districts that choose to require a return-to-work certification and may be modified to list the specific positions for which certification is required. Pursuant to 2 CCR 11091, the district may require an employee to submit a return-to-work certification from the employee's health provider, stating that the employee is able to return to work. However, this requirement may only be made if the district has a uniformly applied practice of requiring such releases when employees return to work after illness, injury, or disability, any fitness-for-duty examination is job related and consistent with business necessity, and the practice is not forbidden by its collective bargaining agreement. 2 CCR 11050 has similar requirements when an employee is returning to work after PDL.

Pursuant to 29 CFR 825.312, when the health care provider certifies that the employee is able to resume work, the district may also require the health care provider to address the employee's ability to perform the essential functions of the job. If such a requirement is imposed, then the district must provide the employee with a list of the employee's essential job functions with the "designation notice"; see section entitled "Notifications" below.

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

Rights to Reinstatement

CSBA NOTE: Pursuant to Government Code 12945.2, 2 CCR 11043 and 11089, and 29 USC 2614, an employee on PDL or family care and medical leave has the right to be reinstated to the same or a comparable position upon return from such leave. However, such an employee has no greater right to reinstatement or other benefits than the employee would have if employment had been continuous.

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

CSBA NOTE: Pursuant to 2 CCR 11044 and 11092, the time that the district maintains and pays for group health coverage during PDL shall not be used to meet its obligation to pay for 12 weeks of group health coverage during leave taken under CFRA, even where the district designates the PDL as FMLA or CFRA leave. The entitlements to employer-paid group health coverage during PDL and during CFRA are two separate and distinct entitlements.

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose.

However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

CSBA NOTE: The following optional section reflects 29 USC 2611 and 2612 which authorize an eligible employee to take up to 12 work weeks of unpaid FMLA leave to attend to an "exigency" arising out of the fact that the employee's spouse, child, or parent is on active duty or on call to active duty status in the National Guard or Reserves, or is a member of the regular Armed Forces on deployment to a foreign country. Pursuant to Government Code 12945.2, an employee may take unpaid leave under CFRA to attend to an exigency involving the employee's registered domestic partner.

Pursuant to 29 CFR 825.200, an employee is entitled to 12 work weeks of qualifying exigency leave during each 12-month period established by the district; see section entitled "Terms of Leave" above. According to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee may take all 12 weeks of FMLA leave entitlement as a qualifying exigency leave or take a combination of the 12 weeks of leave for both qualifying exigency leave and other FMLA leave, such as leave for a serious health condition.

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Covered active duty means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign county includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

CSBA NOTE: Pursuant to 29 CFR 825.126, a "qualifying exigency" may include "other events" agreed to by the district and the employee. As an example of such other event, DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," and the California Department of Human Resources', "Questions and Answers - Military Family Leave - FMLA," list leave to spend time with the military member either prior to or post deployment or to attend to household emergencies that would normally have been handled by the military member.

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

CSBA NOTE: The district may require the employee to provide certification of the qualifying exigency containing the information specified in 29 CFR 825.309. A form has been developed by DOL for this purpose and is available on its web site.

The following paragraph is optional and should be deleted by those districts that do not require such documentation. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request certification from all employees requesting such leave.

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to use paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in the section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regards to FMLA/CFRA leave is also applicable to qualified exigency leave.

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

CSBA NOTE: 29 USC 2612 and 29 CFR 825.127 authorize an eligible employee to take up to 26 work weeks of unpaid military caregiver leave, as defined below, during a single 12-month period. According to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," if an employee does not use the entire 26-week entitlement in a single 12-month period, unused weeks cannot be carried over into another 12-month period. However, the employee may qualify for nonmilitary FMLA leave.

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

CSBA NOTE: 29 USC 2611 defines "serious injury or illness" for active members of the Armed Forces and for veterans, as provided below. Pursuant to 29 CFR 825.127, a veteran's injury or illness will qualify as a "serious injury or illness" for the purpose of this leave, only if one of the four conditions listed in Item #2 below is present.

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
 - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating
 - b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition
 - c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran

- d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

CSBA NOTE: As is the case for other types of FMLA/CFRA leave, 29 CFR 825.302 requires the employee, when the need for the leave is foreseeable, to provide 30 days advance notice to the district before the leave is to begin.

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

CSBA NOTE: 29 CFR 825.310 authorizes the district to require employees to provide certification of the need for the leave, which is to be completed by an authorized health care provider of the covered servicemember.

The following paragraph is optional. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request a medical certification from all employees requesting such leave.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

CSBA NOTE: Pursuant to 29 CFR 825.127, an employee may take up to a total of 26 work weeks of leave for both regular FMLA and military caregiver leave during the 12-month leave entitlement period. However, the employee may not take more than 12 weeks for regular FMLA leave. For example, according to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of military caregiver leave but could not take 16 weeks to care for a newborn and 10 weeks of military caregiver leave. If the leave qualifies as both military caregiver leave and leave to care for a family member with a serious health condition, 29 CFR 825.127 specifies that the district must first designate the leave as military caregiver leave.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to substitute paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regard to FMLA/CFRA leave is also applicable to military caregiver leave.

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11095 require employers to provide general notification to employees of their rights under the FMLA/CFRA as well as specific notifications when an employee has requested leave, as detailed below. 2 CCR 11049 contains similar notice requirements for PDL purposes. Samples of notices which describe an employee's rights are available on the web sites of the California Department of Fair Employment and Housing and the DOL.

Pursuant to 2 CCR 11095, the district must translate the notice into every language that is spoken by at least 10 percent of the district's employees at any facility.

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, a district may require an employee, when the need for the leave is foreseeable, to provide at least 30 days advance notice before the leave is to begin; see the section entitled "Request for Leave" above. 2 CCR 11049 and 11091 specify that districts requiring such

notice from employees must give them "reasonable advance notice" of their obligation and that incorporation of the requirement into the general notice satisfies the "advance notice" requirement.

The following optional paragraph is for use by districts that require employees to provide advance notice.

2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)
3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)
 - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

CSBA NOTE: Item #4b below is for use by districts that require medical certification to the effect that the employee is able to resume work. See the section entitled "Release to Return to Work" above.

- b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
- c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave
- d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis
- e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
- f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

CSBA NOTE: 29 CFR 825.300 requires the designation notice to specify whether the district requires paid leave to be used during an otherwise unpaid family care and medical leave, whether the district requires an employee to present release to return to work certification, and whether that certification must address the employee's ability to perform the essential functions of the job. See the sections entitled "Use/Substitution

of Paid Leave" and "Release to Return to Work" above. The following paragraph should be revised to reflect district practice.

6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

CSBA NOTE: Government Code 12946, 29 USC 2616, and 29 CFR 825.500 require districts to maintain records of, among other things, applications, dates, and personnel and employment action related to family care and medical leave. Pursuant to 42 USC 2000ff-1, any individually identifiable genetic information possessed by the district must be treated as a confidential medical record of the employee involved.

The Superintendent or designee shall maintain records pertaining to an individual employee's use of FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

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

State References

2 CCR 11035-11051

2 CCR 11087-11098

Ed. Code 44965

Fam. Code 297-297.5

Fam. Code 300

Gov. Code 12926

Gov. Code 12940

Gov. Code 12945

Gov. Code 12945.1-12945.2

Gov. Code 12945.6

Gov. Code 12946

Description

Unlawful sex discrimination: pregnancy, childbirth and related medical conditions -
<https://simbli.eboardsolutions.com/SU/GplusYNhBplus6hlimVMYAUhwJw==>

California Family Rights Act -
<https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==>

Granting of leaves of absence for pregnancy and childbirth

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

Definition of marriage

Definitions

Unlawful discriminatory employment practices

Unlawful discrimination based on pregnancy, childbirth, or related medical conditions

California Family Rights Act

Parental leave

Fair employment and Housing Act: discrimination prohibited

Federal References

1 USC 7

29 CFR 825.100-825.702

29 USC 2601-2654

42 USC 2000ff-2000ff-11

Description

Definition of marriage and spouse -
<https://simbli.eboardsolutions.com/SU/zna14bZkEoCQ5ILKxeKqGw==>

Family and Medical Leave Act of 1993

Family Care and Medical Leave Act

Genetic Information Nondiscrimination Act of 2008

Management Resources References

Court Decision

Court Decision

Description

Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864

Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045

Court Decision	United States v. Windsor, (2013) 699 F.3d 169
U.S. Department of Labor Publication	Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers
Website	U.S. Department of Labor, FMLA - https://simbli.eboardsolutions.com/SU/gTctHyc7Ra9nNTUgNmxAhw==
Website	California Department of Fair Employment and Housing - https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyI8K40jw==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/UonRXG6LPiZi7EgvplusqAd8g==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/tuHL5JjVCCjJcBx3RI3Hfw==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/ZEoW4ZKHcT3nfqLxRTR1fw==
1113-E(1)	District And School Web Sites - https://simbli.eboardsolutions.com/SU/i5TLslsh83D1nplusoyHTIsM6ew==
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/z8saAb1i9vjlsishyJNjIXOrA==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXislshi6mLw==
4033	Lactation Accommodation - https://simbli.eboardsolutions.com/SU/mBwCbA6CkbzZwslshCYfb2JvQ==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjOFaFlw==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/sILMslshxLI2YOPYoMMU2U7w==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/slshnzMWdvaZpZNPZplusoEf8ILQ==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/plusx1slshGxTJQKJXLOKtYP8gplusg==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvfw==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfiraIKsHpQQ==
4113.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/slshxjrQ1xiXTplus25crk5NJUg==
4117.3	Personnel Reduction - https://simbli.eboardsolutions.com/SU/42Hj6RreDPO0Nvlww41j4g==
4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/wSbplusNslshzmwtp8Du1J7fxoGg==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==

4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==
4161	Leaves - https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtUJUX7vSg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/Kzco4u58yiplus7nknYGxazpw==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/BTEFJvZiOBplus6SWmBBKtR6w==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/wpNf7hlkepJRy32hChSplus3g==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/RQiw5kZIComkqEEHCuVAlA==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/QgjTxWzNHPacaieY2R44UQ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KOLkg==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtpjM0w==
4213.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/EJKpCtBBQ0plusCkHrwgQkplus8w==
4217.3	Layoff/Rehire - https://simbli.eboardsolutions.com/SU/sq9gotNKC5av6ieplusWoePKA==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGsvT8tew==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4MRmrnj4J0iqDWVDL3OkrzA==
4259	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/FRGxOc7Yplus8ZsrZ44lplusJCUQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRlm84fA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxzig==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/plusoUkP9So5AliHJbMKt2vPQ==
4261.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/XaDfarslshi31XF2lnR8Mq0Q==
4261.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/qCplusa1C9mz1xTAweVcBsishpQg==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/obiSk8rTaSgKJ7TuV2j8Xw==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/CgnDx1BIZbUtFWHVgyEOgA==

4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/GVplusn4gQA3IKplus4knVTnQOUw==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSQNdYu7jm2Q==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVoPUpuUergz7w==
4313.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/h5utOK43t9JhsHtXAGV7Gg==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/6BM2yTUYAw6ZFplusFDpsplusINA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMEbAX0vQ==
4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/TKcq760n9RZaplnRYWW1VUQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCPlyUeeeBo4hULBQ==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrl5oA==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/TDKNlItBccHR4plusREe5iQrA==
4361.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/cX8w9EvJ4JHXiwxyWYyQ4qA==
4361.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/la3YVHiplusFMTKplus4EgUYZ3ow==

Regulation 4261.8: Family Care And Medical Leave

Status: ADOPTED

Original Adopted Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

CSBA NOTE: The following optional administrative regulation addresses mandatory subjects of bargaining. The laws referenced in this regulation provide minimum amounts of leave which the district must grant its employees if more generous benefits are not provided as part of its collective bargaining agreement. Any covered subject that is already addressed in the district's collective bargaining agreements should be deleted from this administrative regulation.

Both federal and state law provide for family care and medical leave (29 USC 2601-2654, the Family and Medical Leave Act of 1993 (FMLA), and Government Code 12945.1-12945.2, the California Family Rights Act (CFRA)). However, these laws do not always provide identical rights or operate in the same manner. For example, pregnancy as a "serious health condition" is covered under FMLA but not under CFRA. Instead, under state law, an employee who is disabled due to pregnancy, childbirth, or a related medical condition is entitled to pregnancy disability leave (PDL) pursuant to Government Code 12945. Where there is a difference between state and federal law, the law that grants the greatest benefits generally controls. In those situations, legal counsel should be consulted as needed.

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Eligible employee, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

CSBA NOTE: Government Code 12945.2, as amended by AB 1033 (Ch. 327, Statutes of 2021), includes a parent-in-law in the definition of "parent" for purposes of CFRA leave.

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, or sibling. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
 - a. A period of incapacity of more than three consecutive full days
 - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
 - c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
 - d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
 - e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility/Purposes of Leave

CSBA NOTE: Government Code 12945.2 and 29 USC 2611-2612 require a district to grant family care and medical leave to an eligible employee for any of the reasons stated below. These requirements apply to all public agencies regardless of the number of employees.

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. The care of an eligible family member with a serious health condition
3. The employee's own serious health condition that makes the employee unable to perform the job functions of the position

CSBA NOTE: Pursuant to 29 CFR 825.126, FMLA military family leave is available to any eligible employee for a qualifying exigency while the employee's spouse, child, or parent who is a military member is on covered active duty during deployment to a foreign country. Government Code 12945.2 provides exigency leave under CFRA for an employee whose registered domestic partner is on active duty. For requirements related to qualifying exigency leave, see the section "Military Family Leave Resulting from Qualifying Exigencies" below.

4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)

CSBA NOTE: Pursuant to 29 CFR 825.127, military caregiver leave is available to any eligible employee who

is a family member of a covered servicemember with a serious injury or illness. For requirements related to military caregiver leave, see the section on "Military Caregiver Leave" below.

5. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin of the covered servicemember

CSBA NOTE: Under federal law, pregnancy as a "serious health condition" is covered as part of FMLA leave. However, disability due to pregnancy is explicitly excluded from coverage under CFRA (2 CCR 11093). Instead, pursuant to Government Code 12926 and 12945, any California employee who is "disabled because of pregnancy, childbirth, or related medical conditions" is entitled to unpaid PDL of up to four months if the employer has five or more employees. Therefore, such an employee is entitled to up to four months of PDL and an additional 12 weeks of CFRA leave following the birth of the child.

Additionally, pursuant to 2 CCR 11037, PDL is not subject to eligibility requirements for other FMLA and CFRA leaves, such as minimum hours worked or length of service.

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

CSBA NOTE: Pursuant to Government Code 12945.2, leaves common to CFRA and FMLA run concurrently so that total leave to which an employee is entitled would not be more than 12 work weeks.

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

CSBA NOTE: To determine the 12-month period in which the leave entitlement occurs, the district may use any of the methods identified in 29 CFR 825.200 and specified in options #1-4 below. However, a district may choose not to use any of these options and may instead choose some other fixed 12-month period. Whichever option is selected, it must be applied uniformly to all employees. If the district fails to select a method for calculating the 12-month period, the method that provides the most beneficial outcome for the employee will be used. Pursuant to 2 CCR 11090, if the district decides to change the calculation method, it must provide at least 60 days' notice to all employees.

* **OPTION 1:** The 12-month period shall coincide with the calendar year. (29 CFR 825.200)

OPTION 2: The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

OPTION 3: The 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

OPTION 4: The 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. (29 CFR 825.200)

CSBA NOTE: 2 CCR 11042 clarifies that the four months of PDL to which an employee is entitled means the number of days or hours that the employee would normally work within the four calendar months. For employees who work 40 hours per week, PDL leave is defined as 17-1/3 weeks, 122 days, or 693 hours.

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

CSBA NOTE: While leaves common to CFRA and FMLA run concurrently, PDL is separate and distinct from CFRA leave. Consequently, pursuant to 2 CCR 11046, an employee who is "disabled by pregnancy" may be entitled to up to four months of PDL, followed by 12 work weeks of CFRA leave for the birth of the child (baby bonding). Determining which leaves run concurrently is a complex endeavor and districts should consult legal counsel as needed.

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

CSBA NOTE: Although 29 USC 2612 allows the district to limit the aggregate number of work weeks of leave to which two parents may be entitled when both parents work for the district, such leave is covered under both FMLA and CFRA and state law prevails since it provides greater rights to employees.

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

Use/Substitution of Paid Leave

CSBA NOTE: The district may require employees (Option 1) or employees may elect (Option 2) to use paid leave during an otherwise unpaid portion of CFRA or FMLA leave or PDL. Pursuant to 2 CCR 11044 and 11092, the district may only require an employee to use sick leave if the leave is for the employee's own serious health condition or for PDL, unless mutually agreed to by the district and the employee.

***OPTION 1:** During any otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945, 12945.2; 2 CCR 11044, 11092; 29 USC 2612)

OPTION 2: During any otherwise unpaid period of PDL or any FMLA or CFRA leave, the employee may elect to use accrued vacation leave, or any other paid time off negotiated with the district that the employee is eligible to use. If the leave is for the employee's own serious health condition or PDL, the employee may also elect to use accrued sick leave during the period of leave. (Government Code 12945, 12945.2; 2 CCR 11044; 11092; 29 USC 2612)

CSBA NOTE: The following paragraph is for use with either option above.

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

CSBA NOTE: Pursuant to 2 CCR 11090, the minimum duration of CFRA parental leave for the birth, adoption, or foster care placement of a child is generally two weeks. However, the district must grant a request for CFRA leave of less than two weeks duration on any two occasions and may grant additional requests.

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.

CSBA NOTE: Pursuant to 2 CCR 11041, the district must accommodate the transfer request of a pregnant employee to the same extent that it accommodates transfer requests for other temporarily disabled employees.

2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.

3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, an employee is required to notify the district of the need to take PDL or family care and medical leave. The employee must provide at least verbal notice sufficient to make the district aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave. However, the employee does not need to assert rights under CFRA or FMLA or even mention CFRA or FMLA to meet the notice requirement, but must state the reason the leave is needed. If there is a question about whether leave is FMLA/CFRA qualifying or if the district is considering denying CFRA leave based on an employee's refusal to provide further information, legal counsel should be consulted.

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11091 require the district to provide an employee with notice of the designation of leave as either qualifying for CFRA or FMLA protection. See section entitled "Notifications" below for further requirements of this "designation notice" as well as other required notifications.

Pursuant to 2 CCR 11091, an employee has the obligation to respond to questions designed to determine whether an absence is potentially CFRA qualifying. If the district is unable to determine whether requested leave is CFRA qualifying because of an employee's refusal to respond to its inquiries, the employee may be denied CFRA protection.

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

CSBA NOTE: Pursuant to 2 CCR 11091, the district may require an employee to provide at least 30 days advance notice of the need for family care and medical leave, if the need is foreseeable. If the district requires such advance notice from employees, then the district's notification of FMLA/CFRA rights must so specify; see section below entitled "Notifications."

Pursuant to 2 CCR 11050, an employee requesting PDL is required to provide the district at least 30 days advance notice if the need for PDL is foreseeable.

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

Certification of Health Condition

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for family care and medical leave for an employee's own serious health condition or to care for the employee's eligible family member with a serious health condition. In order to help avoid claims of discrimination, the district should generally treat all such employees uniformly; thus, districts using this section should request a medical certification from all such employees.

Districts requiring written medical certification from employees may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11097.

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition

CSBA NOTE: Item #3 below addresses an eligible employee's request for leave to care for an eligible family member. In such a case, 2 CCR 11087 provides that the health care provider's certification need not identify the serious health condition involved. The U.S. Department of Labor (DOL) provides a form, "Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act," that districts may use for this purpose to avoid unauthorized disclosure of the serious health condition.

3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both of the following:
 - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the eligible family member during a period of the treatment or supervision
 - b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member
4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

CSBA NOTE: Government Code 12940 and other provisions of the California Genetic Information Nondiscrimination Act of 2011 prohibit an employer from making a non-job related inquiry into an employee's genetic information. A district which believes that an employee's leave may require obtaining this information should consult with legal counsel.

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for leave along with the request for PDL. Districts requiring written medical certification from employees who request reasonable accommodation, transfer, or disability leave because of pregnancy may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11050.

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

Release to Return to Work

CSBA NOTE: The following optional section is for use by districts that choose to require a return-to-work certification and may be modified to list the specific positions for which certification is required. Pursuant to 2 CCR 11091, the district may require an employee to submit a return-to-work certification from the employee's health provider, stating that the employee is able to return to work. However, this requirement may only be made if the district has a uniformly applied practice of requiring such releases when employees return to work after illness, injury, or disability, any fitness-for-duty examination is job related and consistent with business necessity, and the practice is not forbidden by its collective bargaining agreement. 2 CCR 11050 has similar requirements when an employee is returning to work after PDL.

