

4140	Bargaining Units
4156.3	Employee Property Reimbursement
4157	Employee Safety
4157	Employee Safety
<u>4161</u>	<u>Leaves</u>
<u>4161.1</u>	<u>Personal Illness/Injury Leave</u>
4161.2	Personal Leaves
<u>4161.8</u>	<u>Family Care and Medical Leave</u>
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4231	Staff Development
4240	Bargaining Units
4256.3	Employee Property Reimbursement
4257	Employee Safety
4257	Employee Safety
<u>4261</u>	<u>Leaves</u>
<u>4261.1</u>	<u>Personal Illness/Injury Leave</u>
4261.2	Personal Leaves
<u>4261.8</u>	<u>Family Care and Medical Leave</u>
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4331	Staff Development
4340	Bargaining Units
4356.3	Employee Property Reimbursement
4357	Employee Safety

4357	Employee Safety
<u>4361</u>	<u>Leaves</u>
<u>4361.1</u>	<u>Personal Illness/Injury Leave</u>
4361.2	Personal Leaves
<u>4361.8</u>	<u>Family Care and Medical Leave</u>
5125	Student Records
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)

Policy 5125: Student Records

Status: ADOPTED

Original Adopted Date: 03/01/2009 | Last Revised Date: 05/03/01/2018 ~~2025~~ | Last Reviewed
Date: 05/03/01/2018 ~~2025~~

CSBA NOTE: Student records are governed by both federal and state law (Family Educational Rights and Privacy Act (FERPA) pursuant to Education Code 49069, 5 CCR 430-433, 20 USC 1232g, and 34 CFR 99.1-99.8). CSBA NOTE: The following mandated policy and accompanying administrative regulation address student records, which are governed by both federal and state law, including the Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g, 34 CFR 99.1-99.8), the Protection of Pupil Rights Amendment (PPRA) (20 USC 1232h), the Children's Online Privacy Protection Act (COPPA) (15 USC 6501-6506, 16 CFR 312), Education Code 49069.7 and 49073.1, K-12 Pupil Online Personal Information Protection Act (Business and Professions Code 22584), Early Learning Personal Information Protection Act (Business and Professions Code 22586), and 5 CCR 430-438. For information regarding public access to certain records in accordance with the California Public Records Act (CPRA) (Government Code 7920.000 - 7930.215), see BP/AR 1340 - Access to District Records and BB 9012 - Board Member Electronic Communications. For information regarding retention of records, see BP/AR 3580 - District Records and AR 4112.6/4212.6/4312.6 - Personnel Files.

Pursuant to 5 CCR 431, districts are **mandated** to establish policies and procedures to implement state law and regulations regarding student records, including policies and procedures which (1) enumerate and describe the student records collected and maintained by the district, (2) ensure security of the records, and (3) guarantee access to authorized persons within five days of a request. Education Code 49069.7 **mandates** procedures related to parental review of student records. See the accompanying administrative regulation for additional language implementing these mandates.

The privacy of online information of students in prekindergarten through grade 12 is addressed in Business and Professions Code 22580-22587, which prohibit an operator of a web site, online service or application, or mobile application from knowingly using, disclosing, or compiling the personal information of a minor for the purpose of marketing or advertising specified types of products or services; allowing a third party to use, disclose, or compile such information; or selling or disclosing specified student information or knowingly using such student information to engage in targeted advertising to students or parents/guardians or to amass a profile about a preK-12 student. Covered student information includes any personally identifiable information or materials created or provided by a student, parent/guardian, or district employee (e.g., name, contact information, educational record, discipline records, test results, health records, socioeconomic information). Pursuant to Business and Professions Code 22584 and 22586, an operator must delete data under the control of the school or district upon the request of the school or district. Pursuant to Education Code 234.7, districts were mandated to adopt policies with language that is

equivalent to the model policy language developed by the California Attorney General in, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," first published in April 2018 ("2018 Guidance"), by June 1, 2018. The Attorney General updated the 2018 Guidance in December 2024 ("2024 Guidance") and has stated that districts "should" adopt or update their policies based on the 2024 Guidance by May 1, 2025. The 2024 Guidance is available on the Office of the Attorney General's website and includes model policy language regarding student records.

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall establish administrative regulations governing the identification, collection, retention, disclosure, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records while maintaining the confidentiality of student records consistent in accordance with state and federal law.

The Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records at the district level. At each school, the principal or a certificated employee shall be designated as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records. (5 CCR 431)

CSBA NOTE: Pursuant to Education Code 234.7, as added by AB 699 (Ch. 493, Statutes of 2017), districts are mandated to adopt policy consistent with a model policy developed by the California Attorney General, which includes the following statement. See the Office of the Attorney General publication Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues.

CSBA NOTE: The privacy of online information of students in prekindergarten (preK) through grade 12 is addressed in Privacy Rights for California Minors in the Digital World (Business and Professions Code 22580-22582), the K-12 Pupil Online Personal Information and Protection Act (Business and Professions Code 22584-22585), and the Early Learning Personal Information Protection Act (Business and Professions Code 22586-22587), which prohibit an operator of a website, online service or application, or mobile application from knowingly using, disclosing, or compiling the personal information of a minor for the purpose of marketing or advertising specified types of products or services; allowing a third party to use, disclose, or compile such information; or selling or disclosing specified student information or knowingly using such student information to engage in targeted advertising to students or parents/guardians or to amass a profile about a preK-12 student. Covered student information includes any personally identifiable information or materials created or provided by a student, parent/guardian, or district employee (e.g., name, contact information, educational record, discipline records, test results, health records, and socioeconomic information). Pursuant to Business and Professions Code 22584 and 22586, an operator is required to delete data under the control of the school or district upon the request of the school or district. However, Business and Professions Code 22584, as amended by AB 801 (Ch.

935, Statutes of 2021), does not require the deletion of student records held by a national assessment provider when the records only include standardized test results.

Additionally, pursuant to Business and Professions Code 22584 and 22586, as amended by AB 801, an operator is required to delete a student's covered information that is not subject to the California Consumer Privacy Act which is under the operator's control, as specified below. Business and Professions Code 22584 and 22586, as amended by AB 801, do not require the deletion of mandatory permanent student records or any official records or files directly related to a student and maintained by the operator, school, or district.]

If student records containing covered information which is not subject to the California Consumer Privacy Act are under the control of the operator of a website, online service or application, or mobile application, and the student's parent/guardian or the student, if 18 years of age or older, requests deletion of such records, the Superintendent or designee shall provide documentation to the operator that the student has not been enrolled in the district for at least 60 days. (Business and Professions Code 22584)

All appropriate personnel shall receive training regarding district policies and procedures for gathering and handling sensitive student information, including which information should not be solicited.

CSBA NOTE: Pursuant to Education Code 49076.7, a district is prohibited from soliciting or collecting social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. One such exception is the collection of the last four digits of the social security number for the purpose of establishing eligibility for a federal benefit program.

The district shall not collect or solicit social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. (Education Code 49076.7)

CSBA NOTE: Education Code 234.7, as added by AB 699 (Ch. 493, Statutes of 2017), prohibits the collection of information or documents regarding the citizenship or immigration status of students or their family members, as provided below. If the district becomes aware of the citizenship or immigration status of any student, it is prohibited from disclosing that information to U.S. ~~Immigration and Customs Enforcement~~, as such disclosure is not among the limited exceptions specified in law for which student records may be released without parental consent or a lawful judicial order.

Pursuant to Education Code 234.7, districts are mandated to adopt the The following two paragraphs consistent with the are equivalent to model policy developed by the California Attorney General language from the 2024 Guidance.

No information or documents regarding the citizenship or immigration status of students or their family members shall be collected, except as required by state or federal law or as required to administer a state or federally supported educational program. The In accordance with Board Policy 5145.13 - Response to Immigrant Enforcement, the Superintendent or designee shall not disclose

student records to a person, agency, or organization for immigration enforcement purposes without parental consent, a court order, or a judicial subpoena /warrant. If a district employee receives such a request, he/she ~~the employee~~ shall immediately report the request ~~respond in accordance with Board Policy 5145.13 - Response to the Superintendent~~ Immigrant Enforcement. The Superintendent shall report the request to the Board in a timely manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

CSBA NOTE: The following paragraph reflects a requirement of Government Code 8310.3, as added by SB 31 (Ch. 826, Statutes of 2017).

The Superintendent or designee ~~The district or any district employee~~ shall not compile a list, registry, or database based on students' national origin, ethnicity, or religious belief, practice, or affiliation, ~~nor shall he/she or~~ disclose student information to federal government authorities for the purpose of compiling such a list, registry, or database for purposes of immigration enforcement. ~~Such~~ This prohibition does not apply to information ~~may only be compiled or exchanged with other local, state, or federal agencies if the information that~~ is aggregated and is not personally identifiable. (Government Code 8310.3)

CSBA NOTE: Pursuant to Family Code 6323.5, districts are required to develop protocols to comply with a court's restraining order that prohibits a party from accessing records and information pertaining to the education, daycare, health care, recreational activities, or employment of a minor child of the parties, which may include prohibiting access to a parent/guardian who would otherwise be entitled to the records. The protocols must, at a minimum, (1) designate an appropriate employee(s) who is responsible for receiving protective order(s), (2) establish a means of ensuring that the restrained party is not able to access the prohibited records or information, and (3) implement a procedure for submitting a copy of the restraining order including confirmation of when and to whom it was submitted. It is recommended that districts with questions about complying with these procedures consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall develop protocols to comply with a court's restraining order that prohibits a party from accessing specified records and information pertaining to a student. (Family Code 6323.5)

Student Records from Social Media

CSBA NOTE: The following section is optional and may be revised to reflect district practice. Pursuant to Education Code 49073.6, any district considering a program to gather information from students' social media activity, as defined, must first notify students and parents/guardians and provide an opportunity for public comment. The notification may be provided as part of the annual parental notification required pursuant to Education Code 48980. If such a program is then adopted, the district must comply with program requirements reflected in the section "Student Records from Social Media" in the accompanying administrative regulation.

The ~~It is recommended that the~~ district should consult CSBA's District and County Office of

Education Legal Services or district legal counsel before gathering any other online information that does not meet the definition of social media in Education Code 49073.6.

The Superintendent or designee may gather and maintain information from the social media of any district student, provided that the district first notifies students and parents/guardians about the proposed program, offers an opportunity for public comment at a regularly scheduled Board meeting, and gathers only information that directly pertains to school safety or student safety. (Education Code 49073.6)

Contract for Digital Storage, Management Retention, Disclosure, and Retrieval Security of Student Records

CSBA NOTE: The use of artificial intelligence (AI) may pose risks to keeping student records private and secure. CSBA's, "Understanding Artificial Intelligence in K-12 Education: What Governance Teams Should Know," cautions districts to consider whether information about students shared with or stored in an AI-enabled system is subject to federal or state privacy laws and whether interactions between students and AI systems may create records that are required to be protected by law, such as when a chatbot or automated tutor generates written guidance to a student.

The Superintendent or designee shall ensure the confidentiality of student records as required by law and shall establish processes and procedures to safeguard data against damage, loss, or theft, including damage, loss, or theft, which may be caused by the use of technology, including artificial intelligence and breaches to the district's digital infrastructure, in the retention or disclosure of student records. Additionally, in accordance with Board Policy 5145.13 - Response to Immigration Enforcement, all district staff shall avoid the disclosure of information that may indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by law.

The Superintendent or designee shall ensure that employees receive information and training about cybersecurity, including ways to protect student records from breaches to the district's digital infrastructure.

If the district experiences a cyberattack that impacts more than 500 students or personnel, the Superintendent or designee shall report the cyberattack to the California Cybersecurity Integration Center. (Education Code 35266)

CSBA NOTE: Education Code 49073.1 authorizes districts to enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or for software designed for this purpose. A district that chooses to enter into such a contract is mandated to adopt policy allowing such contracts and must ensure that the contract includes all the provisions specified in Education Code 49073.1. Also see BP 3312 - Contracts.

The Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

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

State	Description
5 CCR 16020-16027	Destruction of records of school districts
5 CCR 430-438	Individual student records
Bus. and Prof. Code 22580-22582	Privacy rights for California minors in the digital world
Bus. and Prof. Code 22584-22585	<u>Student K-12 Pupil</u> Online Personal Information Protection Act
Bus. and Prof. Code 22586-22587	Early Learning Personal Information Protection Act
Code of Civil Procedure 1985.3	Subpoena duces tecum
Ed. Code 17604	Delegation of powers to agents
<u>Ed. Code 220.3</u>	<u>Prohibition for employee or contractor to disclose information related to student's sexual orientation, gender identity, or gender expression</u>
Ed. Code 234.7	Student protections relating to immigration and citizenship status
<u>Ed. Code 35266</u>	<u>Reporting of cyberattacks</u>
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48853.5	Foster youth; placement, immunizations
Ed. Code 48902	Notification of law enforcement of specified violations
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49060-49079	Student records
Ed. Code 49091.14	Parental review of curriculum
Ed. Code 51745	Independent study
Ed. Code 56041.5	Rights of students with disabilities
Ed. Code 56050	Surrogate parents

Ed. Code 56055	Foster parents
<u>Ed. Code 60900-60901</u>	<u>California Longitudinal Pupil Achievement Data System</u>
Ed. Code 69432.9	Cal Grant program; notification of grade point average
<u>Ed. Code 69475</u>	<u>Conditional repeal of Cal Grant program</u>
Fam. Code 3025	Access to records by noncustodial parents
<u>Fam. Code 6320.5</u>	<u>Ex parte orders</u>
Fam. Code 6552	Caregiver's authorization affidavit
Gov. Code 7920.000-7930.215	California Public Records Act
H&S Code 120440	Immunizations; disclosure of information
Pen. Code 245	Assault with deadly weapon
W&I Code 16010	Health and education records of a minor
W&I Code 681	Truancy petitions
W&I Code 701	Juvenile court law

Federal

15 USC 6501-6506

Description

Children's Online Privacy Protection Act

16 CFR Part 312	Children's Online Privacy Protection Rule
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	<u>Privacy rights</u> <u>Protection of Pupil Rights Amendment</u>
26 USC 152	Definition of dependent child
34 CFR 300.501	Opportunity to examine records for parents of student with disability
34 CFR 99.1-99.67 ⁸	Family Educational Rights and Privacy
42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions

Management Resources

CA Office of the Attorney General
Publication

Description

Promoting a Safe and Secure Learning Environment for All:
Guidance and Model Policies to Assist California's K-12
Schools in Responding to Immigration Issues, April
2018 December 2024

CSBA Publication

Legal Guidance on Providing All Children Equal Access to
Education, Regardless of Immigration Status, February 2017

CSBA Publication

Understanding Artificial Intelligence in K-12 Education: What
Governance Teams Should Know, September 2023
(https://www.csba.org/-

	/media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/Technology/AI-Brief-REPD_09-2023.ashx)
Federal Register	Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855
National School Boards Association Publication	Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era, April 2014
U.S. Department of Education Publication	A Parent Guide to the Family Educational Rights and Privacy Act (FERPA), July 2021 (https://studentprivacy.ed.gov/resources/parent-guide-family-educational-rights-and-privacy-act-ferpa)
U.S. Department of Education Publication	An Eligible Student Guide to the Family Educational Rights and Privacy Act (FERPA), March 2023 (https://studentprivacy.ed.gov/resources/eligible-student-guide-family-educational-rights-and-privacy-act-ferpa)
U.S. Department of Education Publication	Joint Family Educational Rights and Privacy Act , Guidance for School Officials on the Application of FERPA and HIPAA to Student Health Records, November 2008 April 2023 (https://studentprivacy.ed.gov/resources/family-educational-rights-and-privacy-act-guidance-school-officials-student-health)
U.S. Department of Education Publication	IDEA and FERPA Confidentiality Provisions, 2014
U.S. Department of Education Publication	School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA), February 2019 (https://studentprivacy.ed.gov/resources/school-resource-officers-school-law-enforcement-units-and-ferpa)
U.S. Department of Education Publication	Balancing Student Privacy and School Safety: A Guide to Joint Guidance on the Application of the Family Educational Rights and Privacy Act for Elementary (FERPA) and the Health Insurance Portability and Secondary Schools, Oct 2007 Accountability Act of 1996 (HIPAA) to Student Health Records, rev. 2019 (https://studentprivacy.ed.gov/resources/joint-guidance-application-ferpa-and-hipaa-student-health-records)
U.S. Department of Education Publication	IDEA and FERPA Crosswalk: A side-by-side comparison of the privacy provisions under Parts B and C of the IDEA and FERPA, August 2022

	https://studentprivacy.ed.gov/sites/default/files/resource_document/file/IDEA-FERPA%20Crosswalk_08242022.pdf
Website	CSBA District and County Office of Education Legal Services
Website	<u>National School Boards Association</u>
Website	<u>U.S. Department of Education, Protecting Student Privacy</u> (https://studentprivacy.ed.gov/)
Website	<u>U.S. Department of Education, Office of the Chief Privacy Officer</u>
Website	California Department of Education
Website	<u>California IT in Education, Student Data Privacy</u> (https://www.cite.org/stuprivacy)
Website	<u>California Office of the Attorney General</u> (https://oag.ca.gov/)
Website	CSBA

Cross References

Code	Description
0440	District Technology Plan
0440	District Technology Plan
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records

1400	Relations Between Other Governmental Agencies And The Schools
3250	Transportation Fees
3250	Transportation Fees
3260	Fees And Charges
3260	Fees And Charges
3290	Gifts, Grants And Bequests
3312	Contracts
3515	Campus Security
3515	Campus Security
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
<u>4112.6</u>	<u>Personnel Files</u>
4113.5	Working Remotely
4117.7	Employment Status Reports
4119.23	Unauthorized Release Of Confidential/Privileged Information
4158	Employee Security
4158	Employee Security
<u>4212.6</u>	<u>Personnel Files</u>
4213.5	Working Remotely
4219.21	Professional Standards
4219.21-E(1)	Professional Standards

4219.23	Unauthorized Release Of Confidential/Privileged Information
4258	Employee Security
4258	Employee Security
<u>4312.6</u>	<u>Personnel Files</u>
4313.5	Working Remotely
4317.7	Employment Status Reports
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4358	Employee Security
4358	Employee Security
5000	Concepts And Roles
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5021	Noncustodial Parents
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5111.2	Nonresident Foreign Students
5112.1	Exemptions From Attendance
5112.1	Exemptions From Attendance
5112.2	Exclusions From Attendance
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board

5113.2	Work Permits
5113.2	Work Permits
5119	Students Expelled From Other Districts
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5123	Promotion/Acceleration/Retention
5123	Promotion/Acceleration/Retention
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5125.2	Withholding Grades, Diploma Or Transcripts
5125.3	Challenging Student Records
5126	Awards For Achievement
5126	Awards For Achievement
5131.1	Bus Conduct
5131.1	Bus Conduct
5131.2	Bullying
5131.2	Bullying
5131.61	Drug Testing
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5138	Conflict Resolution/Peer Mediation
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.23	Asthma Management
5141.23	Asthma Management
5141.24	Specialized Health Care Services

5141.26	Tuberculosis Testing
5141.27	Food Allergies/Special Dietary Needs
5141.27	Food Allergies/Special Dietary Needs
5141.3	Health Examinations
5141.3	Health Examinations
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.33	Head Lice
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5141.6	School Health Services
5141.6	School Health Services
5142.1	Identification And Reporting Of Missing Children
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5144.4	Required Parental Attendance
5144.4	Required Parental Attendance
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications

5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5148	Child Care And Development
5148	Child Care And Development
5148.2	<u>Before/After School Programs</u>
5148.2	<u>Before/After School Programs</u>
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6143	Courses Of Study
6143	Courses Of Study
6145.2	Athletic Competition
6145.2	Athletic Competition
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency
6158	Independent Study
6158	Independent Study
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education

6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6162.8	Research
6162.8	Research
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6172.1	Concurrent Enrollment In College Classes
6172.1	Concurrent Enrollment In College Classes
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6173.3	Education For Juvenile Court School Students
6175	Migrant Education Program
6175	Migrant Education Program
6178.1	Work-Based Learning

6178.1	Work-Based Learning
9011	Disclosure Of Confidential/Privileged Information
<u>9012</u>	<u>Board Member Electronic Communications</u>
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Regulation 5125: Student Records

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CSBA NOTE: The following mandated administrative regulation and accompanying Board policy address student records, which are governed by both federal and state law, including the Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g, 34 CFR 99.1-99.8), the Protection of Pupil Rights Amendment (PPRA) (20 USC 1232h), the Children's Online Privacy Protection Act (COPPA) (15 USC 6501-6506, 16 CFR 312), Education Code 49069.7 and 49073.1, K 12 Pupil Online Personal Information Protection Act (Business and Professions Code 22584), Early Learning Personal Information Protection Act (Business and Professions Code 22586), and 5 CCR 430-438. For information regarding public access to certain records in accordance with the California Public Records Act (CPRA) (Government Code 7920.000 - 7930.215), see BP/AR 1340 - Access to District Records and BB 9012 - Board Member Electronic Communications. For information regarding retention of records, see BP/AR 3580 - District Records and AR 4112.6/4212.6/4312.6 - Personnel Files.

Pursuant to 5 CCR 431, districts are mandated to establish policies and procedures to implement state law and regulations regarding student records, including policies and procedures which (1) enumerate and describe the student records collected and maintained by the district, (2) ensure security of the records, and (3) guarantee access to authorized persons within five days of a request. Education Code 49069.7 mandates procedures related to parental review of student records. The following administrative regulation includes language implementing these mandates.

Pursuant to Education Code 234.7, districts were mandated to adopt policies with language that is equivalent to the model policy language developed by the California Attorney General in "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," first published in April 2018 ("2018 Guidance"), by June 1, 2018. The Attorney General updated the 2018 Guidance in December 2024 ("2024 Guidance") and has stated that districts "should" adopt or update their policies based on the 2024 Guidance by May 1, 2025. The 2024 Guidance is available on the Office of the Attorney General's website and includes model policy language regarding student records.

Definitions

Access means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record or an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

Adult student is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication

technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

CSBA NOTE: Guidance issued by the U.S. Department of Education (USDOE) and U.S. Department of Health and Human Services clarifies that a student's immunization and health record maintained by the district is a "student record" subject to the Family Educational Rights and Privacy Act (FERPA).

Contractor or consultant is anyone with a formal written agreement or contract with the district regarding the provision of services or functions outsourced by the district. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

County placing agency means the county social service department or county probation department. (Education Code 49061)

Custodian of records is the employee responsible for the security of student records maintained by the district and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

Disclosure means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic. (34 CFR 99.3)

CSBA NOTE: Education Code 49063 requires districts to include the criteria for defining "legitimate educational interest" and "school officials and employees" in their annual notification; see "Notification of Parents/Guardians", below.

Legitimate educational interest is an interest held by any school official, employee, contractor, or consultant whose official duties, responsibilities, or contractual obligations to the district, whether routine or as a result of special circumstances, require access to information contained in student records.

Mandatory interim student records are those records which the schools are directed to compile and maintain for specified periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent. (Education Code 49061, 56050, 56055)

Permitted student records are those records having clear importance only to the current educational process of the student. (5 CCR 430)

Personally identifiable information includes, but is not limited to: (34 CFR 99.3)

1. The student's name
2. The name of the student's parent/guardian or other family members

3. The address of the student or student's family

CSBA NOTE: Pursuant to 34 CFR 99.3, the definition of "personally identifiable information" includes a personal identifier such as a student's social security number. Education Code 49076.7 prohibits districts from collecting or soliciting 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. If a social security number is collected under such circumstances, it must be classified as personally identifiable information and is subject to the restrictions related to access or de-identification of records specified in 34 CFR 99.30-99.39 and this administrative regulation.

4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty
7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the student record relates

CSBA NOTE: 34 CFR 99.31 defines "school officials and employees" for purposes of determining who may be given personally identifiable information from student records, as provided below. In 73 Fed. Reg. 74815 (2008), the U.S. Department of Education (USDOE) stated that local agencies are in the best position to determine the types of parties who may serve as school officials. Examples cited include school transportation officials (including bus drivers), school nurses, practicum and fieldwork students, unpaid interns, consultants, contractors, volunteers, and other outside parties providing institutional services and performing institutional functions, provided that each of the requirements in 34 CFR 99.31 has been met.

School officials and employees are officials or employees, including teachers, whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require access to student records. (34 CFR 99.31)

Student means any individual who is or has been in attendance at the district and regarding whom the district maintains student records. (34 CFR 99.3)

CSBA NOTE: USDOE and the U.S. Department of Health and Human Services', "Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records," clarifies that a student's immunization and health record maintained by the district is a "student record" subject to FERPA.

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and maintained by the district, required to be maintained by an employee in the performance of the employee's duties, or maintained by a party acting for the district. Any information maintained for

the purpose of second-party review is considered a student record. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; 34 CFR 99.3)

1. Directory information
2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee

CSBA NOTE: USDOE guidance, Balancing Student Privacy and School Safety, clarifies that records created by the district's law enforcement unit, such as student images appearing on security videotapes, are not considered student records under FERPA as long as the records are created for a law enforcement purpose.

CSBA NOTE: USDOE guidance, "School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA)," clarifies that records created by the district's law enforcement unit, such as student images appearing on security videotapes, are not considered student records under FERPA as long as the records are created for a law enforcement purpose.

3. Records of the law enforcement unit of the district, subject to 34 CFR 99.8 (5 CCR 430)

3. Records of the law enforcement unit of the district, as specified in 34 CFR 99.8

4. Records created or received by the district after an individual is no longer a student and that are not directly related to the individual's attendance as a student

5. Grades on peer-graded papers before they are collected and recorded by a teacher

CSBA NOTE: Education Code 49063 requires districts to include the criteria for defining "legitimate educational interest" and "school officials and employees" in their annual notification; see section "Notification of Parents/Guardians" below.

CSBA NOTE: 34 CFR 99.31 defines "school officials and employees" for purposes of determining who may be given personally identifiable information from student records, as provided below. In 73 Fed. Reg. 74815 (2008), USDOE stated that local agencies are in the best position to determine the types of parties who may serve as school officials. Examples cited include school transportation officials (including bus drivers), school nurses, practicum and fieldwork students, unpaid interns, consultants, contractors, volunteers, and other outside parties providing institutional services and performing institutional functions, provided that each of the requirements in 34 CFR 99.31 has been met.

Persons Granted Absolute Access

In accordance with law, absolute access to any student records shall be granted to:

CSBA NOTE: Pursuant to Family Code 6323.5, districts are required to develop protocols to comply with a court's restraining order that prohibits a party from accessing records and information pertaining to the education, daycare, health care, recreational activities, or

employment of a minor child of the parties, which may include a parent/guardian who would otherwise be entitled to the records. For additional information see the accompanying Board policy.

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent (Education Code 49069.7; Family Code 3025)

However, the district shall not disclose student records to a party, including a parent/guardian, who is legally prohibited from accessing records and information of a student pursuant to a restraining order. (Family Code 6323.5)

2. An adult student, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to the student's records and grant consent for the release of records (34 CFR 99.3, 99.5)

CSBA NOTE: Pursuant to Education Code 56041.5, all the rights accorded to the parent/guardian of a student with disabilities **exceptional needs**, including the right to access student records, are transferred to the student at 18 years of age, except when the student has been declared incompetent under state law.

3. Parents/guardians of an adult student with disabilities **exceptional needs** who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

Access for Limited Purpose/Legitimate Educational Interest

The following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

CSBA NOTE: Education Code 49076 and 34 CFR 99.31 require that access to relevant records be given to parents/guardians of a dependent child, defined by 26 USC 152 as one who lives with a parent/guardian for more than half the taxable year, meets the specified age requirements, has not provided more than half of one's own support during that year, and has not filed a joint tax return with a spouse.

1. Parents/guardians of a student 18 years of age or older who is a dependent child as defined in 26 USC 152 (Education Code 49076; 34 CFR 99.31)
2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076)
3. School officials and employees, consistent with the definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)
4. Members of a school attendance review board (SARB) appointed pursuant to Education Code 48321 who are authorized representatives of the district and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student (Education Code 49076)
5. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for

purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

CSBA NOTE: 34 CFR 99.34 requires the district to make a reasonable attempt to notify the parent/guardian or adult student when the district discloses certain information as described in the following paragraph. However, if the district includes a statement in its annual parental notification that the district may forward education records under such circumstances, it is not obligated to individually notify parents/guardians or adult students. The following optional paragraph may be deleted by districts that include such a statement in their annual parental notification. See section below entitled "Notification of Parents/Guardians:" below.

6. Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the district may disclose students' personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at the last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)

CSBA NOTE: Item #6 below is for use by districts that maintain high schools. Education Code 69432.9 provides that all students in grade 12 will be considered Cal Grant applicants and will have their grade point average (GPA) submitted to the Student Aid Commission, unless they opt out or are permitted under Commission rules to submit test scores in lieu of the GPA. Education Code 69432.9 requires that the report be submitted on a standardized form provided by the Commission. Pursuant to Education Code 69432.92, the Commission may also require that districts submit verification of high school graduation or its equivalent for all students who graduated in the prior academic year, except for students who have opted out.

Education Code 69432.9 requires that parents/guardians be notified that their child's GPA will be forwarded, unless they opt out within the time period specified in the notice. This notification ~~could~~ may be included in the annual parental notification issued pursuant to Education Code 48980.

Pursuant to Education Code 69475, portions of the existing Cal Grant Program will be conditionally repealed upon the Legislature's implementation of the Cal Grant Reform Act. AB 107 (Ch. 22, Statutes of 2024) announced the Legislature's intent to "phase in" the Cal Grant Reform Act beginning in 2025-26. As such, the existing Cal Grant Program remains in effect, but it is recommended that districts with questions about the Cal Grant Reform Act's effect on the existing Cal Grant Program consult CSBA's District and County Office of Education Legal Services or district legal counsel.

- 7.6. The Student Aid Commission, to provide the grade point average (GPA) of all district students in grade 12 and, when required, verification of high school graduation or its equivalent of all students who graduated in the prior academic year, for use in the Cal Grant postsecondary financial aid program.

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

No later than January 1 each year, the Superintendent or designee shall notify each student in grade 11, and the student's parents/guardians if the student is under age 18 years, that the student's GPA will be forwarded to the Student Aid Commission by October 1, unless the student opts out within a period of time specified in the notice, which shall not be less than 30 days. (Education Code 69432.9)

Students' social security numbers shall not be included in the submitted information unless the Student Aid Commission deems it necessary to complete the financial aid application and the Superintendent or designee obtains permission from the student's parent/guardian, or from the adult student, to submit the social security number. (Education Code 69432.9)

CSBA NOTE. Item #7 is for use by districts that serve students in grades 9-12. Pursuant to Education Code 60900, as amended by SB 153 (Ch. 38, Statutes of 2024), districts are required to, on or before January 1, 2026, enter into a data sharing agreement with the California College Guidance Initiative (CCGI), and by June 30, 2026, submit data for students in grades 9-12, as specified. Pursuant to Education Code 60900 and 60900.5, as amended by SB 153, the California Department of Education (CDE) also shares specified data with CCGI. The district is required to include in the annual notification to parents/guardians the sharing of data with CCGI; see "Notification of Parents/Guardians," below.

7. The California College Guidance Initiative (CCGI) in accordance with a data sharing agreement pursuant to Education Code 60900, to provide data for use when planning for and applying to California public colleges and universities (Education Code 60900, 60900.5)

8. Federal, state, and local officials, as needed for an audit or evaluation of, or compliance with, a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)

CSBA NOTE: Pursuant to Education Code 49076, county placing agencies authorized to assess the effectiveness of a state or federally funded program on behalf of federal, state, or local officials and agencies may be allowed access to student records. Education Code 49076 also authorizes districts, county offices of education, and county placing agencies to develop cooperative agreements to facilitate confidential access to and exchange of student information by email, facsimile, electronic format, or other secure means, provided the agreement complies with the requirements of 34 CFR 99.35.

9. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to ~~item #7~~ item #8 above (Education Code 49076)

10. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order. (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

11. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)

12. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)

13. Any probation officer, district attorney, or counsel of record for a student who is a minor for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

14. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 (Education Code 49076)

In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

15. A foster family agency with jurisdiction over a currently enrolled or former student; short-term residential treatment program staff responsible for the education or case management of a student; or a caregiver who has direct responsibility for the care of a student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined (Education Code 49076)

Such individuals shall have access to the student's current or most recent records of grades, transcripts, attendance, discipline, online communication on platforms established by schools for students and parents/guardians, and any individualized education program or Section 504 plan developed and maintained by the district. (Education Code 49069.3)

16. A student age 14 years or older who is both a homeless student and an unaccompanied minor experiencing homelessness as defined in 42 USC 11434a (Education Code 49076)
17. An individual who completes items #1-4 of the ~~caregiver's authorization affidavit~~ Caregiver's Authorization Affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)
18. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility in accordance with state or tribal law for the care and protection of a student, provided that the individual is authorized by the agency or organization to receive the records and the information requested is directly related to providing assistance to address the student's educational needs (Education Code 49076; 20 USC ~~1232(g)~~ 1232g)
19. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the district provide special education and disciplinary records of a student with ~~disabilities~~ exceptional needs who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in ~~item #12~~ Item #13 above. (Education Code 49076)

20. Designated peace officers or law enforcement agencies in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5)

In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district in California or any other state or to a California private school. (Education Code 49076.5)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act: FERPA. (Education Code 49076; 20 USC 1232g; 34 CFR 99.1-99.8)

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released. (Education Code 49061, 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent/guardian may grant consent if both parents/guardians notify the district, in writing, that such an agreement has been made. (Education Code 49061)

Discretionary Access

At the discretion of the Superintendent or designee, information may be released from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in connection with an emergency if the knowledge of the information is necessary to protect the health and or safety of the student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

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

2. Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.
3. 2. Accrediting associations in order to carry out their accrediting functions (Education Code 49076; 34 CFR 99.31)

- 4.—~~3.~~ 3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, ~~organizations~~ Organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)
- a. The study is conducted in a manner that does not permit personal identification of students or parents/guardians by individuals other than representatives of the organization who have legitimate interests in the information.
 - b. The information is destroyed when no longer needed for the purposes for which the study is conducted.
 - c. The district enters into a written agreement with the organization that complies with 34 CFR 99.31.
5. ~~4.~~ 4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)
- 6.—~~5.~~ 5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)

CSBA NOTE: Education Code 49076 includes "contractors" and "consultants," as defined in the section "Definitions" above, with a legitimate educational interest who have a formal written agreement or contract with the district, among the categories of individuals to whom a student's personally identifiable information may be disclosed under certain circumstances. Unlike 34 CFR 99.31, however, Education Code 49076 prohibits disclosure of such information to volunteers and other parties.

Pursuant to Education Code 49073.1, a district may enter into a contract with a third party to provide (1) services, including cloud-based services, for the digital storage, management, and retrieval of student records and/or (2) digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records as provided. When entering into a contract with a third party, it is recommended that districts utilize data sharing agreements to ensure contractors, consultants, and vendors comply with student data privacy laws. California IT in Education (CITE) has student data privacy resources, including a sample student data privacy agreement, available on its website. For more information on contracts for digital storage and maintenance of student records, see BP 3312 – Contracts.

7. ~~6.~~ 6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract with the district, excluding volunteers or other parties (Education Code 49076)

CSBA NOTE: Items #7 and 8 below are for use by districts that maintain high schools.