Pursuant to 29 CFR 825.312, when the health care provider certifies that the employee is able to resume work, the district may also require the health care provider to address the employee's ability to perform the essential functions of the job. If such a requirement is imposed, then the district must provide the employee with a list of the employee's essential job functions with the "designation notice"; see section entitled "Notifications" below.

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

Rights to Reinstatement

CSBA NOTE: Pursuant to Government Code 12945.2, 2 CCR 11043 and 11089, and 29 USC 2614, an employee on PDL or family care and medical leave has the right to be reinstated to the same or a comparable position upon return from such leave. However, such an employee has no greater right to reinstatement or other benefits than the employee would have if employment had been continuous.

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

CSBA NOTE: Pursuant to 2 CCR 11044 and 11092, the time that the district maintains and pays for group health coverage during PDL shall not be used to meet its obligation to pay for 12 weeks of group health coverage during leave taken under CFRA, even where the district designates the PDL as FMLA or CFRA leave. The entitlements to employer-paid group health coverage during PDL and during CFRA are two separate and distinct entitlements.

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose.

However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

CSBA NOTE: The following optional section reflects 29 USC 2611 and 2612 which authorize an eligible employee to take up to 12 work weeks of unpaid FMLA leave to attend to an "exigency" arising out of the fact that the employee's spouse, child, or parent is on active duty or on call to active duty status in the National Guard or Reserves, or is a member of the regular Armed Forces on deployment to a foreign country. Pursuant to Government Code 12945.2, an employee may take unpaid leave under CFRA to attend to an exigency involving the employee's registered domestic partner.

Pursuant to 29 CFR 825.200, an employee is entitled to 12 work weeks of qualifying exigency leave during each 12-month period established by the district; see section entitled "Terms of Leave" above. According to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee may take all 12 weeks of FMLA leave entitlement as a qualifying exigency leave or take a combination of the 12 weeks of leave for both qualifying exigency leave and other FMLA leave, such as leave for a serious health condition.

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Covered active duty means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign country includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

CSBA NOTE: Pursuant to 29 CFR 825.126, a "qualifying exigency" may include "other events" agreed to by the district and the employee. As an example of such other event, DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," and the California Department of Human Resources', "Questions and Answers - Military Family Leave - FMLA," list leave to spend time with the military member either prior to or post deployment or to attend to household emergencies that would normally have been handled by the military member.

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

CSBA NOTE: The district may require the employee to provide certification of the qualifying exigency containing the information specified in 29 CFR 825.309. A form has been developed by DOL for this purpose and is available on its web site.

The following paragraph is optional and should be deleted by those districts that do not require such documentation. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request certification from all employees requesting such leave.

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to use paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in the section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regards to FMLA/CFRA leave is also applicable to qualified exigency leave.

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

CSBA NOTE: 29 USC 2612 and 29 CFR 825.127 authorize an eligible employee to take up to 26 work weeks of unpaid military caregiver leave, as defined below, during a single 12-month period. According to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," if an employee does not use the entire 26-week entitlement in a single 12-month period, unused weeks cannot be carried over into another 12-month period. However, the employee may qualify for nonmilitary FMLA leave.

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

CSBA NOTE: 29 USC 2611 defines "serious injury or illness" for active members of the Armed Forces and for veterans, as provided below. Pursuant to 29 CFR 825.127, a veteran's injury or illness will qualify as a "serious injury or illness" for the purpose of this leave, only if one of the four conditions listed in Item #2 below is present.

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
 - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating
 - b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition
 - c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran

- d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

CSBA NOTE: As is the case for other types of FMLA/CFRA leave, 29 CFR 825.302 requires the employee, when the need for the leave is foreseeable, to provide 30 days advance notice to the district before the leave is to begin.

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

CSBA NOTE: 29 CFR 825.310 authorizes the district to require employees to provide certification of the need for the leave, which is to be completed by an authorized health care provider of the covered servicemember.

The following paragraph is optional. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request a medical certification from all employees requesting such leave.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

CSBA NOTE: Pursuant to 29 CFR 825.127, an employee may take up to a total of 26 work weeks of leave for both regular FMLA and military caregiver leave during the 12-month leave entitlement period. However, the employee may not take more than 12 weeks for regular FMLA leave. For example, according to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of military caregiver leave but could not take 16 weeks to care for a newborn and 10 weeks of military caregiver leave. If the leave qualifies as both military caregiver leave and leave to care for a family member with a serious health condition, 29 CFR 825.127 specifies that the district must first designate the leave as military caregiver leave.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to substitute paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regard to FMLA/CFRA leave is also applicable to military caregiver leave.

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11095 require employers to provide general notification to employees of their rights under the FMLA/CFRA as well as specific notifications when an employee has requested leave, as detailed below. 2 CCR 11049 contains similar notice requirements for PDL purposes. Samples of notices which describe an employee's rights are available on the web sites of the California Department of Fair Employment and Housing and the DOL.

Pursuant to 2 CCR 11095, the district must translate the notice into every language that is spoken by at least 10 percent of the district's employees at any facility.

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, a district may require an employee, when the need for the leave is foreseeable, to provide at least 30 days advance notice before the leave is to begin; see the section entitled "Request for Leave" above. 2 CCR 11049 and 11091 specify that districts requiring such

notice from employees must give them "reasonable advance notice" of their obligation and that incorporation of the requirement into the general notice satisfies the "advance notice" requirement.

The following optional paragraph is for use by districts that require employees to provide advance notice.

2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)
3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)
 - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

CSBA NOTE: Item #4b below is for use by districts that require medical certification to the effect that the employee is able to resume work. See the section entitled "Release to Return to Work" above.

- b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
 - c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave
 - d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis
 - e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
 - f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

CSBA NOTE: 29 CFR 825.300 requires the designation notice to specify whether the district requires paid leave to be used during an otherwise unpaid family care and medical leave, whether the district requires an employee to present release to return to work certification, and whether that certification must address the employee's ability to perform the essential functions of the job. See the sections entitled "Use/Substitution

of Paid Leave" and "Release to Return to Work" above. The following paragraph should be revised to reflect district practice.

6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

CSBA NOTE: Government Code 12946, 29 USC 2616, and 29 CFR 825.500 require districts to maintain records of, among other things, applications, dates, and personnel and employment action related to family care and medical leave. Pursuant to 42 USC 2000ff-1, any individually identifiable genetic information possessed by the district must be treated as a confidential medical record of the employee involved.

The Superintendent or designee shall maintain records pertaining to an individual employee's use of FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

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

State References

2 CCR 11035-11051

2 CCR 11087-11098

Ed. Code 44965

Fam. Code 297-297.5

Fam. Code 300

Gov. Code 12926

Gov. Code 12940

Gov. Code 12945

Gov. Code 12945.1-12945.2

Gov. Code 12945.6

Gov. Code 12946

Description

Unlawful sex discrimination: pregnancy, childbirth and related medical conditions -
<https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==>

California Family Rights Act -
<https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==>

Granting of leaves of absence for pregnancy and childbirth

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

Definition of marriage

Definitions

Unlawful discriminatory employment practices

Unlawful discrimination based on pregnancy, childbirth, or related medical conditions

California Family Rights Act

Parental leave

Fair employment and Housing Act: discrimination prohibited

Federal References

1 USC 7

29 CFR 825.100-825.702

29 USC 2601-2654

42 USC 2000ff-2000ff-11

Description

Definition of marriage and spouse -
<https://simbli.eboardsolutions.com/SU/zna14bZkEoCQ5ILKxeKqGw==>

Family and Medical Leave Act of 1993

Family Care and Medical Leave Act

Genetic Information Nondiscrimination Act of 2008

Management Resources References

Court Decision

Court Decision

Description

Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864

Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045

Court Decision	United States v. Windsor, (2013) 699 F.3d 169
U.S. Department of Labor Publication	Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers
Website	U.S. Department of Labor, FMLA - https://simbli.eboardsolutions.com/SU/gTctHyc7Ra9nNTUgNmxAhw==
Website	California Department of Fair Employment and Housing - https://simbli.eboardsolutions.com/SU/RRvNseNogmInMLyI8K40jw==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/UonRXG6LPiZi7EgvplusqAd8g==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/tuHL5JjVCCjJcBx3RI3Hfw==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/ZEoW4ZKHct3nfqLxRTR1fw==
1113-E(1)	District And School Web Sites - https://simbli.eboardsolutions.com/SU/i5TLslsh83D1nplusoytHTIsM6ew==
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/z8saAb1i9vjlsishyJNjIXOrA==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXislshi6mLw==
4033	Lactation Accommodation - https://simbli.eboardsolutions.com/SU/mBwCbA6CkbzZwslshCYfb2JvQ==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjOFaFlw==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/sILMslshxLI2YOPYoMMU2U7w==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/slshnzMWdvaZpZnpZplusoEf8ILQ==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/plusx1slshGxTJQKJXLOKYP8gplusg==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOI6slshnrcwplusn8LplusKslshsvfw==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==
4113.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/slshbxjrQ1xiXTplus25crk5NJUg==
4117.3	Personnel Reduction - https://simbli.eboardsolutions.com/SU/42Hj6ReDPO0Nvlww41j4g==
4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/wSbplusNslshzmwtp8Du1J7fxoGg==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==

4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==
4161	Leaves - https://simbli.eboardsolutions.com/SU/EEXMgObsishqslshiKqtJJUX7vSg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/Kzco4u58yiplus7nknYGxazpw==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/BTEFJvZiOBplus6SWmBBKtR6w==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/wpNf7hlkepJRY32hChSplus3g==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/RQiw5kZICOmKqEEHCuVAlA==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/QgjTxWzNHfPacaieY2R44UQ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KOLkg==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtpjM0w==
4213.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/EJKpCtBBQ0plusCkHrwgQkplus8w==
4217.3	Layoff/Rehire - https://simbli.eboardsolutions.com/SU/sq9gotNKC5av6ieplusWoePKA==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/HilDt0mq6toKwOvAGRcktA==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/A1ITc0Z0plusq5qXGSvt8tew==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVDL3OkzA==
4259	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/fRGxOc7Yplus8ZsrZ44plusJCUQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vgIRlm84fA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxzig==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/plusoUkP9So5AliHJbMKt2vPQ==
4261.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/XaDfarslshi31XF2rlnR8Mq0Q==
4261.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/qCplusa1C9mz1xTAWeVcBslshpQg==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/obiSk8rTaSgKJ7TuV2j8Xw==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/CgnDx1BIzBUtFWHVgyEOgA==

4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/GVplusn4gQA3IKplus4knVTn0OUw==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7Jm2Q==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVoPUuUergz7w==
4313.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/h5utOK43t9JhsHtXAGV7Gg==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpsplusINA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/rplumwwksFJslufmMFbAX0vQ==
4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/TKcq760n9RZaplusNRYWW1VUQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HJmWAwCtBvKgLwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCPlyUeeeBo4hULBQ==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrl5oA==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/TDKNlltBccHR4plusREe5i0rA==
4361.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/cX8w9EvJ4JHXiwXyWYq4qA==
4361.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/la3YVHiplusEMTKplus4EgUYZ3ow==

Regulation 4361.8: Family Care And Medical Leave

Status: ADOPTED

Original Adopted Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

CSBA NOTE: The following optional administrative regulation addresses mandatory subjects of bargaining. The laws referenced in this regulation provide minimum amounts of leave which the district must grant its employees if more generous benefits are not provided as part of its collective bargaining agreement. Any covered subject that is already addressed in the district's collective bargaining agreements should be deleted from this administrative regulation.

Both federal and state law provide for family care and medical leave (29 USC 2601-2654, the Family and Medical Leave Act of 1993 (FMLA), and Government Code 12945.1-12945.2, the California Family Rights Act (CFRA)). However, these laws do not always provide identical rights or operate in the same manner. For example, pregnancy as a "serious health condition" is covered under FMLA but not under CFRA. Instead, under state law, an employee who is disabled due to pregnancy, childbirth, or a related medical condition is entitled to pregnancy disability leave (PDL) pursuant to Government Code 12945. Where there is a difference between state and federal law, the law that grants the greatest benefits generally controls. In those situations, legal counsel should be consulted as needed.

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Eligible employee, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

CSBA NOTE: Government Code 12945.2, as amended by AB 1033 (Ch. 327, Statutes of 2021), includes a parent-in-law in the definition of "parent" for purposes of CFRA leave.

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, or sibling. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
 - a. A period of incapacity of more than three consecutive full days
 - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
 - c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
 - d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
 - e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility/Purposes of Leave

CSBA NOTE: Government Code 12945.2 and 29 USC 2611-2612 require a district to grant family care and medical leave to an eligible employee for any of the reasons stated below. These requirements apply to all public agencies regardless of the number of employees.

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. The care of an eligible family member with a serious health condition
3. The employee's own serious health condition that makes the employee unable to perform the job functions of the position

CSBA NOTE: Pursuant to 29 CFR 825.126, FMLA military family leave is available to any eligible employee for a qualifying exigency while the employee's spouse, child, or parent who is a military member is on covered active duty during deployment to a foreign country. Government Code 12945.2 provides exigency leave under CFRA for an employee whose registered domestic partner is on active duty. For requirements related to qualifying exigency leave, see the section "Military Family Leave Resulting from Qualifying Exigencies" below.

4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)

CSBA NOTE: Pursuant to 29 CFR 825.127, military caregiver leave is available to any eligible employee who

is a family member of a covered servicemember with a serious injury or illness. For requirements related to military caregiver leave, see the section on "Military Caregiver Leave" below.

5. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin of the covered servicemember

CSBA NOTE: Under federal law, pregnancy as a "serious health condition" is covered as part of FMLA leave. However, disability due to pregnancy is explicitly excluded from coverage under CFRA (2 CCR 11093). Instead, pursuant to Government Code 12926 and 12945, any California employee who is "disabled because of pregnancy, childbirth, or related medical conditions" is entitled to unpaid PDL of up to four months if the employer has five or more employees. Therefore, such an employee is entitled to up to four months of PDL and an additional 12 weeks of CFRA leave following the birth of the child.

Additionally, pursuant to 2 CCR 11037, PDL is not subject to eligibility requirements for other FMLA and CFRA leaves, such as minimum hours worked or length of service.

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

CSBA NOTE: Pursuant to Government Code 12945.2, leaves common to CFRA and FMLA run concurrently so that total leave to which an employee is entitled would not be more than 12 work weeks.

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

CSBA NOTE: To determine the 12-month period in which the leave entitlement occurs, the district may use any of the methods identified in 29 CFR 825.200 and specified in options #1-4 below. However, a district may choose not to use any of these options and may instead choose some other fixed 12-month period. Whichever option is selected, it must be applied uniformly to all employees. If the district fails to select a method for calculating the 12-month period, the method that provides the most beneficial outcome for the employee will be used. Pursuant to 2 CCR 11090, if the district decides to change the calculation method, it must provide at least 60 days' notice to all employees.

★ **OPTION 1:** The 12-month period shall coincide with the calendar year. (29 CFR 825.200)

OPTION 2: The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

OPTION 3: The 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

OPTION 4: The 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. (29 CFR 825.200)

CSBA NOTE: 2 CCR 11042 clarifies that the four months of PDL to which an employee is entitled means the number of days or hours that the employee would normally work within the four calendar months. For employees who work 40 hours per week, PDL leave is defined as 17-1/3 weeks, 122 days, or 693 hours.

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

CSBA NOTE: While leaves common to CFRA and FMLA run concurrently, PDL is separate and distinct from CFRA leave. Consequently, pursuant to 2 CCR 11046, an employee who is "disabled by pregnancy" may be entitled to up to four months of PDL, followed by 12 work weeks of CFRA leave for the birth of the child (baby bonding). Determining which leaves run concurrently is a complex endeavor and districts should consult legal counsel as needed.

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

CSBA NOTE: Although 29 USC 2612 allows the district to limit the aggregate number of work weeks of leave to which two parents may be entitled when both parents work for the district, such leave is covered under both FMLA and CFRA and state law prevails since it provides greater rights to employees.

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

Use/Substitution of Paid Leave

CSBA NOTE: The district may require employees (Option 1) or employees may elect (Option 2) to use paid leave during an otherwise unpaid portion of CFRA or FMLA leave or PDL. Pursuant to 2 CCR 11044 and 11092, the district may only require an employee to use sick leave if the leave is for the employee's own serious health condition or for PDL, unless mutually agreed to by the district and the employee.

*** OPTION 1:** During any otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945, 12945.2; 2 CCR 11044, 11092; 29 USC 2612)

OPTION 2: During any otherwise unpaid period of PDL or any FMLA or CFRA leave, the employee may elect to use accrued vacation leave, or any other paid time off negotiated with the district that the employee is eligible to use. If the leave is for the employee's own serious health condition or PDL, the employee may also elect to use accrued sick leave during the period of leave. (Government Code 12945, 12945.2; 2 CCR 11044; 11092; 29 USC 2612)

CSBA NOTE: The following paragraph is for use with either option above.

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

CSBA NOTE: Pursuant to 2 CCR 11090, the minimum duration of CFRA parental leave for the birth, adoption, or foster care placement of a child is generally two weeks. However, the district must grant a request for CFRA leave of less than two weeks duration on any two occasions and may grant additional requests.

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.

CSBA NOTE: Pursuant to 2 CCR 11041, the district must accommodate the transfer request of a pregnant employee to the same extent that it accommodates transfer requests for other temporarily disabled employees.

2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.

3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, an employee is required to notify the district of the need to take PDL or family care and medical leave. The employee must provide at least verbal notice sufficient to make the district aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave. However, the employee does not need to assert rights under CFRA or FMLA or even mention CFRA or FMLA to meet the notice requirement, but must state the reason the leave is needed. If there is a question about whether leave is FMLA/CFRA qualifying or if the district is considering denying CFRA leave based on an employee's refusal to provide further information, legal counsel should be consulted.

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11091 require the district to provide an employee with notice of the designation of leave as either qualifying for CFRA or FMLA protection. See section entitled "Notifications" below for further requirements of this "designation notice" as well as other required notifications.

Pursuant to 2 CCR 11091, an employee has the obligation to respond to questions designed to determine whether an absence is potentially CFRA qualifying. If the district is unable to determine whether requested leave is CFRA qualifying because of an employee's refusal to respond to its inquiries, the employee may be denied CFRA protection.

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

CSBA NOTE: Pursuant to 2 CCR 11091, the district may require an employee to provide at least 30 days advance notice of the need for family care and medical leave, if the need is foreseeable. If the district requires such advance notice from employees, then the district's notification of FMLA/CFRA rights must so specify; see section below entitled "Notifications."

Pursuant to 2 CCR 11050, an employee requesting PDL is required to provide the district at least 30 days advance notice if the need for PDL is foreseeable.

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

Certification of Health Condition

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for family care and medical leave for an employee's own serious health condition or to care for the employee's eligible family member with a serious health condition. In order to help avoid claims of discrimination, the district should generally treat all such employees uniformly; thus, districts using this section should request a medical certification from all such employees.

Districts requiring written medical certification from employees may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11097.

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition

CSBA NOTE: Item #3 below addresses an eligible employee's request for leave to care for an eligible family member. In such a case, 2 CCR 11087 provides that the health care provider's certification need not identify the serious health condition involved. The U.S. Department of Labor (DOL) provides a form, "Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act," that districts may use for this purpose to avoid unauthorized disclosure of the serious health condition.

3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both of the following:
 - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the eligible family member during a period of the treatment or supervision
 - b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member
4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

CSBA NOTE: Government Code 12940 and other provisions of the California Genetic Information Nondiscrimination Act of 2011 prohibit an employer from making a non-job related inquiry into an employee's genetic information. A district which believes that an employee's leave may require obtaining this information should consult with legal counsel.

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for leave along with the request for PDL. Districts requiring written medical certification from employees who request reasonable accommodation, transfer, or disability leave because of pregnancy may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11050.

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

Release to Return to Work

CSBA NOTE: The following optional section is for use by districts that choose to require a return-to-work certification and may be modified to list the specific positions for which certification is required. Pursuant to 2 CCR 11091, the district may require an employee to submit a return-to-work certification from the employee's health provider, stating that the employee is able to return to work. However, this requirement may only be made if the district has a uniformly applied practice of requiring such releases when employees return to work after illness, injury, or disability, any fitness-for-duty examination is job related and consistent with business necessity, and the practice is not forbidden by its collective bargaining agreement. 2 CCR 11050 has similar requirements when an employee is returning to work after PDL.

Pursuant to 29 CFR 825.312, when the health care provider certifies that the employee is able to resume work, the district may also require the health care provider to address the employee's ability to perform the essential functions of the job. If such a requirement is imposed, then the district must provide the employee with a list of the employee's essential job functions with the "designation notice"; see section entitled "Notifications" below.