8. 7.1 Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or the student's parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid (Education Code 49076; 34 CFR 99.31)
9. 8 County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the limits set by 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.37)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act: FERPA. (Education Code 49076; 20 USC 1232g; 34 CFR 99.1-99.8)

De-identification of Records

CSBA NOTE: 20 USC ~~1232(g)~~ 1232g and Education Code 49076 authorize the district to release student records for specified purposes (e.g., to federal and state officials conducting program audits or to organizations conducting studies) without parent/guardian consent after the removal of all "personally identifiable information" as defined in the section entitled "Definitions" above, and provided that the district has made a reasonable determination that a student's identity will not be personally identifiable through single or multiple releases. Education Code 49074 further authorizes the district to provide de-identified statistical data to public or private agencies, postsecondary institutions, or educational research organizations when such actions would be "in the best educational interests of students."

34 CFR 99.31 lists objective standards under which districts may release information from de-identified records. These standards are applicable to both requests for individual, redacted records and requests for statistical information from multiple records.

When authorized by law for any program audit, educational research, or other purpose, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 20 USC 1232g; 34 CFR 99.31)

Process for Providing Access to Records

CSBA NOTE: Education Code 49069 7 mandates procedures for notifying parents/guardians of the location of student records if not centrally located. The following paragraph may be expanded to include notification procedures.

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained at different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians and adult students shall be notified of the location of student records if not centrally located. (Education Code 49069.7; 5 CCR 433)

The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons. (5 CCR 433)

CSBA NOTE: 5 CCR 431 **mandates** districts to establish written procedures to ensure the security of student records, including (1) guaranteeing access to authorized persons within five business days following the date of request, (2) assuring security of the records, and (3) enumerating and describing the student records collected and maintained by the district. The following three paragraphs reflect this mandate and should be modified to reflect any specific physical, technological, or administrative controls developed by the district. The types of student records collected and maintained by the district are enumerated and described in "Retention and Destruction of Student Records," below.

34 CFR 99.31 requires districts to use "reasonable methods" to (1) ensure that school officials, employees, and outside contractors obtain access to only those records, both paper and electronic, in which they have a legitimate educational interest and (2) identify and authenticate the identity of parents/guardians, students, school officials, and any other party to whom the district discloses personally identifiable information from education records. In addition, 34 CFR 99.31 specifies that a district which that does not use physical or technological access controls (e.g., such as a locked file cabinet or computer security limiting access), must ensure that its administrative policy for controlling access is effective and remains in compliance with the "legitimate educational interest" requirement.

The Analysis to Comments and Changes In commentary accompanying the Final Rule (73 Fed. Reg. 237, page 74817), USDOE suggests a balance of physical, technological, and administrative controls to prevent unauthorized access and to ensure that school officials do not have unrestricted access to the records of all students. The Analysis also clarifies that the reasonableness of the method depends, in part, on the potential harm involved. For example, high-risk records, such as social security numbers or other information that could be used for identity theft, should receive greater and more immediate protection.

In addition, as a condition of participation in an interagency data information system (e.g., such as the California Longitudinal Pupil Achievement Data System (CALPADS), Education Code 49076 requires that the district develop security procedures or devices by which unauthorized personnel cannot access data in the system and procedures or devices to secure privileged or confidential data from unauthorized disclosure.

The custodian of records shall develop reasonable methods, including physical, technological, and administrative policy controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. ((Education Code 49076; 5 CCR 431; 34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate

the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

CSBA NOTE: 34 CFR 99.30 specifies information that must be included in the parent/guardian consent form, as provided below. The provisions in the following two paragraphs are required pursuant to the California Attorney General's model policy developed pursuant to Education Code 234.7. See the Office of the Attorney General's publication Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues. CSBA NOTE: Education Code 49069.7 and 5 CCR 431 mandate that the district adopt procedures for granting parent/guardian requests to inspect, review, and obtain copies of records.

Within five business days following the date of request, the authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069.7; 5 CCR 431)

CSBA NOTE: 34 CFR 99.30 specifies information that is required be included in the parent/guardian consent form, as provided below.

When required by law, a student's parent/guardian or an adult student shall provide written, signed, and dated consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian or adult student, the district shall provide a copy of the records disclosed. (34 CFR 99.30)

If the parent/guardian or adult student refuses to provide written consent for the release of student information, the Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

CSBA NOTE: Education Code 49069 and 5 CCR 431 mandate that the district adopt .7 mandates procedures for granting parent/guardian requests the availability of qualified certificated personnel to inspect, review, and obtain copies of interpret records when requested. The following paragraph may be expanded to include specific procedures for persons to request and receive the assistance of certificated personnel.

CSBA NOTE: Education Code 49069 mandates procedures for the availability of qualified certificated personnel to interpret records when requested. The following paragraph may be expanded to include specific procedures for persons to request and receive the assistance of certificated personnel.

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069 .7)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

Access Log

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate educational interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

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

The custodian of records shall also make an entry in the log regarding any request for record(s) that was denied and the reason for the denial.

CSBA NOTE: Although Education Code 49064 does not require the district to record access by individuals specified in ~~items~~ Items #1-5 below, the district may consider recording access by all individuals as part of the reasonable administrative controls required by 34 CFR 99.31; see ~~section above entitled "Process for Providing Access to Records;"~~ section 1 above.

The log shall include requests for access to records by:

1. Parents/guardians or adult students
2. Students who are 16 years of age or older or who have completed the 10th grade
3. Parties obtaining district-approved directory information
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials and employees who have a legitimate educational interest

CSBA NOTE: Pursuant to Education Code 234.7, any request for student information by a law enforcement agency for the purpose of enforcing immigration laws must be reported to the Superintendent and the Governing Board; see the accompanying Board policy. Therefore, it is recommended that the custodian of records make an entry in the log regarding any such requests, as provided in ~~item~~ Item #6 below.

6. Law enforcement personnel seeking to enforce immigration laws -related information

The log shall be open to inspection only by the parent/guardian, adult student, dependent adult student, custodian of records, and certain state or federal officials specified in Education Code 49064. (Education Code 49064; 5 CCR 432)

Duplication of Student Records

CSBA NOTE: Education Code 49069 .7 mandates that the district adopt procedures for granting parent/guardian requests for copies of student records pursuant to Education Code 49065.

To provide copies of any student record, the district may charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

Changes to Student Records

Only a parent/guardian having legal custody of a student or a student who is 18 years of age or is attending an institution of postsecondary education may challenge the content of a record or offer a written response to a record. (Education Code 49061)

No addition or change shall be made to a student's record after high school graduation or permanent departure, other than routine updating, unless required by law or with prior consent of the parent/guardian or adult student. (Education Code 49070; 5 CCR 437)

CSBA NOTE: In CALPADS', "Update FLASH #158, Guidance for Changing a Student's Legal Name in CALPADS", the California Department of Education, CDE states that a request to change a student's legal name must be supported by legal documentation such as a court record, birth certificate, or passport.

Pursuant to Education Code 220.3, as added by AB 1955 (Ch. 95, Statutes of 2024), a district is prohibited from requiring an employee or contractor to disclose any information related to a student's sexual orientation, gender identity, or gender expression, including changing student records, to any other person without the student's consent unless otherwise required by state or federal law.

Any request to change a student's legal name in the student's mandatory permanent student record shall be accompanied with appropriate documentation.

Any challenge to the content of a student's record shall be filed in accordance with Education Code 49070 and the process specified in AR Administrative Regulation 5125.3 - Challenging Student Records. (Education Code 49070)

Retention and Destruction of Student Records

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student
2. Date and place of birth and method of verifying birth date
3. Sex of student
4. Name and address of parent/guardian of minor student
 - a. Address of minor student if different from the above
 - b. Annual verification of parent/guardian's name and address and student's residence
5. Entrance and departure dates of each school year and for any summer session or other extra session

6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given towards graduation
7. Verification of or exemption from required immunizations
8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the district.

These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor
2. A log identifying persons or organizations who request or receive information from the student record
3. Health information, including verification or waiver of the health screening for school entry
4. Information on participation in special education programs, including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge
5. Language training records
6. Progress slips/notices required by Education Code 49066 and 49067
7. Parental restrictions/stipulations regarding access to directory information
8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action
9. Parent/guardian authorization or prohibition of student participation in specific programs
10. Results of standardized tests administered within the past three years
11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program and their usefulness ceases, including: (5 CCR 432, 437)

1. Objective counselor and/or teacher ratings
2. Standardized test results older than three years
3. Routine ~~disciplinary~~ discipline data
4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 432, 437)

Transfer of Student Records

When a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the student's parent/guardian of rights regarding student records, including a parent/guardian's right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

CSBA NOTE: Education Code 48201 requires districts to request records of a transferring student regarding acts that resulted in the student's suspension or expulsion from the previous school, as specified below. Once the record is received, the Superintendent or designee must inform the student's teachers of the acts; see AR 4158/4258/4358 - Employee Security.

When a student transfers into this district from another district, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in the student's suspension or expulsion. (Education Code 48201)

CSBA NOTE: Pursuant to Education Code 49068, a district is required to transfer a copy of a student's records to another school in which the student is enrolled or intends to enroll within 10 school days of receiving a request for the records. However, this is not applicable in circumstances where a more restrictive timeline is required. For example, a district is required to transfer the records of a student who is a foster youth to the new school within two business days, pursuant to Education Code 48853.5.

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record within 10 school days of the district's receipt of the request for the student's records. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918, 49068; 5 CCR 438)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

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

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the district is withholding grades, diploma, or transcripts from the student because of damage or

loss of school property, this information shall be sent to the requesting district along with the student's records.

Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the district speak a single primary language other than English, then the district shall provide these notices in that language. Otherwise, the district shall provide these notices in the student's home language insofar as practicable. The district shall effectively notify parents/guardians or eligible students with disabilities exceptional needs. (Education Code 48985, 49063; 5 CCR 431; 34 CFR 99.7)

The notice shall include: (Education Code 49063, 60900.5; 34 CFR 99.7, 99.34)

1. The types of student records kept by the district and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. District criteria for defining school officials and employees and for determining legitimate educational interest
5. District policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

CSBA NOTE: Item #12 is for districts that serve students in grades 9-12. Pursuant to Education Code 60900, as amended by SB 153, districts are required to annually notify parents/guardians that specified district data and data collected by CDE is shared with CCGI.

12. The sharing with CCGI of specified district data and data collected by the California Department of Education for the purposes of college admissions, academic placement, and eligibility for student financial aid (Education Code 60900)

- ~~12.~~ 13. Any other rights and requirements set forth in Education Code 49060-49085, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g

CSBA NOTE: Pursuant to 34 CFR 99.34, if the district's annual parental notification contains the information described in optional ~~item #13~~ item #14 below, the district does not need to attempt to individually notify a parent/guardian or adult student when the district discloses an education record to officials of another school, school system, or postsecondary institution (see ~~item~~ item #5 in the list of persons/agencies with legitimate educational interests in the section entitled "Access for Limited Purpose/Legitimate Educational Interest" above).

- ~~13.~~ 14. A statement that the district forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

CSBA NOTE: The following paragraph reflects the Attorney General's model policy language from the 2024 Guidance developed pursuant to Education Code 234.7.

In addition, the annual parental notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will not be released without parental consent or a court order.

Student Records from Social Media

CSBA NOTE: The following optional section is for use by districts that have adopted a program, pursuant to Education Code 49073.6, to gather or maintain any information obtained from students' social media activity that pertains directly to school safety or student safety. Districts that adopt such a program, as specified in the accompanying Board policy, must comply with the requirements described below. Districts that have not adopted such a program should delete the following section.

For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall: (Education Code 49073.6)

1. Gather or maintain only information that pertains directly to school safety or student safety
2. Provide a student with access to any information that the district obtained from the student's social media activity and an opportunity to correct or delete such information
3. Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in the district, whichever occurs first
4. Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in ~~item~~ item #3 above.

 The notification shall also include, but is not limited to, an explanation of the process by which a student or the student's parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or corrections to the information may be made. The notification may be provided as part of the annual parental notification required pursuant to

5. If the district contracts with a third party to gather information on a student from social media, ensure that the contract:
 - a. Prohibits the third party from using the information for purposes other than those specified in the contract or from selling or sharing the information with any person or entity other than the district, the student, or the student's parent/guardian
 - b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract, or when the district notifies the third party that the student has turned 18 years of age or is no longer enrolled in the district, whichever occurs first

Updating Name and/or Gender of Former Students

CSBA NOTE: Education Code 49062.5 requires a district to update a former student's records to reflect a change to the former student's name and/or gender, as specified below.

When a former student submits a state-issued driver's license, birth certificate, passport, social security card, court order, or other government-issued documentation demonstrating that the former student's legal name and/or gender has changed, the district shall update the former student's records to include the updated legal name and/or gender. Upon request by the former student, the district shall reissue any documents conferred upon the former student, including, but not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents. (Education Code 49062.5)

If the former student's name or gender is changed and the requested records are reissued, a new document shall be added to the former student's file that includes all of the following information: (Education Code 49062.5)

1. The date of the request
2. The date the requested records were reissued to the former student
3. A list of the records that were requested by and reissued to the former student
4. The type of documentation, if any, provided by the former student to demonstrate a legal change to the student's name and/or gender
5. The name of the employee who completed the request
6. The current and former names and/or genders of the student

Any former student who submits a request to change the legal name and/or gender on the student's records but is unable to provide any government-issued documentation demonstrating the legal name or gender change, may request a name or gender change through the process described in Education Code 49070 and AR [Administrative Regulation 5125.3 - Challenging Student Records](#). (Education Code 49062.5)

Policy Reference UPDATE Service

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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
5 CCR 16020-16027	Destruction of records of school districts
5 CCR 430-438	Individual student records
Bus. and Prof. Code 22580-22582	Privacy rights for California minors in the digital world
Bus. and Prof. Code 22584-22585	<u>Student K-12 Pupil</u> Online Personal Information Protection Act
Bus. and Prof. Code 22586-22587	Early Learning Personal Information Protection Act
Code of Civil Procedure 1985.3	Subpoena duces tecum
Ed. Code 17604	Delegation of powers to agents
<u>Ed. Code 220.3</u>	<u>Prohibition for employee or contractor to disclose information related to student's sexual orientation, gender identity, or gender expression</u>
Ed. Code 234.7	Student protections relating to immigration and citizenship status
<u>Ed. Code 35266</u>	<u>Reporting of cyberattacks</u>
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48853.5	Foster youth; placement, immunizations
Ed. Code 48902	Notification of law enforcement of specified violations
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49060-49079	Student records
Ed. Code 49091.14	Parental review of curriculum
Ed. Code 51745	Independent study
Ed. Code 56041.5	Rights of students with disabilities
Ed. Code 56050	Surrogate parents
Ed. Code 56055	Foster parents
<u>Ed. Code 60900-60901</u>	<u>California Longitudinal Pupil Achievement Data System</u>
Ed. Code 69432.9	Cal Grant program; notification of grade point average
<u>Ed. Code 69475</u>	<u>Conditional repeal of Cal Grant program</u>

Fam. Code 3025	Access to records by noncustodial parents
Fam. Code 6323.5	Ex parte orders
Fam. Code 6552	Caregiver's authorization affidavit
Gov. Code 7920.000-7930.215	California Public Records Act
H&S Code 120440	Immunizations; disclosure of information
Pen. Code 245	Assault with deadly weapon
W&I Code 16010	Health and education records of a minor
W&I Code 681	Truancy petitions
W&I Code 701	Juvenile court law
Federal	Description
15 USC 6501-6506	Children's Online Privacy Protection Act
16 CFR Part 312	Children's Online Privacy Protection Rule
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights Protection of Pupil Rights Amendment
26 USC 152	Definition of dependent child
34 CFR 300.501	Opportunity to examine records for parents of student with disability
34 CFR 99.1-99.678	Family Educational Rights and Privacy
42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions
Management Resources	Description
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018 December 2024
CSBA Publication	Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
CSBA Publication	Understanding Artificial Intelligence in K-12 Education: What Governance Teams Should Know, September 2023 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/Technology/AI-Brief-REPD_09-2023.ashx)
Federal Register	Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855

National School Boards Association
Publication

U.S. Department of Education
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U.S. Department of Education
Publication

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Publication

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Boards on Student Data Privacy in the Cloud Computing Era,
April 2014

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[family-educational-rights-and-privacy-act-ferpa](https://studentprivacy.ed.gov/resources/parent-guide-family-educational-rights-and-privacy-act-ferpa))

An Eligible Student Guide to the Family Educational Rights
and Privacy Act (FERPA), March 2023

([https://studentprivacy.ed.gov/resources/eligible-student-](https://studentprivacy.ed.gov/resources/eligible-student-guide-family-educational-rights-and-privacy-act-ferpa)
[guide-family-educational-rights-and-privacy-act-ferpa](https://studentprivacy.ed.gov/resources/eligible-student-guide-family-educational-rights-and-privacy-act-ferpa))

Joint Family Educational Rights and Privacy Act, Guidance for
School Officials on the Application of FERPA and HIPAA to
Student Health Records, November 2008 April 2023

([https://studentprivacy.ed.gov/resources/family-educational-](https://studentprivacy.ed.gov/resources/family-educational-rights-and-privacy-act-guidance-school-officials-student-health)
[rights-and-privacy-act-guidance-school-officials-student-](https://studentprivacy.ed.gov/resources/family-educational-rights-and-privacy-act-guidance-school-officials-student-health)
[health](https://studentprivacy.ed.gov/resources/family-educational-rights-and-privacy-act-guidance-school-officials-student-health))

IDEA and FERPA Confidentiality Provisions, 2014

School Resource Officers, School Law Enforcement Units, and
the Family Educational Rights and Privacy Act (FERPA),
February 2019

([https://studentprivacy.ed.gov/resources/school-resource-](https://studentprivacy.ed.gov/resources/school-resource-officers-school-law-enforcement-units-and-ferpa)
[officers-school-law-enforcement-units-and-ferpa](https://studentprivacy.ed.gov/resources/school-resource-officers-school-law-enforcement-units-and-ferpa))

Balancing Student Privacy and School Safety: A Guide to Joint
Guidance on the Application of the Family Educational Rights
and Privacy Act for Elementary (FERPA) and the Health
Insurance Portability and Secondary Schools, Oct
2007 Accountability Act of 1996 (HIPAA) to Student Health
Records, rev. 2019

([https://studentprivacy.ed.gov/resources/joint-guidance-](https://studentprivacy.ed.gov/resources/joint-guidance-application-ferpa-and-hipaa-student-health-records)
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IDEA and FERPA Crosswalk: A side-by-side comparison of the
privacy provisions under Parts B and C of the IDEA and
FERPA, August 2022

([https://studentprivacy.ed.gov/sites/default/files/resource_do-](https://studentprivacy.ed.gov/sites/default/files/resource_document/IDEA-FERPA%20Crosswalk_08242022.pdf)
[cument/file/IDEA-FERPA%20Crosswalk_08242022.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/IDEA-FERPA%20Crosswalk_08242022.pdf))

CSBA District and County Office of Education Legal Services

National School Boards Association

U.S. Department of Education, Protecting Student Privacy
(<https://studentprivacy.ed.gov/>)

Website	<u>U.S. Department of Education, Office of the Chief Privacy Officer</u>
Website	California Department of Education
<u>Website</u>	<u>California IT in Education, Student Data Privacy</u> (https://www.cite.org/stuprivacy)
<u>Website</u>	<u>California Office of the Attorney General</u> (https://oag.ca.gov/)
Website	CSBA

Cross References

Code	Description
0440	District Technology Plan
0440	District Technology Plan
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records
1400	Relations Between Other Governmental Agencies And The Schools
3250	Transportation Fees
3250	Transportation Fees
3260	Fees And Charges
3260	Fees And Charges
3290	Gifts, Grants And Bequests
3312	Contracts
3515	Campus Security

3515	Campus Security
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.6	Personnel Files
4113.5	Working Remotely
4117.7	Employment Status Reports
4119.23	Unauthorized Release Of Confidential/Privileged Information
4158	Employee Security
4158	Employee Security
4212.6	Personnel Files
4213.5	Working Remotely
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
4258	Employee Security
4258	Employee Security
4312.6	Personnel Files
4313.5	Working Remotely
4317.7	Employment Status Reports
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4358	Employee Security

4358	Employee Security
5000	Concepts And Roles
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5021	Noncustodial Parents
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5111.2	Nonresident Foreign Students
5112.1	Exemptions From Attendance
5112.1	Exemptions From Attendance
5112.2	Exclusions From Attendance
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5113.2	Work Permits
5113.2	Work Permits
5119	Students Expelled From Other Districts
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5123	Promotion/Acceleration/Retention
5123	Promotion/Acceleration/Retention
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5125.2	Withholding Grades, Diploma Or Transcripts
5125.3	Challenging Student Records

5126	Awards For Achievement
5126	Awards For Achievement
5131.1	Bus Conduct
5131.1	Bus Conduct
5131.2	Bullying
5131.2	Bullying
5131.61	Drug Testing
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5138	Conflict Resolution/Peer Mediation
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.23	Asthma Management
5141.23	Asthma Management
5141.24	Specialized Health Care Services
5141.26	Tuberculosis Testing
5141.27	Food Allergies/Special Dietary Needs
5141.27	Food Allergies/Special Dietary Needs
5141.3	Health Examinations
5141.3	Health Examinations
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.33	Head Lice
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5141.6	School Health Services
5141.6	School Health Services
5142.1	Identification And Reporting Of Missing Children

5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5144.4	Required Parental Attendance
5144.4	Required Parental Attendance
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6143	Courses Of Study
6143	Courses Of Study
6145.2	Athletic Competition
6145.2	Athletic Competition
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation

6146.2	Certificate Of Proficiency/High School Equivalency
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency
6158	Independent Study
6158	Independent Study
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6162.8	Research
6162.8	Research
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6172.1	Concurrent Enrollment In College Classes
6172.1	Concurrent Enrollment In College Classes
6173	Education For Homeless Children
6173	Education For Homeless Children

6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6173.3	Education For Juvenile Court School Students
6175	Migrant Education Program
6175	Migrant Education Program
6178.1	Work-Based Learning
6178.1	Work-Based Learning
9011	Disclosure Of Confidential/Privileged Information
9012	<u>Board Member Electronic Communications</u>
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 5131: Conduct

Status: ADOPTED

Original Adopted Date: 03/01/2010 | Last Revised Date: 10/03/01/2019 2025 | Last Reviewed
Date: 10/03/01/2019 2025

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

The Governing Board believes that all students have the right to be educated in a safe and 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.

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.

CSBA NOTE: The district may modify, delete, or add to the items below to reflect district practice. Also see AR 5144.1 - Suspension and Expulsion/Due Process for conduct that constitutes grounds for suspension or expulsion.

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
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 to the school program
3. Conduct that disrupts the orderly classroom or school environment
4. Willful defiance of staff's authority
5. Damage to or theft of property belonging to students, staff, or the district
6. Obscene acts or use of profane, vulgar, or abusive language

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

CSBA NOTE: Penal Code 417.27 prohibits students from possessing laser pointers on school premises, unless the pointer is used for a valid instructional or other school-related purpose, as provided in ~~item~~ Item #8 below. Penal Code 417.25 states that aiming or pointing a laser scope (i.e., a portable device capable of projecting a laser light on objects at a distance) at another person in a threatening manner, regardless of whether ~~or not~~ the laser scope is attached to a firearm, may be a misdemeanor if intended to cause a person fear of bodily harm.

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

CSBA NOTE: Pursuant to Education Code 48901.5, the district may regulate the use of electronic signaling devices that operate through the transmission or receipt of radio waves, such as paging and signaling equipment. However, student use of such devices may not be prohibited if essential for a student's health.

Additionally, pursuant to Education Code 48901.7, as ~~added~~ amended by AB 272 ~~3216~~ (Ch. 42 ~~500~~, Statutes of ~~2019~~), authorizes 2024, the Governing Board is required, by July 1, 2026, to develop in conjunction with students, parents/guardians, and district employees, adopt, and update every five years, a policy to limit or prohibit student use of smartphones while at a school site or while under the supervision and control of an district employee(s). For more information regarding the limitation or prohibition of the district, except under specified circumstances. See student use of smartphones and other mobile communication devices. see BP 5131.8 - Mobile Communication Devices.

9. Use of a cell phone, smart watch, pager, smartphone or other mobile communication device during instructional time or in an unauthorized manner in violation of district policy

10. Plagiarism or dishonesty on school work or tests

11. Wearing of any attire that violates district or school dress codes, including gang-related apparel

12. Tardiness or unexcused absence from school

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

14. Other conduct prohibited by Education Code 48900-48915-48915

Employees are expected to enforce standards of conduct and, when they observe or receive a report of a violation of these standards, to appropriately intervene, or seek assistance. As necessary, the employee shall refer the matter to a supervisor or the principal or designee.

CSBA NOTE: When school officials want to search a student or a student's belongings (e.g., such as a backpack, purse, cell phone or other mobile communication device, or computer), as part of an investigation of suspected student misconduct, the legality of the search will depend on whether the search is "reasonable" (New Jersey v. T.L.O.); For more information regarding the search of a student or a student's belongings, see BP/AR 5145.12 - Search and Seizure. The "reasonableness" of a search depends on (1) whether there is individualized suspicion that the search will turn up evidence of a student's violation of the law or school rules, and (2) whether the search is reasonably related to the objectives of the search and not excessively intrusive in light of the student's age, gender, and/or the nature of the infraction. Additionally, Penal Code 1546.1 prohibits warrantless searches of students' personal electronic devices such as mobile phones, except in narrowly defined circumstances. It is recommended that the district consult with CSBA's District and County Office of Education Legal Services or district legal counsel as appropriate, for questions related to the search of a student or the student's belongings.

When a school employee suspects that a search of a student or a student's 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 Board Policy and Administrative Regulation 5145.12 - Search and Seizure.

When a student uses any prohibited device, or uses a permitted device in an unauthorized manner, a district employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

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.

CSBA NOTE: The following optional paragraph addresses students' off-campus conduct during nonschool hours. In general, the courts have upheld districts' discipline of students for off-campus conduct that posed a threat to the safety of other students, staff, or school property or presented a risk of substantial disruption of school activities, provided that the district was able to document the impact or disruption that the conduct had, or could be expected to have, on school activities. In addition, courts have analyzed the reasonableness of the district's policy and whether the disciplinary action taken by the district was in proportion to the student's misbehavior.

Pursuant to Education Code 48900, districts have the authority to suspend or expel students who engage in cyberbullying off campus, provided that the act meets the criteria specified in the definition of "bullying" in Education Code 48900 (i.e., a severe or pervasive physical or verbal act or conduct that has or can be reasonably predicted to have the effect of placing a reasonable student in fear of harm to the student's person or property, causing a substantially detrimental effect on the student's physical or mental health, causing substantial interference with the student's academic performance, or causing substantial interference with the student's ability to participate in or benefit from school services, activities, or privileges); see BP 5131.2 - Bullying.

In adopting policy related to off-campus conduct, it is recommended that districts ~~should~~ consult with CSBA's District and County Office of Education Legal Services or district legal counsel to ensure that the policy does not violate students' First Amendment rights to freedom of speech or expression. Also For more information regarding freedom of speech or expression, see BP 5145.2 - Freedom of Speech/Expression.

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.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

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

State

5 CCR 300-307

Description

Duties of students

Civ. Code 1714.1

Liability of parent or guardian for act of willful misconduct by a minor

Ed. Code 200-270

Prohibition of discrimination

Ed. Code 32280-32289.5

School safety plans

Ed. Code 35181

Governing board authority to set policy on responsibilities of students

Ed. Code 35291-35291.5

Rules

Ed. Code 44807

Teachers' duty concerning conduct of students

Ed. Code 48900-48925

Suspension and expulsion

Ed. Code 51512

Prohibition against electronic listening or recording device in classroom without permission

Pen. Code 288.2

Harmful matter with intent to seduce

Pen. Code 313

Harmful matter

Pen. Code 417.25-417.27

Laser scope or laser pointer

Pen. Code 647

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

Pen. Code 653.2

Electronic communication devices; threats to safety

Veh. Code 23123-23124

Prohibitions against use of electronic devices while driving

Federal

Description

20 USC 1681-1688

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

Management Resources

California Department of Education
Publication

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

[Court Decision](#)

CSBA Publication

CSBA Publication

CSBA Publication

Website

Website

Website

Website

Website

Website

Description

Bullying at School, 2003

Lavine v. Blaine School District (2001, 9th Cir.) 257 F.3d 981

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

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

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

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

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

[Mahanoy Area School District v. B.L. \(2021\) 141 S.Ct. 2038](#)

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

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

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

CSBA District and County Office of Education Legal Services

National School Safety Center

Center for Safe and Responsible Internet Use

California Department of Education, Safe Schools

CSBA

U.S. Department of Education

Cross References

Code

0440

0440

Description

District Technology Plan

District Technology Plan

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1313	Civility
1330.1	Joint Use Agreements
3513.4	Drug And Alcohol Free Schools
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3516.2	Bomb Threats
4131	Staff Development
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4231	Staff Development
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
5000	Concepts And Roles
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5112.5	Open/Closed Campus
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5127	Graduation Ceremonies And Activities
5131.1	Bus Conduct

5131.1	Bus Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.41	Use Of Seclusion And Restraint
5131.5	Vandalism And Graffiti
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.62	Tobacco
5131.62	Tobacco
5131.63	Steroids
5131.63	Steroids
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5131.8	Mobile Communication Devices
5131.9	Academic Honesty
5132	Dress And Grooming
5132	Dress And Grooming
5136	Gangs
5136	Gangs
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5142	Safety
5142	Safety

5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5144.4	Required Parental Attendance
5144.4	Required Parental Attendance
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.9	Hate-Motivated Behavior
6116	Classroom Interruptions
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6144	Controversial Issues
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6145.5	Student Organizations And Equal Access
6145.5	Student Organizations And Equal Access
6145.8	Assemblies And Special Events
6153	School-Sponsored Trips
6153	School-Sponsored Trips

6159.4	Behavioral Interventions For Special Education Students
6162.54	Test Integrity/Test Preparation
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6164.2	Guidance/Counseling Services
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6184	Continuation Education
6184	Continuation Education

Policy 5131.6: Alcohol And Other Drugs

Status: ADOPTED

Original Adopted Date: 02/01/1996 | Last Revised Date: 10/03/01/2017/2025 | Last Reviewed
Date: 10/03/01/2017/2025

The Governing Board believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Superintendent or designee shall develop comprehensive programs and activities to foster safe, healthy, and drug-free environments that support academic achievement.

CSBA NOTE: The Every Student Succeeds Act (P.L. 114-95) amended 20 USC 7101-7122 to establish the Student Support and Academic Enrichment Grants program, which (20 USC 7101-7122) may be used for several specified purposes, including activities to improve school conditions for student learning. For participating districts, 20 USC 7118 requires parent/guardian involvement in program activities and encourages partnerships with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity. 20 USC 7116 specifies stakeholder requires specified groups that must be consulted in the development of the grant application, including parents/guardians, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives (e.g., law enforcement, juvenile court, child welfare agency, public housing agency), Indian tribes or tribal organizations, charter school leaders and staff, and others with relevant and demonstrated expertise in alcohol and drug prevention and intervention.

In addition Additionally, Education Code 51268 encourages districts to collaborate with county offices of education in the provision of education programs for alcohol and drug prevention and to coordinate program planning and implementation with health, social services, criminal justice, and other entities.

Pursuant to Education Code 49428.16, county offices of education are encouraged to establish a County Working Group on Fentanyl Education in Schools for the purposes of outreach, building awareness, and collaborating with local health agencies regarding fentanyl overdoses. Additionally, the California Department of Education is required to curate, and maintain on its website, informational materials containing awareness and safety advice, for staff, students, and parents/guardians, on how to prevent an opioid overdose, including any relevant information developed by a county working group and resource information on the provision of emergency naloxone hydrochloride or other opioid antagonist.

The following paragraph may be revised to reflect district practice.

The district's alcohol and drug prevention and intervention programs shall be coordinated with other school and community-based services and programs and shall promote the involvement of parents/guardians. The Superintendent or designee may collaborate with the county office of

education, community-based organizations, health providers, law enforcement agencies, local child welfare agencies, postsecondary institutions, businesses, and other public and private entities in program planning, implementation, and evaluation.

CSBA NOTE: Items #1-4 below reflect some of the types of programs that may be funded through the Student Support and Academic Enrichment Grants program pursuant to 20 USC 7118, as amended by P.L. 114-95, and may be revised to reflect district practice.

Prevention and intervention programs and activities may include, but are not limited to: (20 USC 7118)

1. Evidence-based drug and violence prevention activities and programs that educate students against the use of alcohol, tobacco, cannabis, smokeless tobacco products, and electronic cigarettes
2. Professional development and training for school staff, specialized instructional support personnel, and interested community members on drug prevention, education, early identification, intervention mentoring, recovery support services, and, where appropriate, rehabilitation referral
3. School-based mental health services, including early identification of drug use and referrals to counseling services, and/or partnerships with public or private health care entities that have qualified mental and behavioral health professionals
4. Programs and activities that provide mentoring and school counseling to all students, including students who are at risk of drug use and abuse

Instruction and Notification

The district shall provide science-based preventative instruction, consistent with law, the accompanying administrative regulation, and Board Policy 5141.52 - Suicide Prevention, which has been proven effective in helping students avoid the use of alcohol and other drugs.

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is prohibited. Instruction shall not include any message on responsible use of drugs or alcohol when such use is illegal. (Health and Safety Code 11999.2)

The district shall offer staff development activities for staff who implement the comprehensive drug and alcohol prevention and intervention program.

CSBA NOTE: Education Code 48985.5 requires districts, at the beginning of the first semester or quarter of the regular school year, to annually inform parents/guardians about the dangers associated with the use of synthetic drugs that are not prescribed by a physician, such as fentanyl, and, as amended by AB 2690 (Ch. 241, Statutes of 2024), about the risk of social media being used as a way to market and sell synthetic drugs. This notification may be provided as part of the parent/guardian notification pursuant to Education Code 48980. Additionally, pursuant to Education Code 48985.5, each district and school that maintains a website is required to post such information on its website.

The district shall annually inform parents/guardians at the beginning of the first semester or quarter of the regular school year about the dangers associated with the use of synthetic drugs that are not prescribed by a physician, such as fentanyl, the possibility that dangerous drugs can be found in counterfeit pills, and the risks of social media being used as a way to market and sell synthetic drugs. Additionally, the district, and each school that maintains its own website, shall post such information on its website. (Education Code 48985.5)

Intervention, Referral, and Student Assistance Programs

CSBA NOTE: Pursuant to 20 USC 7118, as amended by P.L. 114-95, programs which may be funded under the Student Support and Academic Enrichment Grants ~~program~~ include programs of counseling, mentoring, referral services, and other student assistance programs. The following section may be revised to reflect district practice.

~~In addition~~ Additionally, Education Code 215 mandates that any district serving students in grades 7-12 adopt a suicide prevention policy which contains measures and strategies for addressing the needs of high-risk groups, including, but not limited to, ~~youth~~ students with substance use disorders. See BP/AR 5141.52 - Suicide Prevention.

The Superintendent or designee shall inform school staff, students, and parents/guardians about early warning signs, which may indicate alcohol and other drug use, and about appropriate agencies offering intervention programs, counseling, referral, and other student assistance programs.

CSBA NOTE: Pursuant to Education Code 48900, as amended by AB 2711 (Ch. 840, Statutes of 2024), students who voluntarily disclose their use of a tobacco product, controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports may not be suspended solely for that disclosure.

The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her the student's parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use, including that, in accordance with Education Code 48900, students who voluntarily disclose their use of a tobacco product, controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports shall not be suspended.