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

Rights to Reinstatement

CSBA NOTE: Pursuant to Government Code 12945.2, 2 CCR 11043 and 11089, and 29 USC 2614, an employee on PDL or family care and medical leave has the right to be reinstated to the same or a comparable position upon return from such leave. However, such an employee has no greater right to reinstatement or other benefits than the employee would have if employment had been continuous.

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

CSBA NOTE: Pursuant to 2 CCR 11044 and 11092, the time that the district maintains and pays for group health coverage during PDL shall not be used to meet its obligation to pay for 12 weeks of group health coverage during leave taken under CFRA, even where the district designates the PDL as FMLA or CFRA leave. The entitlements to employer-paid group health coverage during PDL and during CFRA are two separate and distinct entitlements.

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose.

However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

CSBA NOTE: The following optional section reflects 29 USC 2611 and 2612 which authorize an eligible employee to take up to 12 work weeks of unpaid FMLA leave to attend to an "exigency" arising out of the fact that the employee's spouse, child, or parent is on active duty or on call to active duty status in the National Guard or Reserves, or is a member of the regular Armed Forces on deployment to a foreign country. Pursuant to Government Code 12945.2, an employee may take unpaid leave under CFRA to attend to an exigency involving the employee's registered domestic partner.

Pursuant to 29 CFR 825.200, an employee is entitled to 12 work weeks of qualifying exigency leave during each 12-month period established by the district; see section entitled "Terms of Leave" above. According to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee may take all 12 weeks of FMLA leave entitlement as a qualifying exigency leave or take a combination of the 12 weeks of leave for both qualifying exigency leave and other FMLA leave, such as leave for a serious health condition.

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Covered active duty means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign country includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

CSBA NOTE: Pursuant to 29 CFR 825.126, a "qualifying exigency" may include "other events" agreed to by the district and the employee. As an example of such other event, DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," and the California Department of Human Resources', "Questions and Answers - Military Family Leave - FMLA," list leave to spend time with the military member either prior to or post deployment or to attend to household emergencies that would normally have been handled by the military member.

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

CSBA NOTE: The district may require the employee to provide certification of the qualifying exigency containing the information specified in 29 CFR 825.309. A form has been developed by DOL for this purpose and is available on its web site.

The following paragraph is optional and should be deleted by those districts that do not require such documentation. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request certification from all employees requesting such leave.

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to use paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in the section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regards to FMLA/CFRA leave is also applicable to qualified exigency leave.

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

CSBA NOTE: 29 USC 2612 and 29 CFR 825.127 authorize an eligible employee to take up to 26 work weeks of unpaid military caregiver leave, as defined below, during a single 12-month period. According to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," if an employee does not use the entire 26-week entitlement in a single 12-month period, unused weeks cannot be carried over into another 12-month period. However, the employee may qualify for nonmilitary FMLA leave.

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

CSBA NOTE: 29 USC 2611 defines "serious injury or illness" for active members of the Armed Forces and for veterans, as provided below. Pursuant to 29 CFR 825.127, a veteran's injury or illness will qualify as a "serious injury or illness" for the purpose of this leave, only if one of the four conditions listed in Item #2 below is present.

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
 - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating
 - b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition
 - c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran

- d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

CSBA NOTE: As is the case for other types of FMLA/CFRA leave, 29 CFR 825.302 requires the employee, when the need for the leave is foreseeable, to provide 30 days advance notice to the district before the leave is to begin.

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

CSBA NOTE: 29 CFR 825.310 authorizes the district to require employees to provide certification of the need for the leave, which is to be completed by an authorized health care provider of the covered servicemember.

The following paragraph is optional. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request a medical certification from all employees requesting such leave.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

CSBA NOTE: Pursuant to 29 CFR 825.127, an employee may take up to a total of 26 work weeks of leave for both regular FMLA and military caregiver leave during the 12-month leave entitlement period. However, the employee may not take more than 12 weeks for regular FMLA leave. For example, according to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of military caregiver leave but could not take 16 weeks to care for a newborn and 10 weeks of military caregiver leave. If the leave qualifies as both military caregiver leave and leave to care for a family member with a serious health condition, 29 CFR 825.127 specifies that the district must first designate the leave as military caregiver leave.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to substitute paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regard to FMLA/CFRA leave is also applicable to military caregiver leave.

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11095 require employers to provide general notification to employees of their rights under the FMLA/CFRA as well as specific notifications when an employee has requested leave, as detailed below. 2 CCR 11049 contains similar notice requirements for PDL purposes. Samples of notices which describe an employee's rights are available on the web sites of the California Department of Fair Employment and Housing and the DOL.

Pursuant to 2 CCR 11095, the district must translate the notice into every language that is spoken by at least 10 percent of the district's employees at any facility.

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, a district may require an employee, when the need for the leave is foreseeable, to provide at least 30 days advance notice before the leave is to begin; see the section entitled "Request for Leave" above. 2 CCR 11049 and 11091 specify that districts requiring such

notice from employees must give them "reasonable advance notice" of their obligation and that incorporation of the requirement into the general notice satisfies the "advance notice" requirement.

The following optional paragraph is for use by districts that require employees to provide advance notice.

2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)
3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)
 - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

CSBA NOTE: Item #4b below is for use by districts that require medical certification to the effect that the employee is able to resume work. See the section entitled "Release to Return to Work" above.

- b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
- c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave
- d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis
- e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
- f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

CSBA NOTE: 29 CFR 825.300 requires the designation notice to specify whether the district requires paid leave to be used during an otherwise unpaid family care and medical leave, whether the district requires an employee to present release to return to work certification, and whether that certification must address the employee's ability to perform the essential functions of the job. See the sections entitled "Use/Substitution

of Paid Leave" and "Release to Return to Work" above. The following paragraph should be revised to reflect district practice.

6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

CSBA NOTE: Government Code 12946, 29 USC 2616, and 29 CFR 825.500 require districts to maintain records of, among other things, applications, dates, and personnel and employment action related to family care and medical leave. Pursuant to 42 USC 2000ff-1, any individually identifiable genetic information possessed by the district must be treated as a confidential medical record of the employee involved.

The Superintendent or designee shall maintain records pertaining to an individual employee's use of FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

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

State References

2 CCR 11035-11051

2 CCR 11087-11098

Ed. Code 44965

Fam. Code 297-297.5

Fam. Code 300

Gov. Code 12926

Gov. Code 12940

Gov. Code 12945

Gov. Code 12945.1-12945.2

Gov. Code 12945.6

Gov. Code 12946

Description

Unlawful sex discrimination: pregnancy, childbirth and related medical conditions -
<https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMMyAuhwJw==>

California Family Rights Act -
<https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==>

Granting of leaves of absence for pregnancy and childbirth

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

Definition of marriage

Definitions

Unlawful discriminatory employment practices

Unlawful discrimination based on pregnancy, childbirth, or related medical conditions

California Family Rights Act

Parental leave

Fair employment and Housing Act: discrimination prohibited

Federal References

1 USC 7

29 CFR 825.100-825.702

29 USC 2601-2654

42 USC 2000ff-2000ff-11

Description

Definition of marriage and spouse -
<https://simbli.eboardsolutions.com/SU/zna14bZkEoCQ5ILKxeKqGw==>

Family and Medical Leave Act of 1993

Family Care and Medical Leave Act

Genetic Information Nondiscrimination Act of 2008

Management Resources References

Court Decision

Court Decision

Description

Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864

Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045

Court Decision	United States v. Windsor, (2013) 699 F.3d 169
U.S. Department of Labor Publication	Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers
Website	U.S. Department of Labor, FMLA - https://simbli.eboardsolutions.com/SU/gTctHyc7Ra9nNTUgNmxAhw==
Website	California Department of Fair Employment and Housing - https://simbli.eboardsolutions.com/SU/RRvNseNogmInMlyl8K40jw==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/UonRXG6LPiZi7EgvplusqAd8g==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/tuHL5JjVCCJcBx3RI3Hfw==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/ZEoW4ZKHcT3nfqLxRTR1fw==
1113-E(1)	District And School Web Sites - https://simbli.eboardsolutions.com/SU/i5TLslsh83D1nplusoyHTIsM6ew==
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/z8saAb1i9vjslshyJNjXOrA==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXislshi6mLw==
4033	Lactation Accommodation - https://simbli.eboardsolutions.com/SU/mBwCbA6CkbzZwslshCYfb2JvQ==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/NtHKleukT9J8bge0adj3gg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/tUsIsheWyAvQpluseaA5VjOFaFlw==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/sILMIsIsLhLI2YOPYoMMU2U7w==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/slshnzMWdvaZpZnpZpluseEf8ILQ==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/plusx1slshGxTJQKJXLOKryP8gplusg==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshsvfw==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKshpQQ==
4113.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/slshbxjrQ1xiXTplus25crk5NJUg==
4117.3	Personnel Reduction - https://simbli.eboardsolutions.com/SU/42Hj6RreDPO0Nvlww41j4g==
4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/wSbplusNslshzmwtp8Du1J7fxoGg==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==

4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==
4161	Leaves - https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJJUX7v5g==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkynX3fw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/Kzco4u58yiplus7nknYGxazpw==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/BTEFJvZiOBplus6SWmBBKtR6w==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/wpNf7hlkepJRY32hChSplus3g==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/RQiw5kZICOmkeEHCUvAlA==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/QgjTxWzNHPacaieY2R44UQ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KOLkg==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==
4213.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/EJKpCtBBQ0plusCkHrwgQkplus8w==
4217.3	Layoff/Rehire - https://simbli.eboardsolutions.com/SU/sq9gotNKC5av6ieplusWoePKA==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtIT8tew==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVdL3OkzA==
4259	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/fRGxOc7Yplus8ZsrZ44lplusJCUQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRlm84fA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxxig==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/plusoUkp9So5AlIHJbMKt2vPQ==
4261.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/XaDfarslshi31XF2rlnR8Mq0Q==
4261.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/qCplusa1C9mz1xTAWeVcBslshpQg==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/obiSk8rTaSgKJ7TuV2j8Xw==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/CgnDx1BIZbUtFWHVgyEOgA==

4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/GVplusn4gQA3IKplus4knVTnQQUw==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7Jm2Q==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVoPUpuUergz7w==
4313.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/h5utOK43t9JhsHtXAGV7Gg==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpsplusINA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMFbAX0vQ==
4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/TKcq760n9RZaplusNRYWW1VUQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtByKgLwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCPlyUeeeBo4hULBQ==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrI5oA==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/TDKNIltBccHR4plusREe5i0rA==
4361.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/cX8w9EvJ4JHXiwxyWYq4qA==
4361.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/la3YVHiplusFMTKplus4EgUYZ3ow==

Regulation 6173.1: Education For Foster Youth

Status: ADOPTED

Original Adopted Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

Definitions

CSBA NOTE: Pursuant to Education Code 48853.5, as amended by AB 1055 (Ch. 287, Statutes of 2021), "foster youth" has the same meaning as the term is defined in Education Code 42238.01, as amended by AB 167 (Ch. 252, Statutes of 2021). See Items #4 and 5 below.

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

1. A child who is the subject of a petition filed pursuant to Welfare and Institutions Code 300, whether or not the child has been removed from the child's home by the juvenile court pursuant to Welfare and Institutions Code 319 or 361.
2. A child who is the subject of a petition filed pursuant to Welfare and Institutions Code 602, 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).
3. 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.
4. 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
5. A child who is the subject of a voluntary placement agreement, as defined in Welfare and Institutions Code 11400

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.

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 within the preceding 15 months and with which the foster youth is connected, the district liaison for foster youth shall determine, in the best interests of the foster youth, which school shall be deemed the school of origin. This determination shall be made 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. (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 program, as provided below.

In addition, 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, 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)

Superintendent / Principal
(position or title)

2300 Highway 166, New Cuyama, CA 93254
(address)

(661) 766-2642
(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."

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 the school last attended by the student to obtain, within two business days, 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, 48911, 48915.5, and 48918.1, the district liaison is required to invite or notify a foster youth's attorney and the appropriate official of the county child welfare agency in certain circumstances when expulsion-related proceedings are pending against the foster youth. For specific situations requiring such invitation or notice, see AR 5144.1 - Suspension and Expulsion/Due Process.

3. Notify a foster youth's attorney and the representative of the appropriate county child welfare agency, when required by law for a foster youth who 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.

Education Code 42920.5-42921 establish the Foster Youth Services Coordinating Program and provide 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 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 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. 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 or fines due to the last school attended or the district has not received the foster youth's academic and 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 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:

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 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)

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)

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 addresses the transferability of coursework and credits completed by foster youth, as provided below.

When a foster youth transfers into a district school, the district shall accept and issue full credit for any coursework that the foster youth has satisfactorily completed while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency and 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 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 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-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 fourth year of high school. Within 30 calendar days of the foster youth's transfer, the Superintendent or designee shall notify the foster youth, the person holding the right to make educational decisions

for the foster youth, and the foster youth's social worker of the availability of the exemption and whether the foster youth qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student is no longer a foster youth. (Education Code 51225.1)

To determine whether a foster youth is in the third or fourth year of high school, the district shall use either the number of credits the foster youth has earned as of the date of the transfer or the length of school enrollment, whichever qualifies the foster youth for the exemption. (Education Code 51225.1)

The Superintendent or designee shall notify any foster youth who is granted an exemption and the person holding the right to make educational decisions for the foster youth how any requirements that are waived will affect the foster youth'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 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)

If a foster youth is exempted from local graduation requirements, 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)

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

1. Inform 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's graduation requirements and how that will affect the foster youth's ability to gain admission to a postsecondary educational institution
2. 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's graduation requirements

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. Education Code 48853.5 requires the California Department of Education (CDE), in consultation with the California Foster Youth Education Task Force, to develop a standardized notice of the educational rights of foster youth and to post that notice on its web site.

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

State References

5 CCR 4600-4670

Ed. Code 32228-32228.5

Ed. Code 42238.01-42238.07

Ed. Code 42920-42925

Ed. Code 48645-48646

Ed. Code 48850-48859

Ed. Code 48915.5

Ed. Code 48918.1

Ed. Code 49061

Ed. Code 49069.5

Ed. Code 49076

Ed. Code 51225.1

Ed. Code 51225.2

Ed. Code 51225.3

Ed. Code 52060-52077

Ed. Code 56055

H&S Code 120341

H&S Code 1522.41

H&S Code 1529.2

W&I Code 16000-16014

W&I Code 300

W&I Code 309

W&I Code 317

W&I Code 361

W&I Code 366.27

W&I Code 602

W&I Code 726

W&I Code 727

Description

Uniform complaint procedures

Student safety and violence prevention

Local control funding formula

Foster children educational services

Juvenile court schools

Education of foster youth and homeless students

Recommended expulsion; homeless student with disabilities

Notice of recommended expulsion

Definitions, directory information

Students in foster care; grades and credits

Access to student records

Exemption from district graduation requirements

Course credits

High school graduation

Local control and accountability plan

Rights of foster parents pertaining to foster child's education

Foster youth; school placement and immunization records

Training and certification of group home administrators

Training of licensed foster parents

Foster care placement

Minors subject to jurisdiction

Investigation and release of child

Appointment of legal counsel

Limitations on parental control

Educational decision by relative providing living arrangements

Minors violating law; ward of court

Limitations on parental control

Order of care; ward of court

Federal References

20 USC 1415

Description

Procedural safeguards

20 USC 6311
29 USC 794
42 USC 11431-11435
42 USC 670-679b

State plan
Rehabilitation Act of 1973; Section 504
McKinney-Vento Homeless Assistance Act
Federal assistance for foster care programs

Management Resources References

Alliance for Children's Rights Publication
California Child Welfare Council Publication
Cities, Counties and Schools Partnership Pub.
CSBA Publication
CSBA Publication
U.S. Department of Education Publication

Description

Foster Youth Education Toolkit, December 2016
Partial Credit Model Policy and Practice Recommendations
Our Children: Emancipating Foster Youth, A Community Action Guide
Our Foster Youth: What School Boards Can Do, May 2016
Foster Youth: Supports for Success, Governance Brief, May 2016
Ensuring Educational Stability for Children in Foster Care, Non-Regulatory Guidance, June 2016
Alliance for Children's Rights -
<https://simbli.eboardsolutions.com/SU/AslshlD5FbeFAQXuxyslshDHYfTg==>
Foster Ed -
<https://simbli.eboardsolutions.com/SU/36lC5WMizFGQ20OYRKL2Lw==>
National Center for Youth Law -
<https://simbli.eboardsolutions.com/SU/rWqbVi1x2WCuGlcphMslsh2yQ==>
California Department of Education, Foster Youth Services -
<https://simbli.eboardsolutions.com/SU/R0UWcbkrRcgV9asNsishPZxnQ==>
California Department of Social Services, Foster Youth Ombudsman Office -
<https://simbli.eboardsolutions.com/SU/L9RgolMb4Z3K9vdKFUJOA==>
California Foster Youth Education Task Force -
<https://simbli.eboardsolutions.com/SU/XrG7Kxmibs5cwWnsme2Pcg==>
California Youth Connection -
<https://simbli.eboardsolutions.com/SU/aT1cPCjxh5QKjXBbA1VSpusQ==>
Cities Counties and Schools Partnership -
<https://simbli.eboardsolutions.com/SU/vkMU6AgLdg2x1CfasX4n3w==>
CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>
California Child Welfare Council -
<https://simbli.eboardsolutions.com/SU/8BOINMN9mtFkcAjmEbYOGA==>

Cross References

0200
0410
0415
0450
0450
0460
0460

Description

Goals For The School District -
<https://simbli.eboardsolutions.com/SU/9j90oJApXGvO9isl1lyD8g==>
Nondiscrimination In District Programs And Activities -
<https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==>
Equity -
<https://simbli.eboardsolutions.com/SU/ZGZhz17ATfHJBPQ13Jplus7cw==>
Comprehensive Safety Plan -
<https://simbli.eboardsolutions.com/SU/FQOZDcYoBErqzRucs3xsMA==>
Comprehensive Safety Plan -
<https://simbli.eboardsolutions.com/SU/BxazplusxgNXNREplusOnkNIFqtQ==>
Local Control And Accountability Plan -
<https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdl7DbzBBg==>
Local Control And Accountability Plan -
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0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/UonRXG6LPiZi7EgvplusqAd8g==
0500	Accountability - https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/yvGJj2X8PyrSmBYInybbQA==
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1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BslshPMK886oDyrBoOyAftUdg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/HDslshuPXC0G3Oslshr71TMVplus4Jw==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/vJHizKctUNwljEfGnHx4CA==
3100	Budget - https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNtUb1FQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA==
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3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/HJyfNTrq3yl0UnDK53CpBA==
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3540	Transportation - https://simbli.eboardsolutions.com/SU/i4mopT2oTbCBYGluK4cvZA==
3541	Transportation Routes And Services - https://simbli.eboardsolutions.com/SU/x9xslshKxLvYXXvWxrplus6eUEMg==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/Y07PII5plus2xHEILURmRHYzQ==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/0Q5co4sXK4An7L2TouWocg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/700vA0ysAx5YXC8kTtgs9Q==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/FAuFrJnibcVy3kgsTslshNU6g==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/3BIIBFE9slshf2AlnllsFw7ag==
5111	Admission - https://simbli.eboardsolutions.com/SU/anOITqnoRUahtom8fk0HKg==
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5111.1	District Residency - https://simbli.eboardsolutions.com/SU/lAL6eSelvtWslKJ80r5lYg==
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5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFVOE9Vntg==

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5113.11	Attendance Supervision - https://simbli.eboardsolutions.com/SU/Lz97LnzWjMXSu91JfHK6HA==
5116.1	Intradistrict Open Enrollment - https://simbli.eboardsolutions.com/SU/d1Mc4bRclktSpluszH3JyCw==
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5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/be8UrO5tYpPBjYfPslshJOslshgg==
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5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/nEN5IPbgmplusPXhUNTnXJeuw==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/lKtdZAf0mXslsh9Lp2JINpFAA==
5123	Promotion/Acceleration/Retention - https://simbli.eboardsolutions.com/SU/XslshULwDF51O6snseMXV7plus0g==
5123	Promotion/Acceleration/Retention - https://simbli.eboardsolutions.com/SU/i6Ui8mOwR1VPGjslshfiBUgIA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrEa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/9slshJjOjwllKjNef0pjUBtbg==
5125.2	Withholding Grades, Diploma Or Transcripts - https://simbli.eboardsolutions.com/SU/NJ9Z2gAgJ2ET056oMd09lg==
5131	Conduct - https://simbli.eboardsolutions.com/SU/pBUFdJ0EyeOpz1R21VtIYQ==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/Sw0juMyOrrGlgPDYiJ2Rvw==
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5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/WDkn56oiRIRHg1DfVsZyxA==
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5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/B9HD448oI91HLEE38JkOvA==
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5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/Ufqvo2274QHBLOiceWSBplusA==
5138	Conflict Resolution/Peer Mediation - https://simbli.eboardsolutions.com/SU/vYnT58jV6Sc5PaNDJcoXJg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/slshSHDzymYLN8DwMplltWdsg==
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5141.26	Tuberculosis Testing - https://simbli.eboardsolutions.com/SU/i1UiqKL4dMNcvJfWIsQslsh3A==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/Whslsh3slshDAkvapt4AefESXBvQ==

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5141.32	Health Screening For School Entry - https://simbli.eboardsolutions.com/SU/hEaw6ayxLna5XjXFnM5V5w==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/KxDBTjskEdlUR2Gj3BFRPW==
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5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/blwduf15hDWiR2tsishXyakiQ==
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5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/VfqT4dag9OryfRHQPXk58A==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXsRw6Y27Q==
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5145.6	Parental Notifications - https://simbli.eboardsolutions.com/SU/SuvNxTtlUJ0XfalLui15AA==
5145.6-E PDF(1)	Parental Notifications - https://simbli.eboardsolutions.com/SU/3aQzL6ew2Hslshlswslsh02DTEyMg==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zpcyw==
5147	Dropout Prevention - https://simbli.eboardsolutions.com/SU/nRgafK7e25QslshoATTaX0j5w==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/ZCXkdpn0NOWtDDYwmvGMPw==
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5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/3WD3cPzZ5cHkLGieytbEKA==
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6000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zHSg==
6011	Academic Standards - https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEslshLEej7PvA==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/8BBILRHFPN4Ze3IDgijtlg==
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6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/TkiGKzMnAo9vQwZU56wqVw==
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6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==
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6146.3	Reciprocity Of Academic Credit - https://simbli.eboardsolutions.com/SU/rdkgdyDZ2KnybslshisshopFL8Q==
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6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUiLWOYqgA==
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6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education - https://simbli.eboardsolutions.com/SU/ueu2nVzHClsqslsh5Oplus8osvjg==
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6159.3	Appointment Of Surrogate Parent For Special Education Students - https://simbli.eboardsolutions.com/SU/kwKWaBk8WZGBdRWcmfUQoA==
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6159.4	Behavioral Interventions For Special Education Students - https://simbli.eboardsolutions.com/SU/vvWadBTd0l5EqM9eM3Rxbhw==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKH040A==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/oZbkKwYtcu0mkplusF9H7PNfQ==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/Ba6VUEQG9hX91drdoa1Sjg==
6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/MpluswGPjV8eNplusf364PI8EJHA==
6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/lrd2Nai8BMolUAYcGFTZtA==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/6plusOTTGd6ABIAeBaW0zV0xg==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/CGPb7slshjqY1l1isv4hclqQ==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/wTI8EVvu0t0484S390RuGw==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/G268I3K6kr8FEbTmbKV2A==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/zsjkyhfKAplusFQR21mnjd3hw==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/vD4ZxTplusVHjDJcdnxYRslshO3g==
6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/WeRWxD20iReBezfn3aKzplusQ==
6173-E PDF(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/D7vRHZxZslshBORslshzL7t0wPgW==
6174	Education For English Learners - https://simbli.eboardsolutions.com/SU/IFQfShfeGbUO7DlybnDn5w==

6174	Education For English Learners - https://simbli.eboardsolutions.com/SU/f8BiOLVWS3pu1GqJeOV2ug==
6177	Summer Learning Programs - https://simbli.eboardsolutions.com/SU/ezqaj3pDRTAplus4BQ5IJGzw==
6179	Supplemental Instruction - https://simbli.eboardsolutions.com/SU/zi8aQRQAs4kCAuX1Bu2Mslshg==
6190	Evaluation Of The Instructional Program - https://simbli.eboardsolutions.com/SU/okRYD9py3tHKZr20XkWEZg==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/Y0cKfotkIMiw5r0QyNix2A==

Cuyama Joint Unified School District

2300 Highway 166, New Cuyama, California 93254
(661) 766-2482 • FAX: (661) 766-2255

July 14, 2022 (#1 of 2)

Personnel Activity Report

Classified Resignations:

1. Leticia Fonseca – Instructional Aide/ASES effective end of workday July 22, 2022.
2. Sylvia Fonseca – Instructional Aide/ASES effective end of workday July 22, 2022.

Certificated Resignations:

1. Patricia Lopez Barriga – K-12 Counselor effective end of workday June 30, 2022.

Hires:

- | <u>Classified</u> | Name: | Pay Scale |
|--|-------------------|---------------------|
| 1. Library/ Media Aide
6.5 hours a day
Start date August 22, 2022 | Kathleen Ricci | Classified Schedule |
| 2. TK/K Instructional Aide
6.5 hours a day
Start date August 22, 2022 | Jackie Rodriguez | Classified Schedule |
| 3. Maintenance II/Bus Driver
8-hours a day
Start date July 18, 2022
Permanent | Samantha Sullivan | Classified Schedule |
-
- | <u>Confidential:</u> | Name: | Pay Scale |
|--|----------------|---------------------|
| 1. Secretary to the Superintendent
8 hours a day
Start date July 18, 2022 | Alleigh Cortes | Class. Confidential |
-
- | <u>Certificated</u> | Name: | Pay Scale |
|--|----------------|-----------------------|
| 1. Sierra Madre/RTI
7.5 hours a day (full-time)
August 16, 2022 | Leah Bourgeois | Certificated Schedule |

Cuyama Joint Unified School District

2300 Highway 166, New Cuyama, California 93254
(661) 766-2482 • FAX: (661) 766-2255

July 14, 2022 (#2 of 2)

Personnel Activity Report

Extra Duty Stipends 2022-2023:

Cuyama Elementary School:

	Name:	Pay Scale
1. ASB/Activities Advisor	Nicole Rodriguez	A2
2. Teacher-in-Charge	Nicole Rodriguez	A2
3. Science Fair Coordinator	Nicole Rodriguez	C2
4. 8 th grade field trip	Russ Barnes	C2

Cuyama High School:

1. ASB/Activities Advisor	Jennifer Stancliff	A2
2. Teacher-in-Charge	Kevin Lebsack	C2
3. FFA Advisor	Kevin Lebsack	C2
4. Classes advisor (9 th , 10 th , 11 th , 12 th)	Jennifer Stancliff	A2

Professional Resignation Letter

Patricia Lopez Barriga
170 Pabst Lane
Santa Maria, CA 93455
(805) 314-7971

June 24, 2022

Alfonso Gamino
Superintendent
Cuyama Joint Unified School District
2300 Highway 166
New Cuyama, CA 93254

Sub: Resignation Letter

Dear Mr. Gamino,

It is with great regret that I hereby resign as the K-12 School Counselor. My last working day will be June 30, 2022.

I would like to thank you and the Cuyama Unified School District for the opportunity you have given to me. It was a wonderful experience to have been able to serve our students. I also want to thank you for your continued support and leadership, it was outstanding!

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia Lopez Barriga', with a stylized flourish at the end.

Patricia Lopez Barriga

Cuyama Joint Unified School District



Safe Return to In-Person Instruction and
Continuity of Services 2022-2023 plan

Cuyama Joint Unified School District

July 14, 2022

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Introduction and Intent:

The COVID-19 Pandemic has changed the way we currently live our lives and the way we interact with one another. The school environment has been impacted since March of 2020 and will continue to be impacted for the time being. During the 2022-2023 school year and beyond, we will continue to take all reasonable steps to protect the health of our students and staff.

The purpose of this Safe Return to In-Person Instruction and Continuity of Services Plan is to provide for an in-person educational program for all students in a safe environment starting on August 22, 2022. The Cuyama Joint Unified School District is committed to balancing the health of our students, staff, and families while at the same time continuing to provide an outstanding public education to all our students. Our goal is to maximize instructional time and support the social and emotional needs of our students and staff as we focus on the whole individual.

This plan is based on information gathered from the California Department of Education (CDPH Reentering Schools Guidelines), the Center for Disease Control, and the Santa Barbara County Public Health Department.

Staff gave input for the In-person instruction 2022-2023 plan. This 2022-2023 In-Person Instruction plan reflects the latest information and guidance provided for a safe reopening in the Fall of 2022. This plan is subject to change as the situation on the ground and the guidance from SBPH changes.

PLANNING ASSUMPTIONS

The assumptions below reflect input received from other Santa Barbara County Superintendents feedback, state, and local stakeholder agencies, as well as input from certificated staff, classified staff and community members in 2021-2022. In the case of the COVID-19 pandemic, the situation continues to be monitored and therefore, this plan will change as new information and new guidelines become available. This plan is based on the following assumptions:

1. COVID-19 is and will continue to be a public health threat for the foreseeable future;
2. Santa Barbara County Public Health ("SBCPH") and the Governor through In-Person guidance will guide schools on re-opening based on State guidelines and local conditions related to the virus;
3. SBCPH will be viewed for guidance and most current information;
4. SBCPH will inform districts on the measures a school district must take in order to reopen the campus to students;

5. External community organizations will follow these Safe Return to In-Person Instruction and Continuity of Services plan protocols as may be required by SBCPH or the CDPH;
6. Santa Barbara currently has a low Covid-19 case rate. Cuyama, being a small district in Santa Barbara will start the 2022-2023 school year with a full in-person instructional program effective August 22, 2022;
7. District nurse will review existing health plans to make accommodations as needed;
8. The economic impacts of the pandemic have had and will continue to have significant and possibly lasting impacts on schools and school budgets;
9. The district will focus on providing a welcoming and supportive environment to students and staff through a rigorous in-person educational program once the 2022-2023 instructional year begins on August 22, 2022;
10. The district recognizes that the pandemic is ongoing and individual staff members, students, entire class, and/or entire school may be required to quarantine in the event of an outbreak of COVID-19 at the different school sites as the schools will be open for in-person instruction starting August 22, 2022. Decisions of this magnitude will be directed by SBCPH;
11. The district will be providing in-person instruction: SBCPH and the CDPH may instruct the district to close a school (s) based on the number of Covid-19 cases at the time.

REENTRY PROTOCOLS

Guidance for Face Coverings

Staff and students in California must may wear face coverings (recommended but not required) when they are in indoor in school facilities.

- Inside of, or in line to enter a classroom or school building. No face masks required outdoors except during an outbreak.
- Working in any space where food is prepared or packaged for sale or distribution to others.
- In any room where other people are present when unable to physically distance.
- Facial coverings will be recommended but not required by the state for school staff conducting in-person classes at this time.

- Facial coverings will be recommended by the state for all students while in a classroom or school building with limited exceptions for health reasons. A child and/or staff member with a health reason may wear a face shield to school.

Face masks recommended but not required for the following:

- Persons with a medical condition, mental health condition, or disability that prevents wearing a face mask. A doctor's note to be turned in to the office.
- Persons who are hearing impaired, where the ability to see the mouth is essential for communication.
- These staff members and students can wear a face shield instead.

Student Health and Safety measures for in-person instruction:

- Parents are to screen students before leaving for school (check temperature to ensure temperature is below 100.4 degrees Fahrenheit, observe for symptoms outlined by public health officials) and keep the students at home if they have symptoms consistent with COVID-19.
- Students may wear a face mask each school day before boarding the school bus or before entering campus if they do not board a school bus. Face masks will be provided to each student who does not bring his/her own face mask on a daily basis and who would like to wear one.
- Classified and certificated staff will informally observe students as they enter school bus; enter campus; and/or enter the classroom each day for COVID-19 symptoms. Staff already send students to the office when the student states that he/she is not feeling well or when the staff members notice a student not feeling well.

COVID-19 symptoms include:

- Fever or chills
- Cough
- Shortness of breath
- Sore throat
- Headache
- Nausea or vomiting
- Diarrhea
- Fatigue
- New loss of taste or smell
- Muscle or body aches

Staff Health and Safety measures for in-person instruction:

- All staff should self-screen before leaving for work or upon arriving to their work facility (check temperature to ensure temperature is below 100.4 degrees Fahrenheit), check for symptoms outlined by public health officials, and stay home if they have symptoms consistent with COVID-19. Fully vaccinated employees without symptoms do not need to be tested or quarantined after close contact with COVID-19 cases unless they have symptoms.
- All teachers will have an emergency substitute plan, daily schedule, and weekly schedule on file in the school office or a designated location in the classroom.
- All staff may wear a face covering/face shield inside the classroom. At the employee's request, the district may issue a face shield/respirator to him/her. The employee would then be responsible for maintaining his/her face coverings/respirator. District provided training regarding the appropriate use and appropriate cleaning of the face shields. It will continue to educate staff throughout the year.
- Staff may avoid congregating in work environments, break rooms, staff rooms, and bathrooms to the extent possible and as the guidance recommends.

Classroom protocols for in-person instruction:

Staff will follow the following classroom protocols:

- Students will line up outside the classroom door prior to entering the classroom; each student shall be separated outside the classroom to the extent possible.
- Teacher desk should be at least six feet from the closest student desk.
- Before school, before breakfast, before lunch, after P.E., and after recess, each student will either wash his/her hands or utilize the district provided hand sanitizer.
- Minimize mixing across stable groups to the extent possible. To the extent possible, wash hands with soap and water when students mix to play with equipment during recess or breaks.

Staff will informally monitor students throughout the day for signs of illness.

Staff may conduct symptom screening when signs of illness are identified. This screening includes temperature check with a no-touch thermometer to ensure temperature is below 100.4 degrees Fahrenheit.

Minimize the mixing of students to the extent practicable. The movement of staff and students will be minimized as much as possible.

Students should not share materials and equipment at school.

Students to bring their own water bottles to school and not share.

Maximize classroom setting to allow for some social distancing as much as possible.

Staff will consider using non-classroom space for instruction weather permitting.

To help maximize classroom space, all soft seating, and non-educational furniture will be stored on campus. All personal belongings are the responsibility of the teacher to remove by Friday, August 19, 2022.

All classrooms will be cleaned daily. The classrooms and buildings will be disinfected only when someone had Covid-19 and used the facility. Disinfecting a classroom or building includes:

- Desks, tables, chairs, door handles, drinking fountains, light switches, and sinks.

Teachers should keep each child's belongings separated and in an individually labeled storage container, cubby or area as practicable.

Staff will remind students in common places such as the cafeteria to maintain physical distancing to extent possible.

Enrichment classes such as PE, AG, Arts:

- Physical Education: Physical Education (PE) will be limited to activities that involve limited contact with other students (outdoors) or equipment until advised otherwise by county, and state/local health officials.
- Library: The library may recommend mask wearing and physical distancing procedures to the extent possible to maximize space.
- As practicable, the TOSA/RTI teacher(s) may go to the classes where students are, meet outside, or meet in designated classrooms spaces to maximize social distancing as practicable.
- As practicable, supplies will be individually labeled and stored in container, cubby, or designated area.

District/School Office:

- As practicable, maximize space to allow for some social distancing.
- The office, workrooms, and staff bathrooms will be cleaned daily.
- Staff may wear gloves and use hand sanitizer in the workroom.
- Staff may avoid congregating in the office, staff lounge, and bathrooms.
- A physical counter will separate office functions from the public.
- Employees may wear a face mask/covering while in an indoor setting.

ASES After School in-person instructional program is in place:

- The district will resume the in school after-school program effective August 22, 2022, as this is when the in-person instructional program resumes. They will provide the after-school environment classes as they did prior to the pandemic. Staff may maximize distancing as practicable in the classroom setting.
- The program should be conducted in outdoor environment as much as possible. Face masks recommended but not required while in a classroom or school building.
- Children will engage in activities that respect social distancing.
- Until further notice, only authorized district staff will be permitted to teach ASES activities on the Cuyama Joint Unified School District Campus for the 2022-2023 school year. District may consider, with prior approval, having guests teach some ASES activities.
- Maximize spacing and provide outdoor instruction as appropriate.

Food Service:

Food Service Breakfast:

- Food service personnel will wear gloves to serve food and may wear a face mask daily (as recommended by the guidance) when the district resumes it's in-person instructional program effective August 22, 2022.
- Food service Personnel will serve breakfast and lunch in the cafeteria (in-person educational program).

Food Service program In-person educational program:

- Superintendent/Principal will monitor cafeteria from 7:30 a.m. – 7:45 a.m.
- Three employees have cafeteria duty from 7:45 a.m. to 8:00 a.m. in the cafeteria.
- Students will be escorted by staff to the Elementary and Middle School playground at 7:45 a.m. where they will remain supervised.
- Students eating breakfast will remain in the cafeteria until they are done eating.
- Breakfast at the high school will remain as it has been done in the past.

- Sitting areas may social distance to extent possible.

Food Service Lunch:

- Food service personnel will wear gloves to serve food and may wear a face mask daily.
- Food service personnel may consider serving meals in classrooms or outdoors as an alternative setting as practicable.
- Additional serving tables may be placed outside the cafeteria to provide more room for social distancing.
- Grab and Go/ Sack lunch meals may be served for lunch to the students as determined by the conditions at the time.
- Lunch schedules are already staggered appropriately. Each classroom cohort will be provided with at least two cafeteria tables, to the extent possible, to maximize eating space at the elementary. High School students will be provided space in the cafeteria and outdoors weather permitting.
- Outdoor seating may be provided to allow for maximizing space at the elementary school.

Campus Access-Visitors and Guests:

To protect the health and safety of all our students and staff, Campus access will be limited to students, teachers, district office staff, and a limited number of visitors during the instructional day.

- The Cuyama Elementary playground equipment will be opened to the students during the school in-person instructional day.
- Students shall be dropped off and picked up in the front of the school. Parents shall not enter the campus after school starts each morning unless approved by the Principal or designee.
- Minimize the number of volunteers on campus or in the classrooms when in-person instruction resumes on August 22, 2022.
- Superintendent and Office staff will approve campus visitors.
- To protect the health of our students, outside visitors are strongly discouraged from visiting the campus when in-person instruction resumes on August 22, 2022. Parents are encouraged to email and call the office when they have questions or concerns instead of physically visiting the school site.
- If accessing the school campus for any reason, a parent may wear a face covering and maintain social distancing to the extent possible while inside the school grounds. Face masks may be worn:
 - While waiting to enter the school campus
 - While on school grounds
 - While leaving the District/School

- Outside organizations that would like to use district facilities will be considered on a case-by-case basis.

Field Trips:

- Field trips will be considered based on the district's ability to minimize the risk of district students and staff once the in-person instruction resumes.
- Field trips shall comply with the California Department of Health Guidelines and CDPH Guidelines.
- In the event of student illness, a parent shall agree to immediately pick-up the child from the field trip to avoid further potential transmission of the illness.
- The CDC recommends that staff consider virtual activities in lieu of field trips and intergroup events where appropriate.

Sports:

- Schedules will be developed, for home and away sporting events, by the California Interscholastic Federation (CIF) and California Department of Public Health (CDPH) guidelines. The district will resume a full CIF three-season sporting calendar for 2022-2023.
- Students will use their own individual water bottles.
- Students will practice social distancing as practicable during practices and during sporting events.

Professional Development and Training:

- The District is to implement hygiene practices to ensure personal health and safety in school facilities and vehicles. Staff and students to be trained on proper handwashing techniques and PPE use including the following:
 1. Scrub with soap for at least 20 seconds or use hand sanitizer. Staff models how to wash hands.
 2. Wash hands when arriving or leaving home; arriving at and leaving school; after play outside, after having close contact with others, after using shared surfaces or tools, before and after using the restroom, after blowing nose, coughing, and sneezing, and before and after eating and preparing food.
 3. Hand sanitizer should be used when hand washing is not practicable.

Staff and students to:

- Use tissue to wipe the nose and cough and sneeze inside the tissue.
- Not touch the face or face covering.
- Use own reusable water bottles.

Provide staff training or utilize state-approved training on:

- Disinfecting frequency and tools and chemicals used;
- Physical distancing of staff to students in the classroom;
- Symptom screening, including temperature checks as practicable
- Face coverings/face shields;
- Cough and sneeze best practices;
- Keeping hands away from one's face;
- Use of No-touch thermometers as appropriate;
- Confidentiality around health recording and reporting;

Stress on Brain:

- Stress has a major impact on the Developing Brain. The Science of Learning and Development Alliance is a great resource for teachers, administrators, and LEAs to understand how stress affects students. During this current pandemic, students may have experienced high levels of stress from the disruption of their daily lives, worries about their families and community.

Parents, students, and staff may reference The Back to School Blueprint provided by the Rennie Center (<https://www.renniecenter.org/research/back-to-school-blueprint/helping-students-heal-trauma>). This resource serves as a guide for helping students heal from trauma.

Remember to focus on expected behaviors rather than on unexpected behaviors. Topics that may be discussed with students at the beginning of the school day (in-person instructional program) include but are not limited to the following:

- How to appropriately play with others;
- How to appropriately conduct themselves at recess, lunch, and while standing in line;
- Attitudes in class and in the playground;
- Processes to follow while participating in class discussions;
- Processes for visiting the restroom;
- How to react to a classmate's illness;
- Social distancing practices;
- How to appropriately conduct themselves on the school bus.