Opioid Antagonists

CSBA NOTE: The following paragraph is for districts that serve students in middle school, junior high school, high school, or adult school and should be modified to reflect the students served by the district. Pursuant to Education Code 49414.6, as added by SB 997 (Ch. 872, Statutes of 2024), a district may not prohibit a student in middle school, junior high school, or high school, while on a school site or participating in school activities, from carrying fentanyl test strips or a federally approved opioid antagonist for the emergency treatment of persons suffering, or reasonably believed to be suffering, from an opioid overdose.

Students in middle school, junior high school, high school, or adult school, may carry fentanyl test strips or a federally approved opioid antagonist for the emergency treatment of persons suffering,

or reasonably believed to be suffering, from an opioid overdose; while on a school site or participating in a school activity. (Education Code 49414.6)

CSBA NOTE: The following paragraph is for districts that serve students 12 years of age or older and may be deleted by districts that do not serve such students. Pursuant to Education Code 49414.35, as added by AB 2998 (Ch. 974, Statutes of 2024), districts may not prohibit students 12 years of age or older, while on a school site or participating in school activities, from carrying or administering, for the purposes of providing emergency treatment to persons who are suffering, or reasonably believed to be suffering, from an opioid overdose, a naloxone hydrochloride nasal spray or any other opioid overdose reversal medication. Students who administer such an opioid antagonist may not be held liable in a civil action or be subject to criminal prosecution due their acts or omissions, and the district and employees of the district may not be subject to professional review, liable in a civil action, or subject to criminal prosecution for a student's acts in administering an opioid antagonist, unless an act or omission of the students, employee, or district constitutes gross negligence or willful or wanton misconduct.

Additionally, students 12 years of age or older, while on a school site or participating in school activities, may carry and administer a naloxone hydrochloride nasal spray or any other opioid overdose reversal medication that is federally approved for over-the counter nonprescription use for the purpose of providing emergency treatment to persons who are suffering, or reasonably believed to be suffering, from an opioid overdose. (Education Code 49414.35)

Enforcement/ and Discipline

~~Students~~ Unless otherwise authorized by law, students shall not possess, use, or sell alcohol or other drugs and related paraphernalia on school grounds or at school-sponsored activities.

The Superintendent or designee shall clearly communicate to all students, staff, and parents/guardians the district's policies, regulations, and school rules related to the use of alcohol and other drugs.

CSBA NOTE: Pursuant to Education Code 48900, a student's unlawful possession, use, sale, or furnishing of alcohol or a controlled substance is a ground for suspension or expulsion; see AR 5144.1 - Suspension and Expulsion/Due Process. Education Code 48915 requires immediate suspension and mandates expulsion for any student who sells ~~drugs~~ a controlled substance at school or while under school jurisdiction. In addition, Education Code 48902 requires districts to notify law enforcement of any acts which may involve the possession or sale of narcotics or a controlled substance. However, when suspension and expulsion are not mandated, districts should consider whether it is appropriate to use an alternative discipline that maintains safety and order on campus and corrects student misbehavior without unnecessarily excluding students from school or discouraging them from seeking assistance for substance abuse.

Any student found by the Board to be selling a controlled substance listed in Health and Safety Code 11053-11058 shall be expelled recommended for expulsion in accordance with BP/AR Board Policy/Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process. A student found to have committed another drug or alcohol offense, including possession or intoxication, shall be referred to appropriate behavioral interventions or student assistance programs, and may be subject

to discipline on a case-by-case basis.

CSBA NOTE: Pursuant to Education Code 49414.4, the district may, as part of a restorative justice framework and utilizing the Multi-Tiered System of Supports, use alternatives to a referral of a student to a law enforcement agency in response to an incident involving the student's misuse of an opioid.

The district may use alternatives to the referral of a student to a law enforcement agency in response to an incident involving the student's misuse of an opioid, to the extent any alternative utilized is not in conflict with any law requiring that referral. (Education Code 49414.4)

Program Evaluation

CSBA NOTE: Pursuant to 20 USC 7116, as amended by P.L. 114-95, an application for Student Support and Academic Enrichment Grants ~~must~~ **is required** to include a description of how the district will periodically evaluate program effectiveness based on identified program objectives and outcomes. The following paragraph may be revised to reflect district practice.

The Board and Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of district programs in reducing drug and alcohol use. The Superintendent or designee shall periodically report to the Board on the effectiveness of district activities in achieving identified objectives and outcomes. (20 USC 7116)

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

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State

Bus. Code 25608

Description

Alcohol on school property; use in connection with instruction

Ed. Code 32282

School safety plans

Ed. Code 44049

Known or suspected alcohol or drug abuse by student

Ed. Code 44645

In-service training anabolic steroids

Ed. Code 48900

Grounds for suspension or expulsion

Ed. Code 48900.5

Suspension, limitation on imposition; exception

Ed. Code 48901

Smoking or use of tobacco prohibited

Ed. Code 48901.5

Prohibition of electronic signaling devices

Ed. Code 48902	Notification of law enforcement authorities; civil or criminal immunity
Ed. Code 48909	Narcotics or other hallucinogenic drugs
Ed. Code 48915	Expulsion; particular circumstances
<u>Ed. Code 48980</u>	<u>Parent/Guardian notifications</u>
<u>Ed. Code 48985.5</u>	<u>Fentanyl and synthetic drugs danger notification</u>
<u>Ed. Code 49414.35</u>	<u>Opioid antagonist use by students</u>
<u>Ed. Code 49414.4</u>	<u>Alternatives to law enforcement referrals for opioid misuse</u>
<u>Ed. Code 49414.6</u>	<u>Opioid antagonist possession</u>
<u>Ed. Code 49428.16</u>	<u>County Working Group on Fentanyl Education in Schools</u>
Ed. Code 49602	Counseling and confidentiality of student information
Ed. Code 51202	Instruction in personal and public health and safety
Ed. Code 51203	Instruction on alcohol, narcotics, and restricted dangerous drugs
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51220	Areas of study; grades 7 to 12
<u>Ed. Code 51225.38</u>	<u>Health education, fentanyl instruction</u>
Ed. Code 51260-51269	Drug education
Ed. Code 60041	Instructional materials
Ed. Code 60110-60115	Instructional materials on alcohol and drug education
H&S Code 11032	Narcotics, restricted dangerous drugs, and marijuana
H&S Code 11053-11059	Controlled substances; standards and schedules
H&S Code 11353.6	Juvenile Drug Trafficking and Schoolyard Act
H&S Code 11357	Unauthorized possession of marijuana; possession in school or on school grounds
H&S Code 11361.5	Destruction of arrest or conviction records
H&S Code 11372.7	Drug program fund; uses
H&S Code 11802	Joint school-community alcohol abuse primary education and prevention program
H&S Code 11999-11999.3	Alcohol and drug program funding; no unlawful use
H&S Code 124175-124200	Adolescent family life program

Pen. Code 13860-13864

Veh. Code 13202.5

W&I Code 828

W&I Code 828.1

Federal

20 USC 5812

20 USC 7101-7122

Management Resources

Website

Website

~~Website~~

[Website](#)

Website

Cross References

Code

0450

0450

1325

1400

3290

3513.4

3515.3

3515.3

Suppression of drug abuse in schools

Drug and alcohol related offenses by ~~person~~ [persons](#) under age of 21, but aged 13 or over

Disclosure of information ~~re~~ [regarding](#) minors

Disclosure of criminal records; protection of vulnerable staff ~~&~~ [and](#) students

Description

National education goals

Student Support and Academic Enrichment Grants

Description

CSBA District and County Office of Education Legal Services

California Department of Education, Alcohol, Tobacco and Other Drug Prevention

~~U.S. Department of Education, Office of Safe and Healthy Students~~

[U.S. Department of Education, Student Support and Academic Enrichment Program](#)

<https://www.ed.gov/grants-and-programs/formula-grants/school-improvement/student-support-and-academic-enrichment-program>

California Healthy Kids Resource Center

Description

Comprehensive Safety Plan

Comprehensive Safety Plan

Advertising And Promotion

Relations Between Other Governmental Agencies And The Schools

Gifts, Grants And Bequests

Drug And Alcohol Free Schools

District Police/Security Department

District Police/Security Department

3515.31	School Resource Officers
4131	Staff Development
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5030	Student Wellness
5131	Conduct
5131.61	Drug Testing
5131.62	Tobacco
5131.62	Tobacco
5131.63	Steroids
5131.63	Steroids
5137	Positive School Climate
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5141.6	School Health Services
5141.6	School Health Services
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.11	Questioning And Apprehension By Law Enforcement
5145.12	Search And Seizure
5145.12	Search And Seizure
5146	Married/Pregnant/Parenting Students
5147	Dropout Prevention

5148.2	Before/After School Programs
5148.2	Before/After School Programs
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6143	Courses Of Study
6143	Courses Of Study
6164.2	Guidance/Counseling Services
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6184	Continuation Education
6184	Continuation Education

Regulation 5131.6: Alcohol And Other Drugs

Status: ADOPTED

Original Adopted Date: 10/01/1994 | Last Revised Date: 07/03/01/2004 2025 | Last Reviewed
Date: 07/03/01/2004 2025

Instruction

CSBA NOTE: Education Code 51203 mandates the Governing Board to adopt regulations specifying the grade(s) and course(s) in which drug education is given. The following paragraphs may be revised to specify Board-designated grades and courses.

The curriculum of all elementary and secondary schools shall include instruction on the effects upon the human body, as determined by science, of tobacco, alcohol, narcotics, dangerous drugs as defined in Health and Safety Code 11032, and other dangerous substances. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code 51203, 51260)

CSBA NOTE: Pursuant to Education 51203, as amended by AB 2865 (Ch. 314, Statutes of 2024), instruction on the nature and effects of alcohol is required to include information about excessive alcohol use and the short- and long-term health risks of excessive alcohol use, which may include instruction about depression and anxiety.

Instruction on the nature and effects of alcohol shall include information about excessive alcohol use and the short- and long-term health risks of excessive alcohol use, including information about excessive drinking, the immediate effects of alcohol that increase the risks of harmful health conditions, and how excessive alcohol use can lead to the development of chronic diseases and other serious problems, including alcohol-related deaths and mental health problems. (Education Code 51203)

CSBA NOTE: Education Code 51260 provides that instruction on drug education "should" be conducted in conjunction with courses given on health to students in grades 1-6 and "shall" be conducted in conjunction with courses given on health to students in grades 7-12. Given this distinction, it is recommended that districts consult CSBA's District and County Office of Education or district counsel regarding drug education in grades 1-6.

In grades 1-6, instruction in drug education should be given in health courses required by Education Code 51210. (Education Code 51260)

In grades 7-12, instruction in drug education shall be conducted in health courses and in any other appropriate area of study required by Education Code 51220. (Education Code 51260)

Secondary school instruction shall also include a study of the effects of alcohol and other drugs

upon prenatal development. (Education Code 51203)

CSBA NOTE: The following paragraph is for districts that require students to complete a course in health education for graduation from high school. Pursuant to Education Code 51225.38, as added by AB 2429 (Ch. 67, Statutes of 2024), beginning with the 2026-27 school year, if a district has elected to require students to complete a course in health education for graduation from high school, such course is required to include instruction in the dangers associated with fentanyl use.

Additionally, beginning with the 2026-27 school year, courses in health education required for graduation from high school shall include instruction in the dangers associated with fentanyl use in accordance with Education Code 51225.38.

Instruction shall be provided by appropriately trained instructors who have demonstrated competencies, as determined by the principal or designee, in the following areas: (Education Code 51260)

1. The ability to interact with students in a positive way
2. Knowledge of the properties and effects of tobacco, alcohol, narcotics, dangerous drugs, and shared drug apparatus
3. Effective teaching skills and competency in helping students to express opinions responsibly and to become aware of their values as they affect drug-use decisions

Intervention

District staff shall intervene whenever students use alcohol or other illegal drugs while on school property or under school jurisdiction. Staff members who have a reasonable suspicion that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee.

CSBA NOTE: Education Code 44049 authorizes the principal or designee to report a known or suspected instance of student alcohol- or drug-use to the student's parent/guardian, except when such a report would involve a disclosure of confidential information acquired during counseling in violation of Education Code 49602 and as specified below. The principal or designee incurs no criminal or civil liability as a result of this report, unless a false report was made knowingly or with reckless disregard for truth or falsity.

If the principal or designee, in his/her professional capacity or in the course of his/her employment, knows, observes or suspects that a student may be under the influence of alcohol or drugs, he/she the principal or designee may notify the student's parent/guardian. (Education Code 44049)

School staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. A school counselor may report such information to the principal or parent/guardian only when he/she the counselor believes that disclosure is necessary to avert a

clear and present danger to the health, safety or welfare of the student or other persons living in the school community. The school counselor shall not disclose such information to the parent/guardian if he/she/the counselor believes that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

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

State

Bus. Code 25608

Description

Alcohol on school property; use in connection with instruction

[Ed. Code 32282](#)

[School safety plans](#)

Ed. Code 44049

Known or suspected alcohol or drug abuse by student

Ed. Code 44645

In-service training anabolic steroids

Ed. Code 48900

Grounds for suspension or expulsion

Ed. Code 48900.5

Suspension, limitation on imposition; exception

Ed. Code 48901

Smoking or use of tobacco prohibited

Ed. Code 48901.5

Prohibition of electronic signaling devices

Ed. Code 48902

Notification of law enforcement authorities; civil or criminal immunity

Ed. Code 48909

Narcotics or other hallucinogenic drugs

Ed. Code 48915

Expulsion; particular circumstances

[Ed. Code 48980](#)

[Parent/Guardian notifications](#)

[Ed. Code 48985.5](#)

[Fentanyl and synthetic drugs danger notification](#)

[Ed. Code 49414.35](#)

[Opioid antagonist use by students](#)

[Ed. Code 49414.4](#)

[Alternatives to law enforcement referrals for opioid misuse](#)

[Ed. Code 49414.6](#)

[Opioid antagonist possession](#)

[Ed. Code 49428.16](#)

[County Working Group on Fentanyl Education in Schools](#)

Ed. Code 49602

Counseling and confidentiality of student information

Ed. Code 51202

Instruction in personal and public health and safety

Ed. Code 51203	Instruction on alcohol, narcotics, and restricted dangerous drugs
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51220	Areas of study; grades 7 to 12
<u>Ed. Code 51225.38</u>	<u>Health education; fentanyl instruction</u>
Ed. Code 51260-51269	Drug education
Ed. Code 60041	Instructional materials
Ed. Code 60110-60115	Instructional materials on alcohol and drug education
H&S Code 11032	Narcotics, restricted dangerous drugs, and marijuana
H&S Code 11053-11059	Controlled substances; standards and schedules
H&S Code 11353.6	Juvenile Drug Trafficking and Schoolyard Act
H&S Code 11357	Unauthorized possession of marijuana; possession in school or on school grounds
H&S Code 11361.5	Destruction of arrest or conviction records
H&S Code 11372.7	Drug program fund; uses
H&S Code 11802	Joint school-community alcohol abuse primary education and prevention program
H&S Code 11999-11999.3	Alcohol and drug program funding; no unlawful use
H&S Code 124175-124200	Adolescent family life program
Pen. Code 13860-13864	Suppression of drug abuse in schools
Veh. Code 13202.5	Drug and alcohol related offenses by <u>person</u> <u>persons</u> under age of 21, but aged 13 or over
W&I Code 828	Disclosure of information <u>re</u> <u>regarding</u> minors
W&I Code 828.1	Disclosure of criminal records; protection of vulnerable staff <u>&</u> <u>and</u> students
Federal	Description
20 USC 5812	National education goals
20 USC 7101-7122	Student Support and Academic Enrichment Grants
Management Resources	Description
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Alcohol, Tobacco and Other Drug Prevention

Website U.S. Department of Education, Office of Safe and Healthy Students

Website U.S. Department of Education, Student Support and Academic Enrichment Program
(https://www.ed.gov/grants-and-programs/formula-grants/school-improvement/student-support-and-academic-enrichment-program)

Website California Healthy Kids Resource Center

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1325	Advertising And Promotion
1400	Relations Between Other Governmental Agencies And The Schools
3290	Gifts, Grants And Bequests
3513.4	Drug And Alcohol Free Schools
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
4131	Staff Development
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5030	Student Wellness
5131	Conduct
5131.61	Drug Testing
5131.62	Tobacco
5131.62	Tobacco

5131.63	Steroids
5131.63	Steroids
5137	Positive School Climate
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5141.6	School Health Services
5141.6	School Health Services
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.11	Questioning And Apprehension By Law Enforcement
5145.12	Search And Seizure
5145.12	Search And Seizure
5146	Married/Pregnant/Parenting Students
5147	Dropout Prevention
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6143	Courses Of Study
6143	Courses Of Study
6164.2	Guidance/Counseling Services
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6184	Continuation Education
6184	Continuation Education

Policy 5131.8: Mobile Communication Devices

Status: ADOPTED

Original Adopted Date: 10/01/2019 | **Last Revised Date:** 03/01/2025 | **Last Reviewed Date:** 10/01/2019 2025

CSBA NOTE: The following optional policy will be mandated beginning July 1, 2026, and may be revised to reflect district practice. Pursuant to Education Code 48901.7, as amended by AB 272 3216 (Ch. 42 500, Statutes of 2019), authorizes 2024), the Governing Board to limit is required, by July 1, 2026, to adopt policy that limits or prohibit prohibits student use of smartphones while at a school site or while under the supervision and control of a district employee, except for specified purposes. In addition (s), and subsequently, to update the policy every five years.

Additionally, Education Code 48901.5 authorizes the district to regulate the use of electronic signaling devices that operate through the transmission or receipt of radio waves, unless essential for a student's health.

Districts that choose to regulate mobile communication

The U.S. Department of Education's 2024 guidance, "Planning Together: A Playbook for Student Personal Device Policies," provides districts guidance for adopting policies around the use of cellphones and personal devices differently based on grade level may revise this policy accordingly, campus.