Multi-Tiered Systems of Support for in-person Instructional Program:

Tier I: All students participate in school-wide expectations

- Teacher to student behavior intervention within the classroom
- Buddy team teacher to support

Tier II: Targeted Student Intervention and Support

- Teacher/student/parent conference
- Restorative approaches
- Problem solving plan
- Possible counseling referral

Tier III: Highly Targeted Student Intervention Plan

- Teacher/student/parent/psychologist/principal conference
- Behavior intervention plan created
- Alternative Learning Area
- Restorative approaches
- Counseling referral for student and or family
- Suspension last resort if legal based on the specific circumstances

Communication:

The District may communicate to staff, students, and parents about new, COVID-19 related protocols, including:

- Hand washing protocols;
- Temperature checks;
- Proper use of face coverings (if required);
- Cleanliness and disinfection;
- Transmission prevention;
- Guidelines for families about when to keep students home from school.
- Plan process for when to close a classroom or school again for physical attendance of students.

The District will use existing school resources to amplify messaging including signage, notices, website, and social media. This 2022-2023 Safe Return to In-Person and Continuity of Services plan will be posted on our website.

Cleaning and Operations:

Custodial staff will be provided with the equipment and PPE for cleaning and disinfecting (*when an individual with Covid-19 uses a facility), including:

- Staff will disinfect classrooms and other facilities when someone who had Covid-19 used those specific facilities.
- Custodial staff will clean drinking fountains, and playground equipment as appropriate.
- Outside organizations must follow the same procedures when sharing facilities. Use EPA "List N" products for cleaning. Facility use form must acknowledge that the cleaning procedures and safety guidelines will be followed.
- Support healthy hygiene by providing adequate supplies: Soap, hand sanitizer with at least 60 percent alcohol, paper towels, tissues, disinfectant wipes, and cloth face coverings (if required at some point) as practicable.

Teachers and staff who voluntarily take an online course will be qualified to use proper cleaning supplies to disinfect areas in their classrooms and campus areas. The online courses may be found at www.getsaftytrained.com.

Three levels of site cleaning include:

1. Daily cleaning
2. Specific location
3. Schoolwide cleaning

Daily cleaning: Custodial staff will provide regular routine cleaning. Teachers and staff who voluntarily take an online course are qualified to use proper cleaning supplies. Teachers should clean/disinfect their work station.

Specific Location: This involves cleaning an area in which a person with symptoms of an infectious disease was present. Custodial staff will provide this cleaning following any CDC guidelines found at <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>.

Schoolwide cleaning: This involves cleaning an entire school site due to a confirmed person with COVID-19. As needed, our custodial staff, and as needed, a contractor would be hired to support. <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>.

When engaged in cleaning:

- Frequent hand washing
- Wear gloves when cleaning and handling trash
- Do not touch your face while cleaning

Cleaning area contaminated: When cleaning area contaminated by someone who is believed to be ill or may potentially be carrying COVID-19 virus, protocols to be followed include:

- Isolate area occupied by individual in question
- If and when possible, open the doors and windows to increase circulation
- Wait 24 hours before you clean or disinfect if possible and practicable.
- Clean all areas used by the person in question such as classroom, offices, bathrooms, computers, etc. Wear gloves, mask, and goggles while cleaning.
- Re-open area once properly disinfected. Resume routine cleaning and disinfecting.

Symptomatic Student (in-person instructional program):

What to do if a student is symptomatic while entering campus or during the school day:

- Students who develop symptoms of illness need to be separated from others right away.
- Any student or staff member exhibiting symptoms should be required to immediately wear a face covering and report to the designated isolation room (Nurse's office).
- The teacher will phone the office for a staff member to escort the students to the outside pick-up/drop-off zone until they can be transported home or to a healthcare facility. The teacher and/or staff member escorting student shall wear a face shield or face mask/respirator and gloves. The student shall also be provided a disposable face mask to be worn at all times until picked up by a parent or guardian. District will call the individuals listed on the emergency card if parents are not able to be reached.
- Advise parent that sick student is not to return to school until they have been seen and cleared by a medical professional and have met SBC Public criteria to discontinue home isolation.
- Notify SB County Public Health. Public Health will provide guidance of process to follow if we have a student or staff member with COVID-19.
- SBCPH and the CDPH may instruct the district to close a school (s) based on the number of Covid-19 cases at the time.
- Any area used by individual student that is symptomatic shall be immediately isolated and disinfected.
- Vaccination is the most effective at preventing transmission and severe illness.
- No surveillance testing of students.

Symptomatic Staff Member (in-person instructional program):

What to do if a staff member is symptomatic while entering campus or during the school day

- Staff member shall immediately inform Superintendent/Principal or designee and be released from their duty assignment.
- Staff member shall report to Superintendent/Principal or designee all areas occupied during illness and provide all student and staff contacts.
- Once released, staff member will self-isolate and vacate the school campus. Staff member will avoid further contact with students and other staff.
- Any staff member exhibiting symptoms should be required to immediately wear a face covering/respirator and report to the isolation room (Nurse's office) until he/she is released.
- The office staff person will escort the staff member to the office/isolation room until they can be transported home or to a healthcare facility.
- Advise staff member he/she is not to return to school until he/she has been seen and cleared by a medical professional and met SBC Public Health criteria to discontinue home isolation.
- Notify SB County Public Health. Public Health will provide guidance of process to follow if we have a student or staff member with COVID-19.
- SBCPH and the CDPH may instruct the district to close a school (s) based on the number of Covid-19 cases at the time.
- Any area used by staff member shall be immediately isolated and disinfected.
- Vaccination is the most effective at preventing transmission and severe illness.
- No surveillance testing of staff.

Social-Emotional Learning and Support

- Some of the students who need support due to the stress and trauma resulting from the COVID-19 school closures need to be monitored.

Daily Schedule:

- Due to the small number of students in our schools and in our district, the Cuyama Joint Unified School District will create 2022-2023 schedules like the 2021-2022 school year schedules for in-person instruction.
- Teachers will need to take attendance of all students on a daily basis.
- Teachers will provide ELA, Math, Social Studies, Science, ELD, and PE Instruction daily. Other subjects will be Incorporated as time allows.

Transportation for in-person instructional program:

- Students may maximize seating on the school bus and lower windows as practicable.
- Students from same family may sit together on the bus as practicable.
- Bus drivers will provide routine cleaning of their buses. Buses will be thoroughly disinfected when it is determined that student/staff member with Covid-19 had been on the bus.

- Students will be informally checked as they are boarding the school bus each morning for possible COVID symptoms. (No thermometer checks by personnel). Parents are to check their children before they send them to school.

Teachers on Special Assignment (TOSA)/RTI:

- At their discretion, the TOSA and RTI teachers may go to the classes where students are, meet outside, or meet in classroom spaces to maximize social distancing for in-person instruction.
- In collaboration with other teachers, the TOSA and RTI teachers will support students via the in-person instructional learning program daily.

Recess Rules and Play Areas for in-person instruction:

Due to a small number of students at each site and as a district:

- Recess rules will encourage students to play in their designated play areas
- Students are to maximize the outdoor playing areas.
- Students are not required to wear a face mask while outdoors.
- Students may play with each other at recess/break (outdoors).

Substitute Plan for in-person instruction:

- Teachers are to have a week to two weeks of substitute plans for a quarantine situation or just for an unforeseen family situation where the teacher needs to be out for a prolonged period.
- Emergency substitute plans are to be located in the office or in a place where office personnel can easily access the plans if needed.
- Teacher shall text and/or call the school secretary to secure substitute coverage.
- Substitute teachers will be made aware of the district's health and safety protocols.
- As needed or as requested, substitute teachers will be provided a face mask.

Our business office, school office staff, and custodial, maintenance and operations staff will provide essential support to administration, teachers, instructional aides, parents, and students focused on high caliber education each day.

A chrome book/laptop and hot spot (for those students that need it) will be provided to each district student to use as an instructional tool throughout the year. The chrome book/laptop will be distributed on or before August 22, 2022.

Teachers will take accurate attendance of students each day.

School Closure and Transition to a rigorous remote distance learning plan:

- Superintendent will contact and consult with Public Health and follow appropriate PH guidelines based on the risk level.
- Close infected areas until sanitized.
- Person (s) infected will be quarantined for 10 days.
- SBPH and the CDPH may instruct the district to close a school (s) based on the number of Covid-19 cases at the time.
- School closure will necessitate the district to issue Independent Study to students and initiate the distance learning protocols. In addition, we will use our parent communication system to keep parents informed. We will also use zoom for classroom conferencing as practicable for teaching students, and for staff and individual collaboration meetings. Student chrome books/laptops will be issued K-12th grade to support the distance learning program when a school closure is called. Public Health will inform the district and provide direction as to whether a school will need to be closed for a period of time.

Teachers will provide a highly engaging educational distance program to all of its students. The focus will be on mastery of ELA and math Common Core State Standards, Next Generation Science Standards, ELD, and Social Studies Standards.

Daily live Interactions required for distance learning educational program like an in-person regular Instructional schedule.

Challenging assignments equivalent to in-person classes.

Adapted lessons for English learners and special education students.

Our Teacher on Special Assignment (TOSA), RTI teachers and instructional aides will provide support to the classroom teachers and students. The focus will be on mastery of ELA and math Common Core State Standards, Next Generation Science Standards, ELD, and Social Studies Standards.

Our business office, school office staff, and custodial, maintenance and operations staff will provide essential support to administration, teachers, instructional aides, parents, and students focused on high caliber education.

It will be our expectation that teachers and students are logged into zoom and participate in instruction and learning. The meetings will be open-ended and directed by the teachers. The zoom schedule of meetings will be identical to the one used during the 2020-2021 school year for each of the sites.

Teachers will take accurate attendance of students each day.

*** This Safe Return to In-Person Instruction and Continuity of Services plan is subject to change as the situation on the ground and the guidance from SBPH and CDPH changes.**

REQUEST FOR QUALIFICATIONS

ARCHITECTURAL SERVICES

FOR

CUYAMA JOINT UNIFIED

SCHOOL DISTRICT

Master Planning, Growth, Modernization, Maintenance, DSA
Projects, CVHS and Cuyama Elementary School Projects,
HVAC projects, and Other Miscellaneous Projects

Issue Date: 6/28/2022

Response Due Date/Time: 7/25/22 at 12:00 p.m.

Contact:

Name: Theresa King, Business Manager

Address: 2300 Highway 166, New Cuyama, CA 93254

Telephone Number: (661) 766-4104

I. GENERAL

The Wasco Union High School District (hereinafter "Owner") is issuing this Request for Qualifications (RFQ) and seeking proposals from firms interested in providing architectural services for the following project(s): **Master Planning, Growth, Modernization, Maintenance, DSA Projects, CVHS and Cuyama Elementary School Projects, HVAC projects, and Other Miscellaneous Projects**

Owner is seeking to establish a pool of firms with a record of excellence in the indicated scope(s) of work. It is the intent of Owner to utilize the approved list of firms for selection for projects during the next five (5) years. The listing of more than one project in this RFQ is not to be construed as an indication that the selected firm will be awarded a contract for every project and Owner reserves the right to award listed project(s) to other firms, in Owner's sole discretion.

At the time of downloading/requesting this RFQ, potential respondents shall provide Owner with their company name, email, business street address and mailing address, if different from the street address, phone and fax. Any communication directed to either the email or address given and deposited with the U.S. Postal Service using Certified Mail shall constitute a legal service upon the respondent.

Through this Request for Qualifications, Owner will assess the qualifications and ability of the firms submitting proposals to meet Owner's needs for the Project(s), as well as the cost for services. The firms must have extensive experience with, as appropriate and without limitation, the Office of Public School Construction ("OPSC"), the Division of the State Architect ("DSA"), the Department of Toxic Substances Control ("DTSC"), the Uniform Building Code ("UBC"), and Title 24 of the California Code of Regulations. Firms wishing to submit a Statement of Qualifications must be appropriately licensed in California and, at a minimum, insured in the amounts called for in the attached Agreement for Services.

No Respondent or subcontractor required to be registered with DIR may be awarded a contract for public work on a public works project unless registered with the DIR. DIR's web registration portal is: www.dir.ca.gov/dlse/dlsePublicWorks.html. Respondents and all subcontractors, if required to be registered with the DIR, must furnish electronic certified payroll records (eCPR) to the Labor Commissioner [specify weekly, bi-weekly or monthly] in PDF format. Registration at <https://apps.dir.ca.gov/eCPR/DAS/alltlogin> is required to use the eCPR system.

Owner has a Disabled Veteran's Business Enterprise ("DVBE") participation goal of 3% per year of the overall dollar amount of state bond funds allocated to the Owner pursuant to the Leroy F. Greene School Facilities Act of 1998, as stated in Education Code Section 17076.11. As a condition precedent to final payment for the performance of any contract awarded to Respondent by Owner on a project that is funded in whole, or in part, by state bond funds, Owner will require Respondent to provide to Owner: (1) written documentation identifying any amounts paid by Respondent to certified DVBE subcontractors and suppliers and (2) a copy of any DVBE Certification Letter issued by the OPSC for each DVBE that participated in the performance of any contract awarded.

II. PROJECT INFORMATION

A. Owner's project(s) (hereinafter "Project") consists of:

Cuyama Valley High School and Cuyama Elementary School projects (TBD), CVHS HVAC project, and Other Miscellaneous Projects

B. The governing code is the current edition of the "California Building Code," California Code of Regulations, Title 24).

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C. Project General Information.

1. Project Background:

The projects will improve the educational environment for the students to increase student achievement. Provide the students a positive environment to help meet students' social-emotional needs.

2. Project Description:

Provide students with the educational environment necessary for the students to increase student achievement as well as a positive environment to continue to receive in- person instruction after the stagnation of the COVID crisis to help meet students' social-emotional needs.

3. Budget.

With Owner's assistance, the architect will develop the budget. The budget will be established within general cost figures and guidelines as established under the Leroy F. Greene Lease Purchase Program and the OPSC, if applicable. The anticipated budget for the Project(s) *[if available]* is:

- | | | |
|--|-----------------------|------|
| i. | <i>[Title]</i> | \$ |
| <i>[ii. Add additional, as appropriate]</i> | | \$] |

4. Project Timing.

- a. The requested design work is to be completed and plan checked, bid, and construction completed by . Other timing estimates are as follows:

SERVICE***START DATE***

Preconstruction Services
 Bid Period
 First Notice to Proceed
 Construction Time
 Estimated Completion

- b. It is anticipated that the services required under this RFQ shall extend from the time of award of a contract to the architect through completion and final acceptance of the Project by Owner and any warranty period thereafter.

PLEASE NOTE: If funding is not available the Project will be placed on hold until funding becomes available.

III. SCOPE OF SERVICES

- A. The architectural services firm (hereinafter "Architect") shall provide required architectural
 July 2021

services for the Project(s). Architect shall provide those services with special emphasis on design efficiency, cost control, schedule control, document control, contractor compliance, and management of information. ***The scope of services may change should Owner elect to utilize the Lease Leaseback, CM @ Risk or other delivery method.*** The services required include, without limitation, the following general categories:

1. Communication with Owner;
2. Hiring and supervising consultants and personnel;
3. Assistance in preparing comprehensive educational specifications;
4. Site plan, including survey information such as topography and dimensional information;
5. Initial planning phase of Project;
6. Schematic plan phase of Project;
7. Design development phase of Project;
8. Renderings of Project;
9. Final working drawings and specifications;
10. Construction contract documents;
11. Bid phase;
12. Observation of Project;
13. Construction of Project;
14. As-built drawings;
15. Project closeout services, including but not limited to transition planning, preparation of final punch list and subsequent walk-through to confirm that deficiencies have been corrected, and preparation of completion documents required by OPSC;
16. Additional services of Architect;
17. Preparing and performing services pursuant to an estimated time schedule;
18. Maintaining records of direct personnel and reimbursable expenses and other matters;
19. Cooperating and consulting with Owner in use, selection, and establishment of standard Owner-preferred items, including but not limited to paint, hardware, plumbing, mechanical and electrical equipment, fixtures, roofing materials, and floor coverings;
20. Cooperating with Owner's Disabled Veteran Business Enterprise (DVBE) compliance requirements and goals.

B. The scope of services being requested is more fully defined in the draft CONTRACT FOR ARCHITECTURAL SERVICES attached to this RFQ as Exhibit "A", and any attachments thereto. The firm selected will be required to execute this form of contract.

IV. CONTENT OF STATEMENT OF QUALIFICATIONS

- **Letter of Interest** - A dated Letter of Interest must be submitted, including the legal name of the respondent(s), the type of firm (i.e., individual, partnership, corporation or other), address, telephone and fax numbers, the name, title, email address and signature of the person(s) authorized to submit the Statement of Qualifications on behalf of the firm. The Letter of Interest should provide a brief statement of your firm's experience indicating the unique background and qualities of the firm, its personnel, and its sub-consultants, and what will make the firm a good fit for work of the Owner.
- **Table of Contents** - A table of contents of the material contained in the Statement of Qualifications should follow the letter of interest.
- **Executive Summary** - The executive summary should contain an outline of your approach to public works, along with a brief summary of your firm's qualifications.
- **Narrative / Firm Information** - Provide a comprehensive narrative of the construction-related services offered by your firm. The narrative should include the following:

- Provide a brief history of your firm, and, if a joint venture, of each participating firm. Identify legal form, ownership, and senior officials/ principals of company(ies). Describe number of years in business (for all private entities and for public entities and public schools) and types of business conducted. Disclose any entities that the senior officials/ principals of your firm may have performed services for in the past.
- Describe your philosophy and how you work with Owner program managers, construction managers, architects, Owner administration officials, including assistant superintendents, facilities directors, teachers and site principals, to develop construction-related design responses to unique challenges of educational program requirements.
- Discuss the firm's/team's ability to meet strict schedules for comparable projects, your schedule management procedures, and how the firm will successfully handle potential delays.
- Indicate whether your firm or any of its senior officials/ principals, during the last five (5) years, has done any of the following: (i) defaulted so as to cause a loss to an insurance carrier (ii) failed to timely complete a project, (iii) been involved in litigation, arbitration or any dispute resolution (including settlements) relating to a public construction project, (iv) failed to complete a project, (v) been assessed back-charges on any public works construction project, (vi) filed a claim for additional compensation, or (vii) failed to qualify or been deemed unqualified or non-responsible on any public works construction project.
- Identify K-12 and/or community college projects performed by your firm in the past **three (3) years**. Limit your response to **no more than the ten (10) most recent** projects. Please include the following information for each project:
 - Name of project and district,
 - Scope of projects, description of services provided
 - Contact person and telephone number at district,
 - Firm person in charge of each project,
 - All litigation arising from the project, if any. State the issues in the litigation, the status of litigation, names of parties, and outcome.
- Include resumes of key personnel who would be assigned to each Project. Provide an organizational chart reflecting your proposed project team for the project, including all persons on your project team. Specifically, define the role of each person and outline his or her individual experience and responsibilities. Indicate who would serve as primary contact(s) for the Owner. If the firm would utilize resources from more than one office, indicate office locations and how work would be coordinated. Provide information on sub-consultant team members and information on recent and successful associations with designated sub-consultants.
- **Additional Data** - Provide additional information about the firm as it may relate to your Statement of Qualifications. Include letters of reference or testimonials. Indicate ongoing commitment to professional education of staff, total number of permanent employees, and any other data that may assist the Owner in understanding your qualifications and expertise. Please include graphics that will assist the Owner in evaluating the quality of your firm's construction-related services, and the ability of the firm to produce accurate reports.
- **Professional Fees** - Provide a current fee schedule for the types of service(s) that you offer. If referencing basic services costs, include typical staffing expectations and variations that the Owner could expect for specific types of projects, if applicable.

- **Insurance** - Indicate the names of all errors and omissions insurance companies utilized by you in the last ten (10) years.
- **Agreement Form** - If a firm has any comments or objections to the Contract for Architectural Services attached as Exhibit "A" to this RFQ ("Agreement"), it shall provide those comments or objections in its Statement(s) of Qualifications. **PLEASE NOTE:** Owner will not consider any substantive changes to the form of Agreement if they are not submitted at or before this time.

V. PROPOSAL SUBMITTAL PROCESS

- A. Requests for debriefings will not be considered.
- B. Owner will not provide submittal information by either fax or overnight-type mail service.
- C. Proposals shall be received by Owner, at the address stated below, on or before the date and time stated on the face sheet of this RFQ. No oral, telegraphic, telephonic, or faxed proposals will be considered.
- D. Submission of a proposal shall be an indication that the respondent has investigated and satisfied himself/herself/itself as to the conditions to be encountered, the character, quality, and scope of work to be performed, and Owner's requirements.
- E. Proposals shall be enclosed in a sealed container bearing the title of the proposal and the name and address of the respondent.
- F. Respondents shall furnish Owner's administrative office with their email and business street address. Any communications directed either to either the email address so given or to the address listed on the sealed proposal container and deposited with the U.S. Postal Service using Certified Mail shall constitute a legal service upon the respondent.
- G. Addenda issued by Owner interpreting or changing anything in this RFQ, including all modifications thereof, shall be responded to and incorporated in the proposal. The respondent shall sign and date the addenda cover sheet and submit it with its proposal at the time of proposal opening.
- H. All proposals received by Owner will be considered a "public record" as defined in Section 6252 of the California Government Code and shall be open to public inspection, except to the extent the respondent designates trade secrets or other proprietary material to be confidential. Any documentation which the respondent believes to contain a trade secret must be provided to Owner in a separate envelope or binder and must be clearly marked as a trade secret. Owner will endeavor to restrict distribution of material and analysis of the proposals. Respondents are cautioned that materials designated as trade secrets may nevertheless be subject to disclosure and Owner shall in no way be liable or responsible for any such disclosure. Respondents are advised that Owner does not wish to receive material designated as trade secrets and requests that respondents not supply trade secrets unless absolutely necessary. The respondent's qualification package, and any other supporting materials submitted to Owner in response to the request, will not be returned and will become the property of Owner unless portions of the materials submitted are designated as proprietary at the time of submittal and specifically requested to be returned.
- I. Interested firms shall submit five (5) copies of the requested information in a sealed container:

**ALL STATEMENTS OF QUALIFICATIONS MUST BE RECEIVED:
ON OR BEFORE July 25, 2022, NO LATER THAN 12 :00 P.M.**

RFQ Contact for Questions and Submissions:
CUYAMA JOINT UNIFIED SCHOOL DISTRICT
 Theresa King, Business Manager 2100
 2300 Highway 166, New Cuyama, CA
 93254
 (661) 766-4104
 tking@cuyamaunified.org

VI. SELECTION PROCESS AND CRITERIA

A. The selection process is designed to ensure that the architect's services are engaged on the basis of demonstrated competence and qualification for the types of services to be performed at fair and reasonable prices. Owner intends to select the firm(s) that best meets the Owner's needs to perform the services as described in this RFQ and the attached Contract for Architectural Services (Exhibit "A"). From the firms who provide a Statement of Qualifications to the Owner, Owner may, at its discretion, interview some or all of those firms. One or more firms may be selected and recommended to the Board of Trustees of the Owner for approval and inclusion in the Owner's pool of qualified construction-related services firms for a five (5) year period.

Owner will evaluate qualifications based on the scoring criteria outlined in this section. Respondents who are not actively engaged in providing similar services or who cannot clearly demonstrate their ability to meet Owner's objectives and the RFQ minimum requirements will not be considered. Owner shall be the sole judge of the qualifications and services to be offered, and its decision shall be final. Discussions may be conducted with respondents who submit qualifications determined to be reasonably acceptable of being selected forward:

RFQ Scoring Criteria	Maximum Points
Background – qualifications, experience, resources, financial solvency	10 pts
Project Team & Management Structure - amount of work self-performed, strength of proposed team, trainers, and management structure	20 pts
Project History & References - relevant past project experience	30 pts
Project Approach – approach to completing project, program development, project management, training, etc.	15 pts
Funding Sources – funding experience & unique funding sources	10 pts
Professional Fees/ Pricing Proposal	15 pts

At Owner's election, a short-list of the top firms may be generated and Owner may invite the short-listed respondents to make oral presentations to the evaluation committee before making a final selection. If a respondent is selected by Owner after review of the proposals and any oral presentations, the firm deemed to best meet the needs of Owner will be contacted or Owner will reject all proposals.

Upon final selection, the form Contract for Architectural Services attached to this RFQ as Exhibit "A" will be processed by Owner for award of contract.

VII. CONDITIONS TO AWARD

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- A. Owner reserves the right to delay the selection process, withdraw the RFQ, and/or cancel the Project(s).
- B. In instances where more than a single project is identified, Owner's selection of a firm does not mandate Owner's use of the firm for each of the enumerated projects. Owner reserves the right to select a different firm.
- C. This solicitation does not commit Owner to pay any costs in the preparation or presentation of a submittal.

IX. PROHIBITED ACTIVITY

- A. Submitting firms or their agents shall not make any personal contacts with any member of Owner's Board of Trustees or other governing body prior to selection and award of a contract for this work.
- B. Proposing firms shall have read and be aware of the provisions of Section 1090 et seq. and Section 87100 et seq. of the California Government Code relating to conflict of interest of public officers and employees. No member of Owner's Board of Trustees or other governing body shall have any pecuniary interest, direct or indirect, in the resulting agreement or the proceeds thereof.

X. QUESTIONS

Any questions or clarifications concerning this Request for Qualifications, or requests to review plans and specifications for the Project, should be submitted to:

Theresa King, Business Manager
 2300 Highway 166, New Cuyama, CA
 93254
 (661) 766-4104
 tking@cuyamaunified.org

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EXHIBIT "A"

CONTRACT FOR ARCHITECTURAL SERVICES

THIS CONTRACT FOR ARCHITECTURAL SERVICES ("Agreement") is entered into this _____ day of _____, 2021 ("Effective Date"), between the **Cuyama Joint Unified School District of Santa Barbara County, California**, hereinafter "Owner," and _____, hereinafter "Architect."

Owner intends to construct the project ("Project") described as follows: **Master Planning, Growth, Modernization, Maintenance, DSA Projects, CVHS and Cuyama Elementary School projects (TBD), HVAC projects, and Other Miscellaneous Projects**

Architect represents that it is fully licensed, qualified, and willing to perform the services required by this Agreement (with the understanding that if Architect is a corporation or other organization, the Project Architect specified, and not Architect itself, is fully licensed as an architect in the state of California).

Accordingly, the parties agree as follows:

ARTICLE 1. EMPLOYMENT OF ARCHITECT.

Owner contracts Architect pursuant to California Government Code Sections 4525-4529.5 and 53060 to perform the necessary professional services, including but not limited to those hereinafter set forth in connection with the Project. The term "Project Architect" as used in this document shall be referred to as the Architect in General Responsible Charge as defined under Title 24, Section 4-316 of the California Code of Regulations. Subject to Owner's approval, Architect shall name a specific person fully licensed to practice as an architect in the state of California to be the Project Architect. The Project Architect shall maintain personal oversight of the Project and act as principal contact with Owner, the contractor, construction manager, Architect's consultants and engineers, and all inspectors on the Project. Any change in the Project Architect shall be subject to Owner's approval. The Project Architect is _____, license number [_____].

ARTICLE 2. ARCHITECT'S SERVICES.

2.1 Employment of Architect.

Architect accepts Contract and agrees to perform all the necessary professional architectural, engineering, and construction administration services in a professional manner, consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing in the same or similar locality under similar circumstances. The Architect shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project. Architect understands the exact scope of services may be changed should Owner elect to utilize the Lease Leaseback, Construction Management @ Risk, Multi-Prime Construction Management project delivery method. In that event, the Services Matrix for Construction Projects Utilizing Multi-Prime Construction Management attached to this Agreement shall further clarify the scope of services and shall govern in instances of inconsistencies with language herein. Appropriate fee adjustments, in terms of credits and/or additional fees, may be made as a result of an election by Owner to utilize other than the Multi-Prime Construction Management project delivery method for the Project. Architect shall provide the services referenced in this Agreement and additional services as agreed.

2.1.1 Communication with Owner.

Architect shall participate in consultations and conferences with Owner's authorized representatives and/or other local, regional, or state agencies concerned with the Project necessary for development of the drawings, specifications, and documents in accordance with the applicable standards and July 2021

requirements of law and Owner. Such consultations and conferences shall continue through planning and construction of the Project and contractors' warranty periods. Architect shall only take direction from staff specifically designated by Owner (the "Owner's Representative"). Owner's Representative for the Project shall be **Alfonso Gamino, Superintendent/Principal or designee**. Owner hereby certifies that the Owner's Representative has been duly authorized by Owner's Board of Trustees or other governing body to represent Owner on the Project. Owner may designate new and/or different individuals to act as Owner's Representative from time to time.

2.1.2 Hiring Consultants and Personnel.

2.1.2.1 Architect shall provide any and all required consultants, including without limitation, architects, engineers, and all other persons qualified and licensed to render services in connection with the basic services of planning, designing and/or administration of the Project, typically limited to architects and structural, electrical, plumbing, mechanical engineers and utility engineers. Other consultants may be provided by express written agreement at additional cost to Owner. Architect may provide such services and personnel "in-house" or, with the written consent of Owner, employ outside consultants. The cost of any and all such consultants shall be borne by Architect. Architect may delegate to such consultants those duties which Architect is permitted by law to delegate without relieving Architect from administrative or other responsibility under law or this Agreement. Architect shall be responsible for the coordination and cooperation of Architect's consultants. Architect shall notify Owner of all consultants prior to commencement of their work.

2.1.2.2 All engineers, experts, and consultants retained by Architect in performance of this Agreement shall be licensed or certified, as the case may be, to practice in their respective professions, where required by law.

2.1.2.3 Structural, mechanical, civil, and electrical engineers and consultants hired by Architect shall show evidence of a policy of professional liability and/or project insurance, if available, meeting the requirements set forth in this Agreement.

2.1.2.4 Architect shall promptly obtain Owner's written approval of assignment and/or reassignment or replacement of engineers or consultants or other staff changes of key personnel working on the Project. Any changes in Architect's consultants and staff shall be subject to approval by Owner.

2.1.2.5 Professionals, technical and other clerical personnel shall be retained by Architect at Architect's sole expense.

2.1.3 Initial Planning Phase of Project.

2.1.3.1 Architect shall assist Owner in preparation of educational programming for the Project to define scope, size, cost, space relationship, and site development. Assistance to Owner is understood to mean the review of Owner's prepared program, as it relates to determination of space and translation into physical area and corresponding cost (not actual development of the Owner's program).

2.1.3.2 Architect shall advise and assist Owner in determining the feasibility of the Project, analysis of the types and quality of materials and construction to be selected, the site location, and other initial planning matters.

2.1.3.3 Architect shall notify Owner in writing of potential complications, cost overruns, unusual conditions, and general needs that could significantly affect the Project budget and timeline.

2.1.3.4 Architect shall advise Owner in securing easements, encroachment permits, rights-of-way, dedications, infrastructures, and road improvements, coordinating with utilities and adjacent property owners.

2.1.4 Schematic Plan Phase of Project.

2.1.4.1 Architect shall provide a site plan and other Project-related information necessary and required for Owner's application for funds to finance the Project to any federal, state, regional, or local agency.

2.1.4.2 In cooperation with Owner's planners and educational committees, Architect shall prepare preliminary plans and studies, schematic drawings, site utilization plans, and phasing plans showing the scale and relationship of the components of the Project and the plot plan development at the site and the proposed architectural concept of the buildings, incorporating Owner's educational or facility program and functional requirements. Such drawings and plans (referred to collectively as the Schematic Plans) shall meet the requirements of the California Department of Education (CDE), regulations (California Code of Regulations, Title 5, Section 14000 et seq.), and guidelines and shall be prepared in a form suitable for submission to the CDE for approval, if applicable. The Schematic Plans shall show all rooms incorporated in each building in the Project in single-line drawings, and shall include all revisions required by Owner or by any federal, state, regional, or local agency having jurisdiction over the Project. All architectural representation drawings for the Project shall be in a form suitable for reproduction.

2.1.4.3 Architect shall establish a preliminary Project cost estimate in the format required by Owner or, if applicable, by the school construction funding agency identified by Owner. The purpose of the cost estimate is to show probable cost in relation to Owner's budget. If Architect perceives site considerations which impact the cost of the Project, Architect shall immediately disclose those conditions to Owner in writing. Architect shall provide a preliminary written time schedule for performance of the work on the Project. Preliminary construction budget or allowance shall represent the Architect's best judgment as a professional familiar with the construction industry. This analysis may be based upon current area, volume or similar conceptual estimating techniques. The Architect shall not be required to make exhaustive or detailed estimates of project cost.

2.1.4.4 At its own expense, Architect shall provide five (5) complete sets of the Schematic Plans for Owner's review and approval. Additionally, as a reimbursable expense, Architect shall provide copies of the Schematic Plans as required by any federal, state, regional, or local agencies concerned with the Project, including but not limited to the CDE, the California Department of General Services, the Division of State Architect (DSA), and any other appropriate federal, state, regional, or local regulatory bodies. Any additional copies required shall be provided at cost to Owner.

2.1.5 Design Development Phase of Project.

2.1.5.1 On Owner's approval of the Schematic Plans, Architect shall prepare site and floor plans, elevations, and any other drawings and documents sufficient to fix and describe the size and character of the Project's structural, mechanical, and electrical systems, and site improvements as applicable (on and off-site) to the extent required to provide the successful completion of the Project), types and makeup of materials, and outline specifications (Design Development Documents) for presentation to Owner's Board of Trustees or other governing body for approval.

2.1.5.2 Architect shall provide a complete set of the Design Development Documents for Owner's review and approval. Additionally, at Owner's expense, Architect shall provide copies of the

Design Development Documents as required by any federal, state, regional, or local agencies concerned with the Project, including but not limited to, the CDE, the California Department of General Services Office of Public School Construction, the DSA, and any other appropriate federal, state, local, or regional regulatory bodies. Any additional copies required shall be provided at cost to Owner.

2.1.5.3 Architect shall provide Owner with an updated detailed estimate of probable construction costs, containing detail consistent with the Design Development Documents and a breakdown based on types of materials and specifications identified in the Design Development Documents. However, if a Construction Manager Project delivery method is selected, the Architect will only be responsible to review and provide comments regarding the estimate provided by others. Architect's estimate of probable construction cost will be furnished upon conventional means of analysis using model costing, square-foot or systems/assembly analysis.

2.1.5.4 Architect shall provide Owner with a timetable for completion of the Project.

2.1.5.5 Architect shall assist Owner in applying for and obtaining required approvals from DSA, or other governing authority having jurisdiction over the Project, as the case may be, and shall furnish and process all architectural and engineering information required to prepare and process applications to applicable utilities for securing priorities, materials, as an aid in construction of the Project, and in obtaining final Project approval and acceptance by DSA or the relevant local jurisdiction as required.

2.1.5.6 Architect shall provide a color schedule of all materials and selections of textures, finishes, and other items requiring an aesthetic decision at this phase of the Project for Owner's review and approval.

2.1.6 Building Permits and Conformity to Legal Requirements.

2.1.6.1 Architect shall cause drawings and specifications to conform to applicable requirements of federal, state, regional, and local law, as applicable, DSA requirements (structural safety, fire/life safety, and access compliance sections), and requirements of the State Department of Education, which are required to approve the drawings and specifications, and shall cause the necessary copies of such drawings and specifications to be filed with these bodies for approval in accordance with this Agreement.

2.1.6.2 Architect will use its best professional efforts to interpret applicable access requirements, including those of the Americans with Disabilities Act and California law, and inform Owner of any inconsistencies between federal and state accessibility regulations and requirements which are subject to conflicting interpretations of the law.

2.1.7 Working Drawings and Specifications.

2.1.7.1 Upon Owner's specific written approval of the Design Development Documents, Architect shall prepare such complete working drawings and specifications as are necessary to obtain complete bids and efficient and thorough execution of work. Such working drawings shall be developed from the preliminary drawings approved by Owner. The completed working drawings and specifications shall set forth in detail the work to be done, materials, workmanship, finishes, and equipment required for the architectural, structural, mechanical, and electrical systems and utility service connection equipment and site work. It shall be Owner's responsibility to supply Architect with the necessary information to determine the proper location of all improvements on existing sites, including record drawings ("as-built drawings") in Owner's possession. Architect will make a good-faith effort to verify the accuracy of such information and as-built drawings by means of a thorough interior and exterior visual survey of site conditions. Owner shall also make a good-faith effort to verify the accuracy of the as-built

drawings and provide Architect with any supplemental information which may not be shown on the as-built drawings. Owner does not represent that record drawings ("as-built drawings") exist.

The final working drawings and specifications must be in such form that will enable Architect and Owner to secure the required permits and approvals from DSA or from appropriate federal, state, regional, or local regulatory bodies, utility agencies and for Owner to obtain a responsible, responsive or bona fide bid or bids. The working drawings shall be clear and legible, so that uniform copies can be made on standard architectural size paper, properly indexed and numbered, and sufficient to be clearly copied and assembled in a professional manner by Architect.

2.1.7.2 Owner shall review, study, and check the completed working drawings and specifications presented to it by Architect and make any necessary revisions or obtain approval of the final plans by Owner's Board of Trustees or other governing body, subject to DSA or other appropriate federal, state, regional, or local regulatory bodies, utility agencies approval. Architect shall make all Owner-requested changes, additions, deletions, and corrections in the completed working drawings and specifications so long as the changes are not in conflict with the requirements of those public agencies having jurisdiction or prior approval, or are inconsistent with earlier Owner direction or Architect's professional judgment. Architect shall bring any such conflicts and/or inconsistencies to Owner's attention. The parties agree that, while the construction contractor will be responsible for construction methods and means, it is Architect who, as between Architect and Owner, possesses the requisite expertise to determine the constructability of the completed working drawings and specifications. If a construction manager is hired, the Architect and the construction manager will determine constructability review as a team. Architect warrants that the plans are sufficiently detailed and accurate to enable a competent contractor or contractors to perform the work.

2.1.7.3 Architect understands that should working drawings and specifications be ordered by Owner, Owner shall specify the sum of money set aside to cover the total cost of construction of the work exclusive of Architect's fees. Should it become evident that the total construction cost will exceed the specified sum, Architect shall at once present a written statement to Owner's Representative setting forth this fact and giving a full statement of the cost estimates on which the conclusion is based. In the event that bids received by Owner indicate the work cannot be constructed for the specified sum in accordance with the working drawings and specifications furnished by Architect, Architect shall, if requested by Owner and without extra compensation, revise the working drawings and specifications so construction can be completed for a total cost which does not exceed the specified sum or so that certain portions of the Project can be omitted, deferred, or separately bid. The cost of revising the plans and specifications shall be borne by Owner only where Architect has given written notice in advance of bidding that the total construction cost will exceed Owner's specified sum and where Owner has not reasonably addressed any such written notice provided by Architect. Architect will not be required to make revisions without compensation when estimate has been provided by Construction Manager selected by Owner.

2.1.7.4 Architect shall provide five (5) full sets of the completed working drawings and specifications for Owner's review and approval. Additionally, as a reimbursable expense, Architect shall provide copies of any documents required by federal, state, regional, or local agencies concerned with the Project, including CDE and DSA. Any additional copies required shall be provided at cost to Owner.

2.1.7.5 Architect shall provide three (3) color schedule displays of all materials and selections of textures, finishes, and other items requiring an aesthetic decision at this phase of the Project for Owner's review and approval.

2.1.7.6 Unless otherwise agreed, Architect shall provide at no additional expense one original two-dimensional rendering of the Project suitable for public presentation, three 30"x40" color prints, 12 14"x17" color prints, and 15 8"x10" color prints of the rendering.

2.1.8 Construction Contract Documents.

If so required by Owner, Architect shall assist Owner in the completion of construction documents, including but not limited to advertisement for bids, information for bidders, bid forms (including alternate bids as requested by Owner), bonds, general conditions, special conditions, agreement, DVBE preferences, and/or affirmative action documents, if required, and any other documents reasonably required in order to obtain bids responsive to the specifications. All such documents shall be subject to the approval of Owner and Owner's counsel. At the time the construction documents, which shall include the final working drawings and specifications (collectively, the "Construction Documents"), are delivered, Architect shall provide Owner with its final detailed estimate of probable construction cost ("Final Estimate") consistent with previous design development documents.

2.1.8.1 Architect's Statement of Probable Cost at the completion of final drawings and specifications shall be in sufficient elemental breakdown as to isolate and analyze general components of the project for budget and construction cost evaluation purposes.

2.1.8.2 In accordance with Title 24 of the California Code of Regulations, any amendments to, addenda or change orders that materially alter the approved drawings and specifications for construction shall be prepared by the Architect or Engineer in general responsible charge for the Project (ref. §4-338 Park 1, Title 24 C.C.R.). Any amendments, modifications or changes to bidding documents, forms or procedures, and administrative contractual concerns or clarifications may be prepared by Owner's representative or delegated authority, which do not materially alter the approved drawings and specifications.

2.1.9 Bid Phase.

2.1.9.1 Following Owner's approval of the Construction Documents and Final Estimate, Architect shall provide to Owner one set of reproducible construction documents.

2.1.9.2 If the lowest responsive bid on the Project exceeds the Final Estimate by 10 percent of District approved final construction budget, , Owner may request that Architect (and construction manager, if hired) amend the final drawings and specifications to rebid the Project so that bids are within 10 percent of the Final Estimate. At Owner's request, Architect shall provide specifications which include alternate bids as deemed advisable by Owner.