The Governing Board recognizes that the student use of smartphones and other mobile communication devices on campus may be beneficial to student learning and well-being, but and could be harmful and disruptive of the instructional program in some circumstances. The Board permits limited use When on campus or when under the supervision of district employees, students may use smartphones and other mobile communication devices on campus in accordance with law and the only as permitted under this policy.

CSBA NOTE: The following policy: two options offer different approaches to regulating the use of smartphones and other mobile communication devices. Districts should revise this policy consistent with their approach. Education Code 48901.7, as amended by AB 3216, requires significant stakeholder participation in the development of the policy, in order to ensure that the policy is responsive to the unique needs and desires of students, parents/guardians, and educators in each community.

Option 1, below, limits the use of smartphones and other mobile communication devices to noninstructional time. Option 2, below, prohibits the use of smartphones and other mobile communication devices while at a school site or under the supervision and control of a district employee.

Option 1: (Limited use of smartphones and other mobile communication devices)

Students may use cell phones, smart watches, pagers, smartphones or other mobile communication devices on campus during noninstructional time as long as the device is utilized in accordance with law and any rules that individual applicable school sites may impose rules.

Mobile communication devices shall be turned off during instructional time.

End Option 1

Option 2: (Prohibited use of smartphones and other mobile communication devices)

Students shall not use smartphones or other mobile communication devices while at a school site or under the supervision and control of a district employee.

End Option 2

CSBA NOTE: The following applies to all districts, irrespective of which option the district chooses. Education Code 48901.7 specifies circumstances in which the district is not permitted to prohibit student use of smartphones and other mobile communication devices.

However, a student shall not be prohibited from possessing or using a mobile communication device under any of the following circumstances: (Education Code 48901.5, 48901.7)

1. In the case of an emergency, or in response to a perceived threat of danger
2. When a teacher or administrator grants permission to the student to possess or use a mobile communication device, subject to any reasonable limitation imposed by that teacher or administrator
3. When a licensed physician or surgeon determines that the possession or use is necessary for the student's health and well-being
4. When the possession or use is required by the student's individualized education program

CSBA NOTE: Pursuant to Education Code 48901.7, as amended by AB 3216, the district's policy may include enforcement mechanisms that limit student access to smartphones. However, the district is not permitted to monitor, collect, or otherwise access any information related to a student's online activities.

The Superintendent or designee may undertake measures or strategies in accordance with law, to limit student access to smartphones and other mobile communication devices on campus. (Education Code 48901.7)

Smartphones and other mobile communication devices shall not be used in any manner which infringes on the privacy rights of any other person.

CSBA NOTE: A Penal Code 1546.1 prohibits warrantless searches of students' personal electronic devices such as mobile phones, except in the circumstances specified in the following paragraph. Additionally, a search of a student's personally owned mobile communication device may be subject to the Fourth Amendment of the U.S. Constitution, which prohibits unreasonable search and seizure. When school officials want to search a student's mobile communication device as part of an investigation of suspected student misconduct, the legality of the search will depend on whether the search is "reasonable" (New Jersey v. T.L.O.). The "reasonableness" of a search depends on (1) whether there is individualized suspicion that the search will turn up evidence of a student's violation of the law or school rules and (2) whether the search is reasonably related to the objectives of the search and not excessively intrusive in light of the student's age, gender, and/or the nature of the infraction. See BP/AR 5145.12 - Search and Seizure. It is recommended that the district consult with CSBA's District and County Office of Education Legal Services or district legal counsel as appropriate. See BP/AR 5145.12 - Search and Seizure., with questions related to the search of a student's mobile communication device.

When a school official reasonably suspects that a search of a A student's mobile communication personal electronic device will turn up evidence of the student's violation of the law or school rules, such a search shall not be conducted searched without the consent of the student's parent/guardian, except pursuant to a lawfully issued warrant, when a school official, in accordance with BP/AR 5145.12 - Search and Seizure, good faith, believes that an emergency involving danger of death or serious physical injury to the student or others requires access to the electronic device information, or when the search is otherwise permitted pursuant to Penal Code 1546.1.

When a student uses a mobile communication device in an unauthorized manner while at a school site or under the supervision and control of a district employee, the student may be disciplined and a the district employee may temporarily confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

CSBA NOTE: The following optional paragraph addresses students' off-campus conduct during nonschool hours. In general, the courts have upheld districts' discipline of students for off-campus conduct that posed a threat to the safety of other students, staff, or school property or presented a risk of substantial disruption of school activities, provided that the district was able to document the impact or disruption that the conduct had, or could be expected to have, on school activities.

Pursuant to Education Code 48900, districts have the authority to suspend or expel students who engage in cyberbullying off campus, provided that the act meets the criteria specified in the definition of "bullying" in Education Code 48900 (i.e., which are a severe or pervasive physical or verbal act or conduct that has or can be reasonably predicted to have the effect of placing a reasonable student in fear of harm to the student's person or property, causing a substantially detrimental effect on the student's physical or mental health, causing substantial interference with the student's academic performance, or causing substantial interference with the student's ability to participate in or benefit from school services, activities, or privileges); For more information

regarding bullying, including cyberbullying, see BP 5131.2 - Bullying.

In adopting policy related to off-campus conduct, it is recommended that districts ~~should~~ consult with CSBA's District and County Office of Education Legal Services or district legal counsel to ensure that the policy does not violate students' First Amendment rights to freedom of speech or expression. Also For more information regarding freedom of speech or expression, see BP 5145.2 - Freedom of Speech/Expression.

A student may also be subject to discipline, in accordance with law, Board policy, or administrative regulation, for off-campus use of a mobile communication device which poses a threat or danger to the safety of students, staff, or district property or substantially disrupts school activities.

The ~~Superintendent or designee shall inform students that~~ the district will not be responsible or liable for a student's mobile communication device which is brought on campus or to a school activity and is lost, stolen, or damaged.

CSBA NOTE: Pursuant to Education Code 48901.7, as amended by AB 3216, the district's policy limiting or prohibiting student use of smartphones while at a school site or under the supervision and control of district employee(s) is required to be updated every five years.

The Board shall review and, as necessary, update this policy at least once every five years. Any such review or update shall include significant stakeholder participation to ensure that the policy is responsive to the unique needs and desires of the school community.

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Policy Reference Disclaimer:

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State	Description
5 CCR 300-307	Duties of students
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor
Ed. Code 200-270	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 35181	Governing board authority to set policy on responsibilities of students
Ed. Code 35291-35291.5	Rules
Ed. Code 44807	Teachers' duty concerning conduct of students

Ed. Code 48900-48925	Suspension and expulsion
Ed. Code 48901.5	Prohibition of electronic signaling devices
Ed. Code 48901.7	Limitation or prohibition of student use of cell phones smartphones
Ed. Code 48901.8	Limitation or prohibition of student use of social media
Ed. Code 51512	Prohibited use of electronic listening or recording device
Pen. Code 288.2	Harmful matter with intent to seduce
Pen. Code 313	Harmful matter
Pen. Code 647	Use of camera or other instrument to invade person's privacy; misdemeanor
Pen. Code 653.2	Electronic communication devices; threats to safety
Pen. Code 1546.1	Electronic Communications Privacy Act
Veh. Code 23123-23124	Prohibitions against use of electronic devices while driving
Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
Management Resources	Description
California Department of Education Publication	Bullying at School, 2003
Court Decision	J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094
Court Decision	Mahanoy Area School District v. B.L. (2021) 141 S.Ct. 2038
Court Decision	New Jersey v. T.L.O. (1985) 469 U.S. 325
Court Decision	Safford Unified School District V. Redding (2009) 557 US 364
Court Decision	Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
U.S. Department of Education Publication	Planning Together: A Playbook for Student Personal Device Policies, December 2024
	(https://tech.ed.gov/device-policy-playbook/)

Website	CSBA District and County Office of Education Legal Services
Website	National School Safety Center
Website	Center for Safe and Responsible Internet Use
Website	California Department of Education, Safe Schools
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.9	Academic Honesty
5137	Positive School Climate
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
6159	Individualized Education Program
6159	Individualized Education Program
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology

Policy 5141.5: Mental Health

Status: ADOPTED

Original Adopted Date: 05/01/2020 | Last Revised Date: 06/01/2023 | Last Reviewed
Date: 06/01/2023

CSBA NOTE: Education Code 49423.2, as added by SB 153 (Ch. 38, Statutes of 2024), mandates the Governing Board of any district serving students in grades 7-12, before January 31, 2026, to adopt a policy on referral protocols for addressing student behavioral health concerns. This mandate is reflected below; see "Mental Health Counseling and Referrals."

Education Code 215 requires the Board to adopt a policy on student suicide prevention, intervention, and postvention (i.e., intervention conducted after a suicide) with specified components; see BP/AR 5141.52 - Suicide Prevention. CSBA NOTE: The following policy is intended to address broader mental health issues facing students and may be revised to reflect district practice.

Pursuant to Education Code 232.7, the California Department of Education (CDE) is required, by June 30, 2025, to develop and post on its website a model policy and resources about body shaming that districts may use to educate staff and students. Districts are encouraged to share these resources with staff, students, and parents/guardians by providing information in student and employee handbooks and making the information available on each school's website.

The U.S. Department of Education's (USDOE), "Supporting Child and Student Social, Emotional, Behavioral, and Mental Health Needs," provides that a student's unmet mental health treatment needs may result in social, emotional, or behavioral challenges that, in the absence of effective support, may cause a student to experience reactive and exclusionary discipline, such as suspensions and/or expulsions, that further exacerbate mental health concerns, interrupt access to and participation in learning, limit opportunities, and negatively affect outcomes. The guidance explains that school mental health services play an important role by broadening the reach of mental health services and providing an access point for early and effective intervention in everyday environments. Additionally, the guidance articulates several recommendations for how districts can increase the capacity to provide students with social, emotional, and behavioral health support, which includes (1) prioritizing wellness for individuals, (2) enhancing mental health literacy and reducing stigma and other barriers to access, (3) implementing a continuum of evidence-based prevention practices, (4) establishing an integrated framework of educational, social, emotional, and behavioral health support, and (5) using data for decision making to promote equitable implementation and outcomes.

The U.S. Surgeon General's, "Social Connection Advisory," emphasizes the critical role that social connection plays in individual and societal health and well-being, and provides recommendations for how to address the consequences when there is a lack of social connection. Because schools play an important role in facilitating positive social connection, the advisory includes specific actions districts can implement, which include (1) developing a strategic plan for school connectedness and social skills with benchmark tracking, (2) building social connection into the health curriculum, (3) implementing socially based educational techniques, and (4) creating a supportive school environment.

In its advisory, "Social Media and Youth Mental Health," the U.S. Surgeon General describes the positive and negative impacts of social media on children and adolescents, including the impact on mental health and well-being, and recommends that schools develop, implement, and evaluate digital and media literacy curriculum to provide students and staff with the skills to strengthen digital resilience.

Education Code 215 requires all governing boards. Additionally, [SchoolSafety.gov](https://www.schoolsafety.gov) is an interagency website created by the U.S. Department of Homeland Security, USDOE, U.S. Department of Justice (DOJ), and U.S. Department of Health and Human Services to provide districts with actionable recommendations to create safe and supportive learning environments for students, including information about mental health. In addition, the Children and Youth Behavioral Health Initiative provides resources for school administrators, school health staff, teachers, students and their families. The California Department of Health Care Services (DHCS) also provides free mental health and wellness resources to schools through its CalHOPE Schools Initiative. The following optional policy is intended to address broader mental health issues facing students and may be revised to reflect district practice.

The Governing Board recognizes that students' emotional well-being and mental health are critical to their ability to perform to their full academic and personal potential. The Superintendent or designee shall develop strategies and services to reduce the stigma associated with mental illness, facilitate access to mental health services, and help students build resiliency skills, including digital resilience, increase social connections, and cope with life challenges.

The Superintendent or designee shall consult and collaborate with school-employed mental health professionals, the county mental health department, psychologists and other health professionals, social workers, and/or community organizations to strengthen local mental health services and develop and implement an integrated plan to support student mental health.

To the extent possible, the district shall focus on preventive strategies which increase students' connectedness to school, create a support network of peers and trusted adults, and provide techniques for conflict resolution. The district shall investigate and resolve any complaint of bullying, intimidation, harassment, or discrimination in accordance with law and district policy.

CSBA NOTE: The state's content standards for health education include voluntary standards pertaining to mental, emotional, and social health at selected elementary and secondary grades and suicide prevention instruction at grade 7 or 8 and in high school.

Education Code 51925, as added by SB 224 (Ch. 675, Statutes of 2021), requires districts that offer health education courses to middle or high school students to include mental health instruction, as specified. Pursuant to Education Code 51929, as added by SB 244, the California Department of Education (CDE) is required to, by January 1, 2024, develop a plan to expand mental health instruction. CDE developed the, "[Mental Health Instruction Expansion Education Plan](#)," to assist districts in (1) understanding that mental health education is a universal support and part of California health education, (2) identifying resources to analyze, expand, and enhance current mental health education efforts, and (3) making a plan to enhance and expand mental health education.

Additionally, pursuant to Education Code 33546.4, as added by AB 3010 (Ch. 176, Statutes of 2024), when the Health Education Framework for California Public Schools is next revised, the Instructional Quality Commission is required to consider including information on evidence-based schoolwide programs to support students in developing skills in mindfulness, distress tolerance, interpersonal effectiveness, and emotional regulation.

Pursuant to Education Code 51225.38, as added by AB 2429 (Ch. 67, Statutes of 2024), if a district requires a course in health education for graduation from high school, the course is required, beginning with the 2026-27 school year, to include instruction in the dangers associated with fentanyl use.

For more information on the required contents of courses, see BP/AR 6143 – Courses of Study.

The district shall provide instruction Instruction provided to students that promotes their healthy shall promote student health and mental, emotional, and social development. Health education courses shall be aligned with the state content standards and curriculum framework, as specified in Administrative Regulation 6143 – Courses of Study, and shall include, but not be limited to, instruction related to identifying signs of depression and self-destructive behaviors including substance abuse, developing coping skills, and identifying resources that may provide assistance.

Information and Training

CSDA NOTE: Pursuant to Education Code 49428.15, as added by SB 14 (Ch. 672, Statutes of 2021), CDE is required to, subject to budget appropriations, recommend best practices has identified and identify posted on its website, "Youth Mental Health First Aid," an evidence-based and evidence-informed training programs program for use by schools to address student behavioral health, including staff.

Additionally, the California Surgeon General has developed, "Safe Spaces: Trauma Informed Training," an online training designed to help recognize and respond to signs of student training on recognizing the signs trauma and symptoms of behavioral health disorders, including common psychiatric conditions and substance use disorders such as opioid and alcohol abuse, and has identified such a training program, "Youth Mental Health First Aid," which is available on its website. stress.

The Superintendent or designee shall provide school staff and students with information and training to recognize the early signs and symptoms of an emerging mental health condition or behavioral health disorder, including common psychiatric conditions and substance use disorders such as opioid and alcohol abuse, identify risk factors and warning signs of suicidal intent, respond to students who have been impacted by traumatic stress, safely deescalate crisis situations involving students with a behavioral health disorder, and link students with effective services, referrals, and supports. Such Additionally, such training shall also provide instruction on how to maintain student privacy and confidentiality. Behavioral health information, and training may also be provided to parents/guardians, students, and families. (Education Code 49428.15)

CSBA NOTE: Pursuant to Education Code 49428.2, as added by SB 153, the district is required to, by July 1, 2029, certify to CDE that 100 percent of its certificated employees and 40 percent of its

classified employees who have direct contact with students in grades 7-12 have received youth behavioral training at least one time, as specified.

The Superintendent or designee shall ensure that all certificated employees and 40 percent of classified employees who have direct contact with students in grades 7-12 receive youth behavioral training at least one time, in accordance with Education Code 49428.2.

The Superintendent or designee shall develop a protocol for identifying and assessing students who may be suffering from an anxiety disorder, depression, eating disorder, or other severe or disabling mental illness. The Superintendent or designee may establish districtwide or school-site crisis intervention team(s) to respond to mental health concerns in the school setting.

CSBA NOTE: Each district school is required to notify students and parents/guardians at least twice per school year with information regarding how to access student mental health services on campus and/or in the community, in accordance with Education Code 49428. **CSBA NOTE:** Pursuant to Education Code 218.3, CDE has developed and posted on its website, "Providing Relevant Inclusive Support that Matters for LGBTQ+ Students (PRISM)," a training curriculum for certificated staff to support lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) cultural competency. Beginning with the 2025-26 school year, through the 2029-30 school year, districts are required to provide at least one hour of training annually to all certificated employees serving students in grades 7-12, in accordance with Education Code 218.3.

Additionally, pursuant to Education Code 219, the State Superintendent of Public Instruction has established the LGBTQ+ Statewide Advisory Task Force to identify the needs of LGBTQ+ students and make recommendations to assist in implementing supportive measures including (1) mental health and feelings of safety and support, (2) inclusive and safe access to school facilities, (3) inclusive instructional material and school curriculum, (4) prevention of, response to, and oversight of, bullying and harassment to determine the effectiveness of policies and programs, and (5) inclusive participation in school activities.

Annually, the Superintendent or designee shall provide, and require all certificated employees serving students in grades 7 to 12 to participate in, at least one hour of cultural competency training to support lesbian, gay, bisexual, transgender, queer, and questioning individuals. The district shall maintain records documenting the date that each employee completed the training and the name of the entity that provided the training. (Education Code 218.3)

CSBA NOTE: Each district school is required to notify students and parents/guardians no less than twice per school year with information regarding how to access student mental health services on campus and/or in the community, in accordance with Education Code 49428.

At least twice per school year, the Superintendent or designee shall ensure that each school provides notice regarding how to initiate access to student mental health services on campus and/or in the community. The notification to parents/guardians and to students shall be in at least two of the following methods: (Education Code 49428)

1. Distributing the information, electronically or in hardcopy, in a letter to parents/guardians, and in a school publication or other document to students

2. Including the information, at the beginning of the school year, in the parent/guardian handbook for parents/guardians and in student orientation materials or a student handbook
3. Posting the information on the school's website or social media

Parents/guardians and students shall each receive two notices on how to initiate access to student mental health services, which may be delivered by different methods. (Education Code 494280)

CSBA NOTE: Pursuant to Education Code 49428.5, as added by AB 748 (Ch. 431, Statutes of 2022), each school site serving students in any of grades 6-12 is required to create a poster, as specified below, that identifies approaches and resources about student mental health, and prominently display such poster in public areas that are accessible to and commonly frequented by students at each school site. Pursuant to Education Code 49428.5, as added by AB 748, CDE is required to develop a has developed model mental health poster posters, available on its website.

Each school site that serves students in any of grades 6-12 shall create an age appropriate and culturally relevant poster that identifies approaches and shares resources about student mental health, and that includes the following information: (Education Code 49428.5)

1. Identification of common behaviors of those struggling with mental health or who are in a mental health crisis, including, but not limited to, anxiety, depression, eating disorders, emotional dysregulation, bipolar, and schizophrenic episodes
2. A list of, and contact information for, school site-specific resources, including, but not limited to, counselors, wellness centers, and peer counselors
3. A list of, and contact information for, community resources, including, but not limited to, suicide prevention, substance abuse, child crisis, nonpolice mental health hotlines, public behavioral health services, and community mental health centers
4. A list of positive coping strategies to use when dealing with mental health, including, but not limited to, meditation, mindfulness, yoga, breathing exercises, grounding skills, journaling, acceptance, and seeking therapy
5. A list of negative coping strategies to avoid, including, but not limited to, substance abuse or self-medication, violence and abuse, self-harm, compulsivity, dissociation, catastrophizing, and isolating

The poster shall be displayed in English and any primary language spoken by 15 percent or more of the students at the school site and be no smaller than 8.5 by 11 inches and at least 12-point font. The poster shall be prominently and conspicuously displayed in public areas that are accessible to, and commonly frequented by, students at each school site such as bathrooms, locker rooms, classrooms, classroom hallways, gymnasiums, auditoriums, cafeterias, wellness centers, and offices. Additionally, at the beginning of each school year the poster shall be distributed online to students through social media, websites, portals, and learning platforms. (Education Code 49428.5)

Mental Health Counseling and Referrals

CSBA NOTE: Education Code 49428.2, as added by SB 153, mandates the Board of a district serving students in grades 7-12 to adopt a policy at a regularly scheduled meeting before January 31, 2026, on referral protocols for addressing student behavioral health concerns. A policy addressing referral protocols adopted before June 29, 2024, may be considered to meet the requirements if the contents of the policy fulfill the requirements specified in Education Code 49428.1 and 49428.2.

Pursuant to Education Code 49428.1, as added by AB 309 (Ch. 662, Statutes of 2021), amended by SB 153, CDE is required to develop model referral protocols for addressing student mental behavioral health concerns and to post the model referral protocols on its website by June 1, 2025.

A school counselor, school psychologist, or school social worker may provide mental health counseling to students in accordance with the specialization(s) authorized on the individual's credential. As needed, students and their parents/guardians may be provided referrals to mental health services in the community and/or to mental health services at or near district schools.

The district's referral protocols shall: (Education Code 49428.1)

1. Address the appropriate and timely referral by school staff of students with behavioral health concerns
2. Reflect a multitiered system of support process and positive behavioral interventions and supports, to be used as an alternative to disciplinary action as appropriate
The protocols shall be accessible to students who may be the subject of disciplinary action.
3. Be adaptable to varied local service arrangements for behavioral health services
4. Reflect evidence-based and culturally appropriate approaches to student behavioral health referral without disciplinary actions
"Evidence-based" means peer-reviewed, scientific research evidence, including studies based on research methodologies that control threats to both the internal and the external validity of the research findings.
5. Address the inclusion of parents/guardians in the referral process
6. Be written to ensure clarity and ease of use by certificated and classified school employees
7. Reflect differentiated referral processes for students with exceptional needs and other populations for whom the referral process may be distinct
8. Be written to ensure that school employees act only within the authorization or scope of their credential or license
School employees are not authorized or encouraged to diagnose or treat youth behavioral health disorders unless they are specifically licensed and employed to do so.
9. Be consistent with state activities conducted by the California Department of Education in the administration of federally funded behavioral health programs

CSBA NOTE: Pursuant to Family Code 6924, a student 12 years of age or older is legally authorized to consent to mental health treatment or counseling if the student, in the opinion of the mental health professional, is mature enough to participate intelligently in the services. However, such mental health treatment or counseling authorized by Family Code 6924 requires involvement of the minor's parent/guardian unless the mental health professional determines, after consulting with the minor, that the involvement of the parent/guardian would be inappropriate.

A student 12 years of age or older may consent to mental health treatment or counseling if the student, in the opinion of the attending mental health professional, is mature enough to participate intelligently in the services. Additionally, the student's parent/guardian shall consent to student's treatment, unless the mental health professional determines, after consulting with the student, that the involvement of the parent/guardian would be inappropriate. (Family Code 6924)

CSBA NOTE: Pursuant to Education Code 49429, as amended by AB 167 (Ch. 252, Statutes of 2021), CDE, in consultation with the State Department of Health Care Services and appropriate stakeholders, is required CDE has developed, "Telehealth Guidance for School Districts," to develop, subject to budget appropriations, provide guidelines for the use of telehealth technology in schools, including mental health and behavioral health services to students on school campuses, by December 31, 2022. See also 5141.6 - School Health Services, and guidelines for securing telehealth systems. Telehealth services may include live counseling, mental health, or therapeutic sessions between a student or group of students and a licensed clinician delivered through a virtual platform. The following four paragraphs reflect CDE's 2024 guidance.

For more information regarding school health services, including telehealth services, see BP/AR 5141.6 - School Health Services. It is recommended that districts with questions regarding the provision of telehealth services, consult district risk management and/or insurance, and CSBA's District and County Office of Education Legal Services or district legal counsel, as appropriate.

Mental In delivering mental health and behavioral health services for to students, the district may use telehealth or other information and communication technologies that facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a student's health while the student is on campus may be provided by way of telehealth technology, and the health care provider is at a distant location. (Education Code 49429)

Prior to utilizing telehealth technology to manage a student's mental health or behavior, the mental health professional shall consult with the student, parent/guardian, and/or the student's individualized education program team, as required by law, unless the mental health professional determines that the involvement would be inappropriate pursuant to Family Code 6924.

CSBA NOTE: CDE, in its 2024, "Telehealth Guidance for School Districts," provides numerous recommendations related to using telehealth services, including the creation of a district "emergency response plan" for telebehavioral health, as described below. Since an "emergency response plan" for telebehavioral health is not defined in law, it is recommended that districts with questions about developing such a plan consult CSBA's District and County Office of Education Legal Services or district counsel.

In using telehealth technology to provide mental health services to students, the Superintendent or designee shall ensure that mental health professionals comply with applicable professional codes of ethics and legal authority. Additionally, space that affords privacy and confidentiality of telehealth

sessions shall be provided for students and an emergency response plan shall be put in place that lays out all legally-mandated steps to take when a student suddenly begins to exhibit suicidal ideation or other potentially dangerous behavior during a telehealth session.

CSBA NOTE: Pursuant to 28 CFR 35.108, a student should be evaluated in accordance with Section 504 of the Rehabilitation Act (29 USC 794) if the student has a disability, including a mental impairment, that substantially limits a major life activity, has a record of such impairment, or is regarded as having such impairment. See BP/AR 6164.6 - Identification and Education Under Section 504. Districts also have an affirmative, ongoing duty to actively and systematically seek out, identify, locate, and evaluate all children with disabilities exceptional needs who may be in need of special education and related services (Education Code 56171, 56300-56385; 20 USC 1412; 34 CFR 300.111). See BP/AR 6164.4 - Identification and Evaluation of Individuals for Special Education.

USDOE and DOJ's joint publication, "Supporting and Protecting the Rights of Students at Risk of Self-Harm in the Era of COVID-19," provides that a student with anxiety, depression, or a substance use disorder may be considered a mental health disability that entitles the student to special education or related services in accordance with Section 504 of the Rehabilitation Act or the federal Individuals with Disabilities Education Act. While this is written in response to the pandemic, the guidance may be interpreted as having a more general applicability.

If a student has an emotional or mental illness that limits a major life activity, has a record of such impairment, or is regarded as having such impairment, or may need special education and related services, the student shall be referred for an evaluation for purposes of determining whether any educational or related services are required in accordance with Section 504 of the Rehabilitation Act or the federal Individuals with Disabilities Education Act, as applicable. (Education Code 56301-56302; 29 USC 794; 28 CFR 35.108)

Funding Resources

CSBA NOTE: In addition to using district funds for mental health programs or services, districts may apply for grant funds administered by the county mental health agency or other sources.

The Behavioral Health Services Act, formerly the Mental Health Services Act, established by Proposition 63 in 2004 and revised by Proposition 1 in 2024, provides funding, personnel, and other resources to support county mental health programs, including, but not limited to, prevention and early intervention programs: and treatment for substance abuse disorders. Funding may be allocated for outreach to families and others to recognize the early signs of potentially severe and disabling mental illnesses, access and linkage to medically necessary care for children with severe mental illness, reduction in stigma and discrimination against people with mental illness, and strategies to reduce negative outcomes that may result from untreated mental illness. Half of early intervention funding is required to be directed to individuals 25 years of age and younger, and include early childhood (0-5) mental health consultation, school-based services, and expanding early psychosis and mood disorder detection and intervention.

Welfare and Institutions Code 5886 established the Mental Health Student Services Act, a competitive grant program to award funds to county mental health or behavioral health departments for the purpose of creating mental health partnerships with school districts, charter schools, and county offices of education.

DHCS launched the Children and Youth Behavioral Health Initiative Fee Schedule program to create a reimbursement pathway for districts to receive funding for services provided at schools or school-linked sites by setting the reimbursement rate for a certain set of outpatient, school-linked services rendered to children and youth who are (1) under 26 years old, (2) enrolled in public Transitional Kindergarten-12 schools, and (3) covered by Medi-Cal managed care plans, Medi-Cal Fee-for-Service, health care service plans, and disability insurers. For more information about the Children and Youth Behavioral Health Initiative, see DHCS's website.

The Superintendent or designee shall explore potential funding sources for district programs and services that support student's mental health. In accordance with local plans and priorities, the district may apply to the county for grants for prevention and early intervention activities that are designed to prevent mental illness from becoming severe and disabling and to improve timely access for underserved populations.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

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

State

Ed. Code 215-216

[Ed. Code 218.3](#)

[Ed. Code 219](#)

[Ed. Code 232.7](#)

Ed. Code 234.6

Ed. Code 32280-32289.5

[Ed. Code 33546.4](#)

Ed. Code 49060-49079

[Ed. Code 49428](#)

Ed. Code 49428.1

Ed. Code 49428.15

[Ed. Code 49428.2](#)

Ed. Code 49428.5

Description

Student suicide prevention

[Lesbian, Gay, Transgender, Queer, and Questioning Student Resources, online training delivery platform](#)

[Lesbian, Gay, Transgender, Queer, and Questioning Student Resources, advisory task force](#)

[Body shaming, model policy and resources](#)

Bullying and harassment prevention information

School safety plans

[Instructional Quality Commission, consideration of skills related to mindfulness, distress tolerance, interpersonal effectiveness, and emotional regulation when Health Education Framework next revised](#)

Student records

[Telehealth technology in schools](#)

Student mental health referral protocols

Identification of evidence-based and evidence-informed training programs for schools to address youth behavioral health

[Requirement for policy on referral protocols](#)

Student mental health poster

Ed. Code 49600	Responsibilities of school counselors
Ed. Code 49602	Counseling and confidentiality of student information
Ed. Code 49604	Suicide prevention training for school counselors
Ed. Code 51225.38	Instruction regarding the dangers associated with fentanyl use
Ed. Code 56171	Duty to identify and assess children in private schools who need special education services
Ed. Code 56300-56385	Identification and referral; assessment, instructional planning
Family Code 6924	Consent by minor
W&I Code 5698	Emotionally disturbed youth; legislative intent System of care for children and youth with serious emotional disturbance
W&I Code 5840-5840.8	Prevention and early intervention programs
W&I Code 5850-5883	Mental Health Services Act
Federal	Description
20 USC 1400-1482	Individuals with Disabilities Education Act
28 CFR 35.101-35.190	Americans with Disabilities Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 300.1-300.818	Individuals with Disabilities Education Act
Management Resources	Description
California Department of Education Publication	Youth Behavioral Health Training Programs
California Department of Education Publication	Health Education Framework for California Public Schools, Kindergarten Through Grade Twelve, May 2019 (https://www.cde.ca.gov/ci/he/cf/index.asp)
California Department of Education Publication	Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
California Department of Education Publication	Telehealth Guidance for School Districts, July 2024 (https://www.cde.ca.gov/ls/mh/documents/telehealthguidance.docx)
California Department of Education Publication	Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
California Department of Education Publication	Mental Health Instruction Expansion Education Plan, rev. March 2024 (https://www.cde.ca.gov/ls/mh/)
CDC and Prevention Publication	School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009 (https://stacks.cdc.gov/view/cdc/5767)

CDC Publication	Promoting Mental Health and Well-Being in Schools, December 2023 (https://www.cdc.gov/mental-health/action-guide/about/index.html)
CSBA Publication	Safe Schools Toolkit: Bullying and Cyberbullying, July 2024 (https://www.csba.org/-/media/CSBA_Files_GovernanceResources/SafeSchoolsToolkit_Safety-Toolkit-5.ashx?la=en&rev=40ec0e57416844f2ad701180a754cc3e1)
Nat. Child Traumatic Stress Network Publication	Child Trauma Toolkit for Educators, 2008 (https://www.nctsn.org/resources/child-trauma-toolkit-educators/)
US Department of Education Publication	Bipartisan Safer Communities Act Stronger Connections Grant Program, Frequently Asked Questions, April 2023
US Department of Education, Office of Special Education and Rehabilitative Services Publication	Supporting Child and Student Social, Emotional, Behavioral, and Mental Health Needs, 2021 (https://www.ed.gov/sites/ed/files/documents/students/supporting-child-student-social-emotional-behavioral-mental-health.pdf)
U.S. Department of Education, Office for Civil Rights and U.S. Department of Justice, Civil Rights Division Publication	Supporting and Protecting the Rights of Students at Risk of Self-Harm in the Era of COVID-19, October 2021 (https://archive.ada.gov/students-self-harm-fact-sheet.pdf)
US Department of Health and Human Services Publication	Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023
US Dept of Health and Human Services Publication	Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Health Effects of Social Connection and the Community, 2023
US Dept of Health and Human Services Publication	Creating an emergency plan for telebehavioral health, September 2024 (https://telehealth.hhs.gov/providers/best-practice-guides/telehealth-for-behavioral-health/preparing-patients-for-telebehavioral-health/creating-a-telehealth-emergency-plan)
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Health and Human Services (https://www.hhs.gov/)
Website	Children and Youth Behavioral Health Initiative (https://cybhi.chhs.ca.gov/)
Website	California Surgeon General, Safe Spaces: Trauma-Informed Training (https://osg.ca.gov/safespaces/)
Website	National Child Traumatic Stress Network

Website	National Council for Behavioral Health, Mental Health First Aid
<u>Website</u>	<u>SchoolSafety.gov (https://www.schoolsafety.gov/mental-health)</u>
Website	Suicide Prevention Lifeline
Website	Suicide Prevention Resource Center
Website	Substance Abuse and Mental Health Services Administration
Website	American Association of Suicidology
Website	American Foundation for Suicide Prevention (https://afsp.org/get-help/)
Website	American Psychological Association
Website	California Department of Health Care Services, <u>Mental Health Services</u> (http://www.dhcs.ca.gov)
<u>Website</u>	<u>CalHOPE Schools Initiative</u> (https://www.calhopeschools.org/)
<u>Website</u>	<u>Mental Health Evaluation, Training, Research, and Innovation Center for Schools (METRICS)</u> (https://www.metricscenter.org/)
Website	Centers for Disease Control and Prevention, Mental Health (https://www.cdc.gov/mental-health/index.html)
Website	National Association of School Psychologists
Website	National Institute for Mental Health
Website	California Department of Education, <u>Mental Health</u>
Website	American School Counselor Association
Website	Office of the Surgeon General

Cross References

Code	Description
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
4131	Staff Development

5131.2	Bullying
5131.2	Bullying
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5141.6	School Health Services
5141.6	School Health Services
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
<u>6143</u>	<u>Courses of Study</u>
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams
6173.4	Education For American Indian Students

Policy 5141.52: Suicide Prevention

Status: ADOPTED

Original Adopted Date: 07/01/2009 | Last Revised Date: 06/03/01/2024-2025 | Last Reviewed
Date: 06/03/01/2024-2025

CSBA NOTE: Education Code 215 mandates that the Governing Board of any district serving students in grades K-12 to adopt a policy on student suicide prevention, intervention, and postvention (i.e., intervention conducted after a suicide) with specified components. The required components are addressed in the following this policy and the accompanying administrative regulation.

The following policy is consistent with Pursuant to Education Code 215, as amended by SB 1318 (Ch. 645, Statutes of 2024), the California Department of Education's Education (CDE) is required, by July 1, 2026, to update its, "Model Youth Suicide Prevention Policy for Local Educational Agencies that Serve Kindergarten through Twelfth Grade Students," to address crisis intervention protocols in the event of a student suicide crisis. On or after July 1, 2026, the Board is required to, during its next regularly scheduled review of its student suicide prevention policy, update its policy to include the best practices identified in CDE's updated Model Policy.

The following policy is consistent with CDE's Model Policy, which also includes an extensive list of resources to assist in the prevention, intervention, and postvention of student suicide. Districts are encouraged to work closely with their county behavioral health department to identify and access resources at the local level.