2.1.10 Observation of Project.

Observation of the work executed from the final working drawings and specifications shall be in person by Project Architect provided that Owner may, in its discretion, consent to such observation by another competent representative of Architect.

2.1.11 Construction of Project.

Architect shall provide general administration of the Construction Documents, including but not limited to the following:

2.1.11.1 Participate with Owner in a pre-construction meeting with all interested parties.

2.1.11.2 Conduct site visits, as often as necessary and appropriate to the stage of construction but at least biweekly, to observe contractor's work for general conformance with the plans and

specifications and to confirm that work is progressing in accordance with the Construction Documents and contractor's schedule.

2.1.11.3 Conduct site visits to communicate and observe the activities of the Project Inspector of Record, mutually acceptable to Architect and Owner and employed by Owner. Architect shall provide general direction of the work of the Inspector and coordinate with the construction manager, if applicable in the preparation of record drawings by Inspector and/or Contractor(s) indicating dimensions and location of all "as-built" conditions including but not limited to underground utility lines.

2.1.11.4 Cause engineers and other consultants as may be hired by Architect to observe the work completed under their engineering disciplines as required, and approve and review all test results for general conformance with the original approved documents for their portion of the Project. Construction emergency shall mean any condition that potentially could have immediate adverse effects on the health, safety and welfare of current building occupants or nearby persons.

2.1.11.5 Make regular reports as may be required by applicable federal, state, regional, or local agencies.

2.1.11.6 Attend all appropriate construction management meetings and provide written reports to Owner after each construction meeting to keep Owner informed of the progress of the work. Such meetings shall occur at a frequency necessary for the progress of the work, but no less than biweekly.

2.1.11.7 Make written reports to Owner as necessary to inform Owner of problems arising during construction, changes contemplated as a result of each such problem, and progress of work.

2.1.11.8 Keep records of construction progress and time schedules and advise contractor and Owner of any substantial deviations from the time schedule which could delay timely completion of the Project.

2.1.11.9 In a timely manner, check and process all required material and test reports and report to the DSA and/or other governing agencies having jurisdiction over the Project, as the case may be, the contractor, and Owner any deficiencies in material as reflected by those reports, with recommendations for correction of any deficiencies.

2.1.11.10 In a timely manner, review and respond to all requested schedules, submittals, shop drawings, samples, other information requests, and other submissions of the contractor, or the subcontractors through the contractor, for compliance with design and specifications and to facilitate timely and uninterrupted progress of the work.

2.1.11.11 As discussed with Owner, promptly reject work or materials which do not conform to the Construction Documents and notify Owner of any rejection.

2.1.11.12 In a timely manner, consult with Owner with regard to substitution of materials, equipment, and laboratory reports thereon prior to Owner's final, written approval of any substitutions.

2.1.11.13 Prepare all documents and/or drawings made necessary by errors and omissions in the originally approved drawings or specifications and any modifications as may be necessary to meet unanticipated conditions encountered during construction, that would have been detected by reasonable investigation as outlined in Article 2.1.7.1, at no additional expense to Owner. Architect's responsibility to bear the cost of necessary modifications arising from unanticipated conditions applies only to those conditions that should have been anticipated by a reasonable architect or its subcontractors, consultants, or employees in the performance of its duties under

this Agreement. However, any documents and/or drawings required due to unforeseeable changed conditions, contractor error or Owner changes shall be subject to additional fees.

2.1.11.14 In a timely manner, evaluate and notify Owner in writing of any change requests, material change or changes, requested or necessary, in the plans and specifications of the Project (written notification may be accomplished by providing a copy of any request). Architect shall not order contractors to make any changes affecting contract price without Owner's written approval of a change order pursuant to the terms of the Construction Documents. On its own responsibility and pending approval of Owner's Board of Trustees or other governing body, Architect may order changes necessary at the time to meet construction emergencies if written approval by Owner's Representative is first secured.

2.1.11.15 Examine, verify, and approve, in coordination with the construction manager, if applicable all contractor applications for payment and issue certificates for payment for work and materials approved by the inspector which reflect Architect's and construction manager's recommendation as to any amount which should be retained or deducted from those payments under the terms of the Construction Documents or for some other reason.

2.1.11.16 Coordinate final color and product selection with Owner's original design concept.

2.1.11.17 Determine date of completion.

2.1.11.18 After being notified the Project is nearing completion, Architect shall inspect the Project and review the punch-list prepared by the contractor or construction manager, if applicable, including minor items ("punch-list items"). Architect shall notify contractor/construction manager in writing that all deficiencies and punch-list items must be corrected prior to acceptance of the Project and final payment. Owner shall be notified of all deficiencies and punch-list items.

2.1.11.19 Review materials assembled by the contractor or construction manager, if applicable, and assemble for and provide to Owner written warranties, guarantees, owner's manuals, instruction books, diagrams, record drawings ("Final Working Drawings"), and any other materials required from the contractors and subcontractors in accordance with the Construction Documents.

2.1.11.20 Make any further observations of the Project reasonably necessary to confirm completion of punch-list items and to issue Architect's Certificate of Completion and final certificate for payment.

2.1.11.21 Cause engineers and other consultants as may be hired by Architect to file required documentation necessary to close out the Project with governmental authorities.

2.1.11.22 Record Set of Final Working Drawings.

2.1.11.22.1 On projects utilizing a Construction Manager, not later than one-hundred-twenty (120) days after Architect's receipt of marked-up working drawings from the Construction Manager, Architect shall review and forward the record set of Final Working Drawings and specifications to Owner. The record set of Final Working Drawings shall indicate all changes made on the Project, by change order or otherwise, and all information called for in the specifications, producing a record set of drawings which show, among other things, the location of all concealed pipe, buried conduit runs, and other similar elements within the completed Project based upon the information supplied to Architect by the Construction Manager and Inspector. Architect shall review the record set of Final Working Drawings to ensure that they are a correct representation of the information supplied to Architect by the Construction Manager.

2.1.11.22.2 On projects not utilizing a Construction Manager, not later than thirty (30) days after Architect's receipt of marked-up working drawings from the contractor, Architect shall review and forward the record set of Final Working Drawings and specifications to Owner. The record set of Final Working Drawings shall indicate all changes made on the Project, by change order or otherwise, and all information called for in the specifications, producing a record set of drawings which show, among other things, the location of all concealed pipe, buried conduit runs, and other similar elements within the completed Project based upon the information supplied to Architect by contractor and Inspector. Architect shall review to ensure that the record set of Final Working Drawings is a correct representation of the information supplied to Architect by the Inspector and the contractor and shall request the certificates of the Inspector and the contractor that the record set of Final Working Drawings is correct.

2.1.11.22.3 Upon approval of the completed as-built drawings by Owner's Representative, Architect shall forward to Owner a complete set of reproducible duplicates of the original drawings corrected to "as-built" condition. The duplicates shall be of such quality that clear and legible prints may be made without appreciable and objectionable loss of detail.

2.1.11.22.4 In addition to the set of reproducible duplicates referred to above, Architect shall provide Owner with two (2) copies of the "as-built" drawings electronically in a format designated by Owner.

2.1.11.22.5 Prior to receipt of final payment, Architect shall forward to Owner one clear and legible set of reproductions of the computations, the original copy of the specifications, the as-built drawings, the final verified progress report pursuant to Title 21 of the California Code of Regulations, and Architect's Certificate of Completion.

2.1.11.23 Architect shall provide advice to Owner on apparent deficiencies in construction during the one-year warranty period following acceptance of work.

2.1.11.23.1 Architect and Architect's consultants shall provide assistance to the Owner in preparing a six-month written evaluation of the Project's finish hardware and HVAC systems.

2.1.11.23.2 Architect and Architect's consultants shall provide assistance to Owner in preparing an 11-month written evaluation of items of repair, replacement, etc., for warranty items.

2.2 Additional Services of Architect.

At Owner's request, Architect may be asked to perform services not otherwise included in this Agreement and/or services not customarily furnished in accordance with generally accepted architectural practice. Owner may agree to pay Architect for such services if those services cause Architect additional expense through no fault or neglect on the part of Architect. No additional compensation shall be paid to Architect for performing such services unless Owner and Architect agree in writing as to the amount of compensation for such services prior to the services being rendered.

2.2.1 Plan preparation and/or administration of work on portions of the Project separately bid (not applicable to projects utilizing Multi-Prime Construction Management).

2.2.2 Assistance to Owner in selection of moveable furniture, equipment, or items which are not included in Construction Documents.

2.2.3 Services caused by contractor's late submission of substitution requests, by the delinquency, default, or insolvency of contractor, or by major defects in contractor's work in performance of the construction contract.

2.2.4 Substantial subsequent revisions in drawings, specifications, or other project documents when required as a result of:

2.2.4.1 Changes requested by Owner;

2.2.4.2 Revisions being inconsistent with prior written approvals or instructions due to causes beyond Architect's control;

2.2.4.3 An approved contractor substitution request.

2.2.5 Serving as an expert witness on Owner's behalf.

2.2.6 Observation of repair of damages to the Project.

2.2.7 Additional work required for environmental conditions, i.e., asbestos, unforeseen site conditions.

2.2.8 Additional site reviews or other work required solely as a result of the fault of Owner more than sixty (60) calendar days past the scheduled date of project completion.

ARTICLE 3. OWNER'S RESPONSIBILITIES.

Owner's responsibilities shall include the following:

3.1 Make available to Architect all necessary data and information concerning the purpose and requirements of the Project, including realistic scheduling and budget limitations.

3.2 Depending upon the scope of the Project, furnish Architect with, or direct Architect to procure at Owner's expense, a survey of the Project site prepared by a registered surveyor or civil engineer and any other record documents which shall indicate existing structures, land features, improvements, sewer, water, gas, electrical and utility lines, topographical information and boundary dimensions of the site, and any other pertinent information. Owner shall also provide a soils investigation report and a geological report if required by law.

3.3 Upon mutual agreement with Architect, for Projects under DSA jurisdiction or, as otherwise desired by Owner, appoint and pay an Inspector of Record. The Inspector shall be qualified and approved by Architect and by the DSA, with its work under the general direction of Architect. The Inspector shall be responsible to Owner and act in accordance with Owner's policies. The project administration by Architect and its engineers shall be in addition to the continuous personal supervision by the Inspector.

3.4 Assist Architect in distributing plans to bidders and conducting the opening of bids on the Project, if applicable.

3.5 Conduct chemical, mechanical, or other tests required for proper design of the Project; furnish such surveys, borings, test pits, and other tests as may be necessary to reveal conditions of the site which must be known for proper development of the required drawings and specifications and determine soil condition.

3.6 Retain a testing service for materials testing and inspection as required by Title 21 of the California Code of Regulations.

3.7 Directly pay or reimburse the payment of all fees required by any reviewing or licensing agency.

3.8 Designate a representative authorized to act as liaison between Architect and Owner and/or construction manager, if applicable in administration of this Agreement and the Construction Documents. Owner's authorized representative shall assist Architect and/or construction manager, if applicable in conducting inspections and preparing the list of deficiencies and shall accompany Architect and contractor on the final inspection.

3.9 Review all documents submitted by Architect, including change orders and other items requiring Owner's approval; advise Architect of decisions pertaining to those documents within a reasonable time after submission.

3.10 Notify Architect if any deficiencies in material or workmanship become apparent during contractor's warranty period.

ARTICLE 4. ARCHITECT'S FEE.

4.1 For performance of all services rendered, Owner shall pay to Architect the amount specified in Exhibits "A" and "C" incorporated herein by reference, which constitutes complete payment for Architect's services under this Agreement.

4.1.1 Unless otherwise agreed in writing, Architect's compensation is not contingent on Owner obtaining funding for the Project.

4.1.2 Unless otherwise agreed, the construction cost for Multi-Prime Construction Management projects shall include the construction management fee and general conditions costs of the Construction Manager, and be calculated on the total collective cost of all Multi-Prime contracts.

4.1.3 When Architect's compensation is based on a percentage of construction cost and any portion of the Project is deleted or otherwise not constructed, compensation for that portion of the Project shall be payable to the extent services are performed on that portion based on the lowest bona fide bid or estimate.

4.2 Payment for Additional Services. Architect shall be paid for additional services not originally contemplated by the parties to this Agreement as follows, provided the additional services have received advance written approval by Owner's Board of Trustees or other governing body:

4.2.1 For services in addition to Architect's basic services, the required written approval shall specify the fee for those services, which may be a flat amount or Architect's standard hourly rates.

4.2.2 With the required prior approval, special consultants may be paid at a multiple of times the amount billed to Architect by the special consultants.

4.2.3 Hourly rates as indicated on the attached Standard Hourly Rate Schedule, including annual adjustments, plus reimbursable expenses for services beyond those required in 2.1.3.1.

4.2.3 Hourly rates as indicated on the attached Standard Hourly Rate Schedule, including annual adjustments, plus reimbursable expenses for services not included in 2.1.3.2.

4.3 Reimbursable Expenses.

Reimbursable expenses are in addition to compensation for basic and additional services and include expenses incurred by Architect and Architect's employees and consultants in the interest of the Project, identified as:

4.3.1 Expenses of preauthorized transportation, excluding ordinary mileage normally incurred, in connection with the Project.

4.3.2 Expenses in connection with preauthorized out-of-town travel. Pre-authorized transportation shall include travel outside the Bakersfield Metropolitan Service Area (75 miles round trip), including trips/flights to public agencies (e.g., to State agency/s remotely located – DSA, OPSC, CDE, etc.). Expenses include municipal/private charges associated with destination fees – and not considered a parking violation.

4.3.3 Fees required to be paid in order to secure approval of authorities having jurisdiction over the Project.

4.3.4 Expenses of reproductions of drawings and specifications, as authorized and/or required herein including, without limitation, reproduction of documents provided by the Owner or generated by the Architect and its consultants for the Owner.

4.3.5 Other costs/expenses preauthorized by Owner.

4.3.6 Unless otherwise agreed, Architect shall provide at no additional expense one original rendering of the Project, three 30"x40" color prints, 12 14"x17" color prints, and 15 8"x10" color prints of the rendering. Any other presentation graphics, renderings, charts, graphs, or similar visual communication requested by Owner shall be reimbursed at Architect's cost.

ARTICLE 5. PAYMENTS TO ARCHITECT.

5.1 Architect's compensation shall be paid by Owner to Architect monthly, incrementally based upon the percentage of work completed as reflected in Exhibit A.

5.2 In order to receive payment, Architect shall present Owner with a claim for payment for approval by Owner's Representative which shall designate services performed, percentage of work completed, method of computation of amount payable, and amount to be paid.

5.3 Payments made for extra work or special services shall be made in installments, not more often than monthly, proportionate to the degree of completion of those services or in such other manner as the parties shall specify when those services are agreed upon.

5.4 For any work performed by Architect on Owner's projects funded in whole or in part by state bond funds, as a condition precedent to final payment under this Agreement, Architect shall provide Owner with: (1) written documentation identifying any amounts paid by Architect to certified DVBE subcontractors and suppliers; and (2) a copy of any DVBE Certification Letter issued by the Office of Public School Construction for each DVBE that participated in the performance of any contract awarded.

ARTICLE 6. INSTRUCTIONS TO PROCEED.

Architect is not to proceed with performance of any services under this Agreement without first securing authorization from Owner to do so.

ARTICLE 7. TIME SCHEDULE.

7.1 Architect shall perform all services under this Agreement as expeditiously as is consistent with professional skill and care and the orderly progress of the work. Upon Owner's request, Architect shall prepare an estimated time schedule for the performance of Architect's services, to be adjusted as the Project proceeds, including allowances for periods of time required for Owner's review and approval of submissions and for approvals by authorities having jurisdiction over project approval and funding. The schedule shall not be exceeded by Architect without Owner's prior written approval.

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7.2 Any delays in Architect's work because of the actions of Owner or its employees, those in direct contractual relationship with Owner, a governmental agency having jurisdiction over the Project, or an act of God or other unforeseen occurrence, not due to any fault or negligence on Architect's part, shall be added to the time for completion of any obligations of Architect.

7.3 Should Architect apply for an extension of time, Architect shall submit evidence that any required insurance policies remain in effect during the requested additional time.

ARTICLE 8. SUSPENSION, ABANDONMENT, TERMINATION.

8.1 Owner hereby reserves the right to suspend or abandon at any time all or any of the construction work on the Project or to terminate this Agreement at any time. In the event of any suspension, abandonment, or termination, Architect shall be paid pursuant to any applicable schedule of payments for services rendered up to the date of any suspension, abandonment, or termination, less any damages suffered by Owner as a result of Architect's default, if any. Architect hereby expressly waives any and all claims for damages or balance of compensation arising under this Agreement, except as set forth herein, in the event of any suspension, abandonment, or termination.

8.2 If Architect's services are suspended by Owner, Owner may require Architect to resume services by giving written notice to Architect within ninety (90) consecutive calendar days after the effective date of the suspension.

8.3 Where more than ninety (90) days beyond the effective date of suspension or abandonment by Owner, Architect may terminate this Agreement by giving Owner ten (10) days' advance written notice.

8.4 Upon suspension, abandonment, or termination, Architect shall, if requested by Owner, turn over to Owner all preliminary studies, sketches, working drawings, specifications, computations, and all other items to which Owner would have been entitled at the completion of Architect's services. Upon payment of the amount required to be paid following termination of this Agreement, Owner shall have the right to use any completed contract documents or other work product prepared by Architect under this Agreement. Architect shall make such documents available to Owner upon request, without additional compensation, and in any format specified by Owner.

ARTICLE 9. OWNERSHIP AND USE OF DOCUMENTS.

9.1 Pursuant to California Education Code Section 17316, all plans, specifications, estimates, and other documents, including any and all electronic data magnetically or otherwise recorded electronically prepared by Architect pursuant to this Agreement, shall be and remain the property of Owner. Any documents supplied pursuant to this Agreement shall be the property of Owner whether or not the work for which they were made is executed. Architect and its consultants shall be deemed the authors and shall retain all common law, statutory, and other reserved rights, including copyrights.

9.2 Architect grants to Owner the right to reuse all or part of the aforementioned documents, at its sole discretion, for the construction of all or part of this Project or another project contracted for Owner. Owner is not bound by this Agreement to employ the services of Architect in the event such documents are reused. Owner's reuse of documents prepared under this Agreement, without employing the services of Architect, shall be at Owner's own risk. Owner shall indemnify, hold harmless, and defend Architect and its officers, directors, consultants, agents, and employees from all claims of any kind arising out of such use, reuse, or modification of any documents prepared by Architect. Architect makes no warranty or representation that such documents are suitable for use on any subsequent project or for other purposes in time or geographical location.

9.3 This Agreement creates a nonexclusive and perpetual license for Owner to copy, use, modify, reuse, or sublicense any and all copyrights, designs, and other intellectual property authored or held by Architect

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or its subconsultants embodied in plans, specifications, studies, drawings, estimates, and other documents, or any other works of authorship by Architect or its subconsultants fixed in any tangible medium of expression, including but not limited to physical drawings, data magnetically or otherwise recorded on computer disks, or other writings prepared or caused to be prepared by Architect pursuant to this Agreement. Architect shall require any and all subcontractors and consultants to agree in writing that Owner is granted a nonexclusive and perpetual license for any work performed pursuant to this Agreement.

9.4 Architect represents and warrants that it has the legal right to license any and all copyrights, designs, and other intellectual property embodied in plans, specifications, studies, drawings, estimates, or other documents that Architect prepares or causes to be prepared pursuant to this Agreement. Architect shall hold harmless and indemnify Owner for any breach of this Article. Architect makes no such representation or warranty with regard to previously prepared designs, plans, specifications, studies, drawings, estimates, or other documents, or any other works of authorship fixed in any tangible medium of expression, including but not limited to physical drawings, data magnetically or otherwise recorded on computer disks, or other writings, prepared by design professionals other than Architect or Architect's subcontractors or consultants and provided to Architect by Owner. Owner recognizes that Architect does not hold title or rights to the use of other "product" publications in the preparation of project documents (such as software, code and specification subscription services, details and specifications of manufacturers, etc.) and therefore cannot grant transitory rights to Owner, nor can Architect represent or warrant rights to license these types of intellectual property.

ARTICLE 10. INDEMNITY.

10.1 Architect shall hold harmless, assume the defense of, and indemnify Owner, Owner's Board of Trustees or other governing body, each member of the Board of Trustees or other governing body, and Owner's officers and employees from any and all claims of any kind that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Architect in the performance of this Agreement.

10.2 By way of written agreements, Architect shall require each and every one of its subcontractors and consultants engaged in work related to this Agreement to indemnify and defend Owner, Owner's Board of Trustees or other governing body, each member of the Board of Trustees or other governing body, and Owner's officers and employees from any and all claims of any kind that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the subcontractor or consultant in the performance of work related to this Agreement. Architect agrees that any failure to provide any such subcontractor or consultant agreement for indemnity and defense shall be deemed an act or omission arising out of, pertaining to, and relating to the negligence, recklessness, or willful misconduct of Architect in the performance of this Agreement.

10.3 Owner shall hold harmless, assume the defense of, and indemnify Architect, its officers, and employees from any and all claims of any kind arising out of the intentional or negligent acts, errors, or omissions of Owner, its officers, or employees in the performance of this Agreement.

ARTICLE 11. ERRORS AND OMISSIONS.

Architect shall be liable for any damages and costs incurred by, and any claims against, Owner that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Architect. Additionally, Architect shall not be entitled to any fee for additional services or reimbursement of costs for work required due to Architect's negligence, recklessness, or willful misconduct, or that of Architect's subcontractors, consultants, and/or employees in the performance of services under this Agreement.

ARTICLE 12. INSURANCE.

From the time this Agreement is entered into until the date of Owner's acceptance of the work, Architect shall maintain insurance in full force and effect, as set forth in this Agreement, at its sole cost and

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expense. All insurance shall be with a carrier satisfactory to Owner. Prior to commencement of work, Architect shall furnish to Owner a certificate of insurance evidencing the required coverages. Owner shall not be obligated to make any payment to Architect until after its receipt and acceptance of that certificate.

12.1 Workers' compensation insurance, as required by applicable laws, and employer's liability insurance with a limit not less than \$1,000,000.

12.2 Comprehensive general liability insurance for bodily injury and property damage with limits not less than \$1,000,000 per occurrence and \$2,000,000 aggregate. Comprehensive general liability policies obtained and maintained by Architect shall contain endorsements naming Owner and other interested parties who have insurable interests and are designated by Owner as additional insureds and shall include products' completed coverage and operations coverage, as well as contractual liability coverage for liability assumed by Architect under this Agreement.

12.3 Professional liability insurance coverage of \$1,000,000.

12.4 Automobile liability insurance coverage of \$1,000,000.

12.5 In addition to other insurance requirements of this Agreement, Owner may require Architect to obtain a non-cancelable policy of project insurance for a duration of three years after completion of the Project. If Owner requires Architect to obtain project insurance, that insurance shall begin when construction begins, at which time Architect shall provide Owner with evidence of its existence. The cost of project insurance shall be borne by Owner.

ARTICLE 13. RECORDS.

Architect shall maintain records of direct personnel and reimbursable expenses pertaining to extra and special services on the Project that are compensable by other than a flat rate. Architect shall maintain all records of accounts between Owner and Architect on a generally recognized accounting basis. Those records shall be available to Owner or its authorized representative for inspection or audit at any reasonable time. Architect shall maintain all records concerning the Project for a period of three years after its completion.

ARTICLE 14. STANDARDIZED MANUFACTURED ITEMS.

Architect shall cooperate and consult with Owner in use and selection of manufactured items on the Project, including but not limited to paint, hardware, plumbing, mechanical and electrical equipment, fixtures, roofing materials, and floor coverings. All such manufactured items shall be standardized to Owner's criteria to the extent the criteria do not interfere with project design or legal bid requirements.

ARTICLE 15. LIMITATION OF AGREEMENT.

This Agreement is limited to and includes only the work included in the Project described above and as determined at the time the Design Development Documents are approved, unless this Agreement is amended by the parties to include additional work as part of the Project. Any subsequent construction by Owner at the site of the Project, or at any other site, will be covered by and the subject of a separate agreement for architectural services between Owner and the architect chosen by Owner.

ARTICLE 16. MEDIATION.

If the parties mutually agree, disputes arising from this Agreement may be submitted to mediation. The parties shall select a disinterested third-person mediator, mutually agreed to by the parties, within a reasonable period of time. The mediation shall be commenced within thirty (30) days of the selection of the mediator. If the parties elect to mediate but fail to select a mediator within a 15-day period, any party

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may petition the Superior Court of the county in which Owner's administrative offices are located to appoint the mediator.

ARTICLE 17. COMPLIANCE WITH THE LAW.

Architect shall use reasonable professional judgment and care to comply with and meet applicable requirements of federal, state, regional, or local law, including but not limited to the California Building Code, the Education Code, Title 19 and Title 24 of the California Code of Regulations, and all requirements prescribed by the California Department of General Services.

ARTICLE 18. INDEPENDENT CONTRACTOR.

For all purposes arising out of this Agreement, Architect is an independent contractor and neither Architect nor its subcontractors, consultants, or employees shall be deemed employees of Owner for any purpose. It is expressly understood and agreed that Architect shall in no event be entitled to any benefits to which Owner's employees are entitled, including but not limited to overtime, vacation, insurance and retirement benefits, workers' compensation benefits, injury or sick leave, or other benefits.

ARTICLE 19. SUCCESSORS IN INTEREST AND ASSIGNS.

This Agreement is binding upon and inures to the benefit of the successors in interest, executors, administrators, and assigns of each party to this Agreement, provided however that Architect shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties, or obligations without prior written consent of Owner's Board of Trustees or other governing body. Any attempted assignment without such consent shall be invalid.

ARTICLE 20. ASBESTOS CERTIFICATION.

Pursuant to 40 Code of Federal Regulations, Section 763.99(a)(7), Architect shall certify to its best information that no asbestos-containing material was specified as a building material in any construction document for the Project and will reasonably endeavor to compel contractors to provide Owner with certification that all materials used in the construction of any school building are free from any asbestos-containing building materials ("ACBMs"). This certification shall be part of the final project submittal. Architect shall include statements in specifications that materials containing asbestos are not to be included.

ARTICLE 21. DISABLED VETERAN BUSINESS ENTERPRISE CERTIFICATION.

21.1 Owner has a participation goal for disabled veteran business enterprises of at least 3 percent per year of the overall dollar amount of funds allocated to Owner by the State Allocation Board pursuant to the Leroy F. Greene School Facilities Act of 1998 for construction or modernization and expended each year by Owner.

[OPTIONAL, CHOSE ONE:]

[21.2 As this project is not funded by the State Allocation Board pursuant to the Leroy F. Greene School Facilities Act of 1998 for construction or modernization, there are no DVBE requirements applicable to the Agreement.]

or]

Architect must complete DVBE compliance within 30 days of signing the Agreement or this Agreement shall be deemed canceled.

or]

Prior to, and as a condition precedent for final payment under the Agreement, Architect shall provide appropriate documentation to Owner identifying the amount paid to disabled veteran business enterprises in conjunction with the Agreement, so that Owner can assess its success at meeting this goal.]

ARTICLE 22. NO RIGHTS IN THIRD PARTIES.

This Agreement shall not create any rights in, or inure to the benefit of, any third party except as expressly provided herein.

ARTICLE 23. MISCELLANEOUS.

The following terms and conditions shall be applied to this Agreement:

23.1 Governing Law.

This Agreement shall be construed in accordance with and governed by the laws of the state of California.

23.2 Entire Agreement.

This Agreement, including any exhibits to which it refers, supersedes any and all other prior or contemporaneous oral or written agreements between the parties. Each party acknowledges that no representation, inducement, promise, or agreement has been made by any person which is not incorporated herein and that any other agreements shall be void. Furthermore, any modification of this Agreement shall only be effective if in writing and signed by all parties to this Agreement.

23.3 Severability.

Should any provision in this Agreement be held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall continue in full force and effect.

23.4 Non-Waiver.

None of the provisions of this Agreement shall be considered waived by either party unless such waiver is specified in writing.

23.5 Supplemental Conditions.

Any supplemental conditions shall be attached to this Agreement and incorporated herein by reference.
[SEE ATTACHED]

IN WITNESS WHEREOF, the parties have caused this instrument to be duly executed this day of , 20 .

ARCHITECT**OWNER**

Name:

Name:

By:

By:

Title:

Title:

EXHIBIT A to Contract for Architectural Services

FEE ALLOCATION/PHASE BILLING RATES

FEES: Fees for services may be computed on the basis of a percentage of construction cost using OPSC's New Construction, Reconstruction/Modernization or factory built portable/modular or other standard fee schedules, or as a fixed fee or stipulated sum, or on an hourly basis, all as the parties may have agreed. Such fees shall be entered below.

Fees:

Should Owner elect to utilize the Multi-Prime Construction Management project delivery method, the fees shall be adjusted as follows:

Fees:

Applicable hourly rates for services under this Agreement are:

1.

or

2. See attached rate sheet.

PROGRESS PAYMENTS: Where compensation is based on a percentage of construction cost or stipulated sum, progress payments for Architect's services in each phase shall not exceed the following percentages of the total compensation payable:

Schematic Design Phase:	Ten percent	(10%)
Design Development Phase:	Twenty percent	(20%)
Construction Documents Phase:	Forty-two percent	(42%)
Agency Plan Check Phase:	Three percent	(3%)
Bidding Phase:	Three percent	(3%)
Construction Phase:	Twenty percent	(20%)
Closeout	Two percent	(2%)
Total Compensation:	One Hundred Percent	(100%)

**SERVICES MATRIX FOR CONSTRUCTION PROJECTS
UTILIZING DESIGN BID BUILD
PROJECT DELIVERY METHOD**

**[NOTE: THIS MATRIX IS ONLY APPLICABLE FOR THE ABOVE NOTED DELIVERY METHOD. IF
IT DOES NOT APPLY, PLEASE DELETE AND/OR DISREGARD]**

LEGEND:				
P = Primary Responsibility				
S = Secondary Responsibility				
TASK	RESPONSIBLE PARTY			
Design Phase:	Owner	Architect	GC	Inspector
Develop Master Project Schedule	S	P		
Prepare Detailed Construction Schedule		P		
Develop Master Project Budget	S	P		
Prepare Detailed Cost Estimate		P		
Develop Cost Management Procedures		P		
Conduct Cost Adjustment Sessions	S	P		
Review "Boiler Plate" Specifications	S	P (Budget)		
Make Recommendations for Bids/ Alternate Bids		P (Design)		
Quality Evaluation of Design Documents	S	P		
Interdisciplinary Plan Coordination		P		
Constructability Review		P		
Value Engineering Review		P		
Develop Project Communications Plan		P		
Assignment of Contractor Responsibilities (facilities, safety, etc.)		P		
Determine Appropriate Project Phasing	S	P		
Determine Extent of Separate Contracts		P		
Develop Contractor Bid Scope Packages		P		
Prepare Cash Flow Projections		P		
Process OPSC Documents	P	S		
Process DSA Documents		P		
Process CDE Documents	P	S		
Select & Retain Professional Construction Consultants (Testing)	P	S		
Prepare Agreements for Prof. Services (Testing)	P			
Establish Temporary Facilities/Jobsite Logistics Plan	S	P		
Prepare Team Organizational Chart	P	S		
Bidding Phase:	Owner	Architect	GC	Inspector
Develop Bidding Procedures	P	S		
Develop Bidders Interest	P	S		
Determine Appropriate Licensing Requirements	P	S		
Prepare/Place Bid Advertisements & Legal Notices	P	S		

Establish and Maintain Bid Document Control	P	S		
Write Bid Packages		P		
Prepare Bid Forms	S	P		
Distribute Bid Documents	P	S		
Conduct Pre-Bid Meetings	P	S		
Receive Bidders Questions		P		
Answer Questions & Prepare Addenda		P		
Review Addenda	S	P		
Distribute Addenda	P	S		
Conduct Bid Opening	P	S		
Prepare Bid Summaries	S	P		
Perform Bid Evaluations (Legal)	P	S		
Perform Bid Evaluations (Costs)	S	P		
Verify if all Project Components are Covered	S	P		
Recommend Award of Contracts	S	P		
Draft and Issue Contracts	P	S		
Issue Contract Documents to Contractors	P	S		
Coordinate Receipt of Contracts, Bonds and Insurance	P	S		
Obtain Contract Signatures	P	S		
Issue Notices to Proceed	P	S		
Prepare Cost to Estimate Comparison		P		
Coordinate Rebidding Activities (if required)	S	P		
Rebid:				
Coordinate Re-bidding Activities (if required)	S	P		
Propose Bid Changes	S	P		
Revise Contract Documents for Re-Bidding	S	P		
Construction Phase:	Owner	Architect	GC	Inspector
Conduct Pre-Construction Meeting	P	S	S	
Coordinate Installation of Temporary Facilities	S		P	
Coordinate/Supervise Contractor's Activities	S	S	P	
Obtaining OPSC Approvals	P	S		
Obtaining DSA Approvals	S	P		
Obtaining CDE Approvals	P	S		
Obtain Off-Site Permits/Approval (Consultants)		S	P	
Apply/Pay for Utility Connections	P		S	
Coordinate Utility Work with Contractor's Work			P	
Coordinate Construction Inspections (DSA)		S	P	P
Coordinate Construction Inspections (Health)			P	P
Coordinate Construction Inspections (SFM)		S	P	P

Coordinate Professional Consultant's Activities (Testing, Survey)			P	P
Prepare Agreements for Prof. Services (Surveyor, Etc.)			P	
Prepare Agreements for Prof. Services (Testing, Cont. Inspection)	P			
Make Application for Utility Connections	P		S	
Coordinate Utilities with Other Trades			P	
Utility Fees	P		S	
Implement, Update and Distribute Construction Schedules			P	
Monitor Implementation of Contractor's Safety Programs		S	P	
Receive & Process Contractor's Submittals/Shop Drawings	S	P		
Review & Approve Contractor's Submittals/Shop Drawings	S	P		
Prepare Keying Schedule		P		
Process Keying Schedule			P	
Evaluate Substitution Requests	S	P		
Approve Substitution Requests	S	P		
Receive & Process RFI's	S	P		
Review and Answer RFI's		P		
Review & Approve Contractor's Schedule of Values	S	P		
Prepare Master Project Schedule of Values			P	
Maintain Contractor Payment Records/Releases/Stop Notices	P		S	
Receive, Review & Process Progress Payment Requests	S	P		S
Approve Progress Payment Requests	P	S		
Receive & Maintain Certified Payroll Records			P	
Maintain Logs and On-Site Document Files	S	S	P	S
Conduct Weekly Job Progress Meetings With Contractors	S	P		S
Conduct Regular Project Team Meetings	S	S	P	S
Prepare & Distribute Meeting Minutes		P	S	
Coordinate Communications Between Project Team Members		S	P	
Resolving Technical Construction Issues		S	P	S
Observe Quality of Construction Installations	S	P	P	P
Report & Log Construction Defects or Deficiencies	S	P	S	P
Review Contractor Recommendations for Corrective Action	S	P	S	P
Observe Deficiency Corrections	S	S	S	P
Verify Progressive Completion of As-Built Drawings	S	S	S	P
Receive, Review & Process Change Requests	S	P		

Evaluate Requests for Cost and Time Extensions	S	P		
Negotiate Cost and Time Extensions	P	S		
Prepare Price Requests			P	
Prepare and Process Change Orders		S	P	
Maintain Change Order Reports		P	S	
Obtain DSA Approval on Change Orders	S	P		
Prepare/Maintain Cost Variance Reports		P		
Prepare Daily Construction Progress Reports			P	P
Take Progress Photographs	P		P	S
Provide Initial Evaluation of Claims/Recommend Action	S	P		S
Prepare Monthly Project Schedule/Costs Reports			P	
Monitor Submission of Contractors Quarterly/Final Verified Reports	S	P		S
Receive & Process Contractor's Closeout Submittals		P		
Review & Approve Contractor's Closeout Submittals	S	P		
Coordinate Delivery of Extra Materials and Keys	S		P	
Observe Initial Start-Up and Testing of Equipment	S	P	P	S
Coordinate Training Sessions for Owner's Staff	S		P	
Monitor Delivery of Contractor's Final As-Built Drawings	S	P		
Prepare & Approve Final As-Built Drawings		S	P	
Prepare Initial Punch Lists With Contractor		S		P
Prepare Final Contractor's Punch Lists	S	P		S
Verify Completion of Contractor's Punch Lists	P	P		P
Obtain Final Agency Approvals (SFM, Health, DSA, Local)		S	S	P
Complete DSA Closeout Documents	S	P	S	S
Complete OPSC Closeout Documents	P	S	S	
Prepare and Record Notices of Completion	P	S		
Record Notices of Completion	P			
Process Stop Notices	P	P		
Coordinate Removal of Stop Notices	S	P		
Receive Contractor's Final Billings and Releases		P		
Advise on Final Contractor Withholdings and Payments	P	S		
Prepare Final Completion & Project Report		P	P	
6 Month Warranty Walkthrough	S	S	P	
11 Month/End of 1 Year Warranty Walkthrough	S	S	P	



Van Do-Reynoso, MPH, PhD Director
Suzanna Jacobson, CPA Chief Financial Officer
Palma Botero, MA, PHN, RN Deputy Director
Dorothy Eusebio Deputy Director
Dana Gamble, LCSW Interim Deputy Director
Polly Baldwin, MD, MPH Medical Director
Henning Ansorg, MD Health Officer

Public Health Administration

300 North San Antonio Road • Santa Barbara, CA 93110-1316
805/681-5100 • FAX 805/681-5191

February 16, 2022

HEALTH OFFICIALS AB 361 SOCIAL DISTANCE RECOMMENDATION

COVID-19 disease prevention measures, endorsed by the Centers for Disease Control and Prevention, include vaccinations, facial coverings, increased indoor ventilation, handwashing, and physical distancing (particularly indoors).

Since March 2020, local legislative bodies-such as commissions, committees, boards, and councils- have successfully held public meetings with teleconferencing as authorized by Executive Orders issued by the Governor. Using technology to allow for virtual participation in public meetings is a social distancing measure that may help control transmission of the SARS-CoV-2 virus. Public meetings bring together many individuals (both vaccinated and potentially unvaccinated), from multiple households, in a single indoor space for an extended time. For those at increased risk for infection, or subject to an isolation or quarantine order, teleconferencing allows for full participation in public meetings, while protecting themselves and others from the COVID-19 virus.

Utilizing teleconferencing options for public meetings is an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from the COVID-19 disease. This recommendation is further intended to satisfy the requirement of the Brown Act (specifically Gov't Code Section 54953(c)(1)(A)), which allows local legislative bodies in the County of Santa Barbara to use certain available teleconferencing options set forth in the Brown Act.

A handwritten signature in black ink, appearing to read "Ansorg MD".

Henning Ansorg, MD
Public Health Officer
County of Santa Barbara

A handwritten signature in black ink, appearing to read "Van Do-Reynoso".

Van Do-Reynoso, MPH, PhD
Public Health Director
County of Santa Barbara

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-1-22

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS on March 12, 2021, I issued Executive Order N-25-20, paragraph 11, and on March 17, 2020, I issued Executive Order N-29-20, paragraph 3, waiving certain requirements that public meetings of state bodies occur in-person; and

WHEREAS on June 11, 2021, I issued Executive Order N-08-21 to roll back certain provisions of my COVID-19-related Executive Orders and to clarify that other provisions remained necessary to help California respond to, recover from, and mitigate the impacts of the COVID-19 pandemic; and

WHEREAS paragraph 42 of Executive Order N-08-21 specified that the waiver of requirements that public meetings of state bodies occur in-person would be valid through September 30, 2021; and

WHEREAS on September 16, 2021, I signed into law Assembly Bill 361 (AB 361), which amended the Government Code and Education Code to provide additional flexibility for state bodies to conduct public meetings via teleconference through January 31, 2022; and

WHEREAS since Thanksgiving, the statewide seven-day average case rate has increased by 805% and the number of COVID-19 hospitalized patients has increased by 154%; and

WHEREAS this surge is being driven by the recent emergence of the Omicron variant, which has recently been estimated to account for approximately 70% of cases sequenced nationally; and

WHEREAS early data suggest that the Omicron variant is more transmissible than the Delta variant; and

WHEREAS requiring large numbers of individuals to gather, and potentially travel long distances, for in-person public meetings could potentially, and unnecessarily, expose numerous people to COVID-19, further contribute to the ongoing surge in cases caused by the Omicron variant, compound disruptions to our economy, and undermine public health measures during the current State of Emergency; and

WHEREAS when the Legislature considered AB 361 this past fall, the Omicron variant had not emerged, and the virus had not demonstrated the ability to evade immunity; and

WHEREAS in light of the present surge in cases due to the Omicron variant, and to protect the public health and safety, it is necessary to temporarily extend the flexibilities for state bodies to conduct teleconferences under AB 361 beyond January 31, 2022, to provide state bodies the option of conducting public meetings remotely to reduce the risk of in-person exposure to members of the staff body, staff, and members of the public; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with the statutes specified in this Order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, and in particular, Government Code sections 8567, 8571, and 8627 do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The sunset dates in Education Code section 89305.6, subdivision (g), and Government Code section 11133, subdivision (g), are suspended until March 31, 2022.
2. This Order shall expire at 11:59 p.m. on April 1, 2022.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 5th day of January 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D.
Secretary of State