The Mental Health Services Oversight and Accountability Commission developed a suicide prevention plan for the state which is published in "Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025," available on its web site website. The plan presents strategic aims, with related goals, objectives, and an implementation schedule. Districts may find the strategic plan useful in learning more about the stigma associated with behavioral health needs, myths and misconceptions about suicidal behavior and its hinderance to prevention efforts, suicidal behavior, risk and protective factors, and best practices in suicide prevention. Additionally, the Commission published, "Accelerating Transformational Change: Strategic Plan for 2024-2027," which includes the goals of supporting school-based mental health.

The California Department of Public Health, Office of Suicide Prevention (OSP) is the designated state entity responsible for coordinating and aligning statewide suicide prevention efforts and resources. OSP's youth suicide prevention projects, including the Youth Suicide Prevention Media and Outreach Campaign, are available on OSP's website. The California Department of Health Care Services provides free mental health and wellness resources to schools through its CalHOPE Schools Initiative.

Additionally, SchoolSafety.gov is an interagency website created by the U.S. Department of Homeland Security, U.S. Department of Education (USDOE), U.S. Department of Justice (DOJ), and U.S. Department of Health and Human Services to provide districts with actionable recommendations to create safe and supportive learning environments for students, including

information about suicide management.

The following policy and accompanying administrative regulation should be revised to reflect district practice and the grade levels offered by the district.

The Governing Board recognizes that suicide is a leading cause of death among youth, that prevention is a collective effort that requires stakeholder engagement, and that school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance. In an effort to reduce suicidal behavior, its impact on students and families, and other ~~trauma~~ associated with suicide trauma, the Superintendent or designee shall develop measures, strategies, practices, and supports for suicide prevention, intervention, and postvention.

In developing and updating district policy and procedures for suicide prevention, intervention, and postvention, the Superintendent or designee shall consult with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts, and, in developing . If the policy for grades will affect K-6 students, the county mental health plan shall also be consulted. (Education Code 215)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Education Code 215 does not define "school and community stakeholders" or "school-employed mental health professionals" who must be consulted in the development of policy. The following paragraph details examples that are consistent with CSBA and CDE recommendations.

School and community stakeholders and school mental health professionals with whom the Superintendent or designee shall consult may include district and school administrators, school counselors, school psychologists, school social workers, school nurses, other staff, parents/guardians and caregivers, students, local health agencies, mental health professionals, community organizations, law enforcement, legal counsel, and/or the district's risk manager or insurance carrier. The Superintendent or designee may also collaborate with county and/or city governments in an effort to align district policy with any existing community suicide prevention plans.

CSBA NOTE: Pursuant to Education Code 215, as amended by SB 1318, if the district does not have a school mental health professional or contract with a mental health professional, the Board is encouraged to consider, when reviewing its policy on suicide prevention, whether funding should be identified for purposes of hiring a school mental health professional.

When developing or reviewing district policy on suicide prevention, the Superintendent or designee may make a recommendation regarding the need to hire a mental health professional for the district, or for any school that is not currently served by a mental health professional, and the possible funding source(s) for such hiring.

Measures and strategies for suicide prevention, intervention, and postvention shall include, but are not limited to:

CSBA NOTE: Education Code 215 mandates that the district's policy address any training on suicide awareness and prevention to be provided to teachers of students in all grade levels served

by the district. See the accompanying administrative regulation for additional language fulfilling this mandate. ~~In addition~~ Additionally, Education Code 49604 encourages each district to provide suicide prevention training at least once to each middle, junior high, and high school counselor. Item #1 should be revised to specify the categories of employees who will receive the training.

1. Staff development on suicide awareness and prevention for teachers, interns, school counselors, and others who interact with students, including, as appropriate, substitute teachers, coaches, expanded day learning staff, crossing guards, tutors, and volunteers

CSBA NOTE: Items #2-9 below reflect optional strategies for suicide prevention, intervention, and postvention and may be revised to reflect district practice.

2. Instruction to students in problem-solving, coping, and resiliency skills to promote students' mental, emotional, and social health and well-being, ~~as well as~~; help-seeking strategies and resources; and instruction in recognizing and appropriately responding to warning signs of suicidal intent in others

3. Methods for promoting a positive school climate that enhances students' feelings of connectedness with the school and that is characterized by caring staff and harmonious ~~interrelationships~~ relationships among students

4. The review of materials and resources used in awareness efforts and communications to ensure they align with best practices for safe and effective messaging about suicide

5. The provision of information to parents/guardians and caregivers regarding risk and protective factors, warning signs of suicide, the severity of the suicide problem among youth, the district's suicide prevention curriculum, the district's suicide prevention policy and procedures, basic steps for helping suicidal youth, the importance of communicating with appropriate staff if suicide risk is present or suspected, access to suicide prevention training, and/or school and community resources that can help youth in crisis

6. Encouragement for students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions

- ~~7. Crisis intervention procedures~~

CSBA NOTE: Pursuant to Education Code 215, as amended by SB 1318, CDE is required to update its Model Policy, by July 1, 2026, to address crisis intervention protocols in the event of a student suicide crisis. The Board is required to update its suicide prevention policy to include the best practices identified in CDE's updated Model Policy when it next reviews this policy after July 1, 2026.

7. Crisis intervention protocols for addressing suicide threats or attempts

8. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide

CSBA NOTE: The National Association of School Psychologists recommends that the district and/or school sites create a suicide prevention crisis team to assist in effectively identifying and intervening with students who are at risk of suicidal behavior, including adoption and implementation of policies and procedures. It is recommended that such teams include, at a minimum, administration, mental health staff, and school security personnel. CDE also recommends that students are included on the team, to represent the student voice. The same crisis intervention team may be established to address broader mental health concerns as described in BP 5141.5 - Mental Health.

9. Establishment of district and/or school-site crisis intervention team(s) to ensure the proper implementation and review of this policy and other district practices related to the emotional and behavioral wellness of students, including, but not limited to, the oversight of mental health and suicide prevention training, ensuring the suicide prevention policy, protocols, and resources are posted on the district and school websites, collaboration with community mental health organizations, identification of resources and organizations that provide evidence-based treatment, collaboration to build community response, and compliance with Education Code 215

CSBA NOTE: Education Code 215 mandates that the district's policy specifically address the needs of high-risk groups, including, but not limited to, those listed in the following paragraph. See the accompanying administrative regulation for additional language fulfilling this mandate.

CDE's Model Policy encourages districts to use the California School Climate, Health, and Learning Surveys or other survey data to determine the prevalence of suicidal ideation and behaviors, including patterns or trends, among all students, particularly among identified high-risk populations.

Pursuant to Education Code 218.3, CDE has developed and posted on its website, "Providing Relevant Inclusive Support that Matters for LGBTQ+ Students (PRISM)," a training curriculum for certificated staff to support lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) cultural competency. Beginning with the 2025-26 school year, through the 2029-30 school year, districts are required to provide at least one hour of training annually to all certificated employees serving students in grades 7-12, in accordance with Education Code 218.3.

As appropriate, these measures and strategies shall specifically address the needs of students who are at high risk of suicide, including, but not limited to, students who are bereaved by suicide; students with ~~disabilities~~ exceptional needs, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning. (Education Code 215)

CSBA NOTE: USDOE and DOJ's joint publication, "Supporting and Protecting the Rights of Students at Risk of Self-Harm in the Era of COVID-19," provides that anxiety, depression, or substance use disorder may be considered a mental health disability that entitles a student to special education or related services in accordance with Section 504 of the Rehabilitation Act or the federal Individuals with Disabilities Education Act. While this is written in response to the pandemic, the guidance may be interpreted as having a more general applicability. The following optional paragraph reflects this guidance.

In order to address mental health disabilities, the district may, as appropriate and in accordance with law, develop trauma-informed crisis management procedures that include an individualized assessment of the student's circumstances, provide and facilitate access to mental health evaluations and services; reasonably modify policies, such as attendance policies, for individual students; and train staff to recognize and respond appropriately to signs of distress and suicidal ideation in students.

CSBA NOTE: The following two optional paragraphs may be revised to reflect district practice. The paragraphs are consistent with CDE's Model Policy that recommends protocols for maintaining staff connection with students during school closures, in order to support student mental wellbeing and provide guidance on suicide prevention.

The Superintendent or designee shall establish a process for school staff to maintain daily or regular contact with all students, including during distance learning and school closures, and for such staff to communicate any concerns about a student's emotional wellbeing and/or safety to the appropriate authorities.

Additionally, the Superintendent or designee shall ensure that school-based mental health professionals maintain regular contact with high-risk students, students who are on their caseloads, and those who are identified by staff as demonstrating need.

CSBA NOTE: The following two paragraphs are for use by districts that serve students in grades K-6.

The Board shall ensure that **suicide prevention** measures and strategies for students in grades K-6 are age appropriate and delivered and discussed in a manner that is sensitive to the needs of young students. (Education Code 215)

If a referral is made for mental health or related services for a student in grade K-6 who is a Medi-Cal beneficiary, the Superintendent or designee shall coordinate and consult with the county mental health plan. (Education Code 215)

District employees shall act only within the authorization and scope of their credential or license. Nothing in this policy shall be construed as authorizing or encouraging district employees to diagnose or treat mental illness unless they are specifically licensed and employed to do so. (Education Code 215)

When the district determines that a student is in need of mental or behavioral health services, the services shall be provided in accordance with protocols specified in Board Policy 5141.5 - Mental Health.

CSBA NOTE: Education Code 215 requires that the district's student suicide prevention policy be updated at least every five years, to incorporate best practices identified in CDE's Model Policy. Education Code 215 also requires that the district's suicide prevention policy be updated at least every five years. Given the severity of the issue and importance of maintaining an up-to-date suicide prevention policy, CSBA and CDE recommend reviewing and updating this policy annually. The following paragraph may be revised to reflect district practice.

The Board shall review, and update as necessary, this policy at least every five years. The Board may, at its discretion, review the policy more frequently. (Education Code 215)

The Superintendent or designee shall periodically review district data pertaining to school climate and reports of suicidal ideation, attempts, or death to identify patterns or trends and make recommendations regarding program development.

The Superintendent or designee shall post this policy on the district's ~~web site~~ [website](#), in a prominent location and in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the 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 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines
Ed. Code 216	Suicide prevention online training programs
Ed. Code 218.3	Training curriculum to support lesbian, gay, bisexual, queer, and questioning students
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 32280-32289.5	School safety plans
Ed. Code 49060-49079	Student records
Ed. Code 49428.15	Identification of evidence-based and evidence-informed training programs for schools to address youth behavioral health
Ed. Code 49428.2	Referral protocols for addressing student behavioral health concerns in grades 7-12; certification of youth behavioral health training for employees
Ed. Code 49428.5	Student mental health poster
Ed. Code 49429	Telehealth technology in schools
Ed. Code 49602	Counseling and confidentiality of student information
Ed. Code 49604	Suicide prevention training for school counselors
Gov. Code 810-996.6	Government Claims Act
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act

W&I Code 5698

W&I Code 5850-5886

Federal

42 USC 290bb-33

Management Resources

California Department of Education
Publication

California Department of Education
Publication

California Department of Education
Publication

CALSCHLS California Department of
Education Publication

CALSCHLS CDC Publication

CALSCHLS CSBA Publication

CDC and Prevention Publication

Court Decision

Each Mind Matters Publication

Heard Alliance Publication

Emotionally disturbed youth; legislative intent

Children's Mental Health Services Act

Description

Suicide Training and Awareness Nationally Delivered for
Universal Prevention Act of 2021

Description

Model Youth Suicide Prevention Policy for Local Educational
Agencies that Serve Kindergarten through Twelfth Grade
Students, February 2023
(<https://www.cde.ca.gov/ls/mh/documents/modelpolicy.docx>)

Health Education Framework for California Public Schools,
Kindergarten Through Grade Twelve, May 2019
(<https://www.cde.ca.gov/ci/he/cf/index.asp>)

Health Education Content Standards for California Public
Schools: Kindergarten Through Grade Twelve, 2008

California School Staff Survey (CSSS) Telehealth Guidance for
School Districts, July 2024
(<https://www.cde.ca.gov/ls/mh/documents/telehealthguidance.docx>)

California School Parent Survey (CSPS) Promoting Mental
Health and Well-Being in Schools, December 2023
(<https://www.cdc.gov/mental-health-action-guide/about/index.html>)

California Healthy Kids Survey (CHKS) Safe Schools Toolkit:
Bullying and Cyberbullying, July 2024
(<https://www.csba.org/-/media/CSBA/Files/GovernanceResources/SafeSchoolsToolkit/Safety-Toolkit-5.ashx?la=en&rev=40ec0e57416844f2ad701180a754cc3e>)

School Connectedness: Strategies for Increasing Protective
Factors Among Youth, 2009
(<https://stacks.cdc.gov/view/cdc/5767>)

Corales v. Bennett (Ontario-Montclair School District) (2009)
567 F.3d 554

Making Headlines: Guide to Engaging the Media in Suicide
Prevention in California, 2012 (<https://resource-center.yourvoicecounts.org/resources/making-headlines-guide-engaging-media-suicide-prevention-california>)

K-12 Toolkit for Mental Health Promotion and Suicide
Prevention, 2017 2021 (<https://www.heardalliance.org/help-toolkit/>)

Mental Health Svcs Oversight & Accountability Pub

Mental Health Svcs Oversight & Accountability Pub

Nat'l Assoc. of School Psychologists Publication

Nat'l Assoc. of School Psychologists Publication

Nat'l Assoc. of School Psychologists Publication

Suicide Prevention Resource Center Publication

U.S. Department of Education, Office for Civil Rights and U.S. Department of Justice, Civil Rights Division Publication

U.S. Dept. of Health & Human Services Publication

U.S. Dept. of Health & Human Services Publication

Website

Website

Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025 (<https://sprc.org/wp-content/uploads/2022/11/CA-Suicide-Prevention-Plan-2020-2025.pdf>)

Accelerating Transformational Change: Strategic Plan for 2024-2027 (<https://bhsoac.ca.gov/wp-content/uploads/MHSOAC-Strategic-Plan-2024-2027.pdf>)

Comprehensive School Suicide Prevention in a Time of Distance Learning, 2020 (<https://www.nasponline.org/resources-and-publications/resources-and-podcasts/covid-19-resource-center/crisis-and-mental-health-resources/comprehensive-school-suicide-prevention-in-a-time-of-distance-learning>)

Conducting a Virtual Suicide Assessment Checklist (<https://www.nasponline.org/resources-and-publications/resources-and-podcasts/covid-19-resource-center/crisis-and-mental-health-resources/conducting-virtual-suicide-assessment-checklist>)

Preventing Suicide: Guidelines for Administrators and Crisis Teams, 2015 (<https://www.nasponline.org/resources-and-publications/resources-and-podcasts/school-safety-and-crisis/mental-health-resources/preventing-youth-suicide/preventing-suicide-guidelines-for-administrators-and-crisis-teams>)

After a Suicide: A Toolkit for Schools, 2nd Edition, 2018 (<https://sprc.org/online-library/after-suicide-toolkit-schools>)

Supporting and Protecting the Rights of Students at Risk of Self-Harm in the Era of COVID-19, October 2021 (https://archive.ada.gov/students_self-harm_fact_sheet.pdf)

Preventing Suicide: A Toolkit for High Schools, 2012 (<https://store.samhsa.gov/product/preventing-suicide-toolkit-high-schools/sma12-4669>)

National Strategy for Suicide Prevention: ~~Goals~~ 2024 (<https://www.hhs.gov/programs/prevention-and-objectives-for-action/rev-2012-wellness/mental-health-substance-abuse/national-strategy-suicide-prevention/index.html>)

CSBA District and County Office of Education Legal Services

California Department of Public Health, Office of Suicide Prevention ([https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/SACB/Pages/Office-of-Suicide-Prevention-\(OSP\).aspx](https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/SACB/Pages/Office-of-Suicide-Prevention-(OSP).aspx))

Website	California Surgeon General, Safe Spaces: Trauma-Informed Training (https://osg.ca.gov/safespaces/)
Website	Suicide Prevention Messaging
Website	National Action Alliance for Suicide Prevention
Website	Mental Health Evaluation, Training, Research, and Innovation Center for Schools (METRICS) (https://www.metricscenter.org/)
Website	Mental Health Services Oversight and Accountability Commission
Website	HEARD Alliance
Website	Each Mind Matters: California's Mental Health Movement
Website	Crisis Text Line
Website	California School Climate, Health, and Learning Surveys (CaSCHLS)
Website	California Mental Health Services Authority
Website	Suicide Prevention Lifeline
Website	Suicide Prevention Resource Center
Website	National Child Traumatic Stress Network
Website	SchoolSafety.gov (https://www.schoolsafety.gov/mental-health)
Website	Substance Abuse and Mental Health Services Administration
Website	Trevor Project
Website	American Academy of Pediatrics
Website	American Association of Suicidology
Website	American Foundation for Suicide Prevention
Website	American Psychological Association
Website	California Department of Education, Mental Health
Website	California Department of Health Care Services, Mental Health Services
Website	CalHOPE Schools Initiative (https://www.calhopeschools.org/)
Website	Centers for Disease Control and Prevention, Mental Health
Website	National Association of School Psychologists
Website	National Institute for Mental Health

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1112	Media Relations
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1240	Volunteer Assistance
1240	Volunteer Assistance
1400	Relations Between Other Governmental Agencies And The Schools
3515	Campus Security
3515	Campus Security
4112.21	Interns
4112.21	Interns
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4127	Temporary Athletic Team Coaches
4127	Temporary Athletic Team Coaches
4131	Staff Development
4227	Temporary Athletic Team Coaches
4227	Temporary Athletic Team Coaches
4231	Staff Development
4327	Temporary Athletic Team Coaches
4327	Temporary Athletic Team Coaches
4331	Staff Development
5125	Student Records
5125	Student Records
5131	Conduct
5131.2	Bullying

5131.2	Bullying
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.8	Mobile Communication Devices
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.5	Mental Health
5141.6	School Health Services
5141.6	School Health Services
5142	Safety
5142	Safety
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.71-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education

6145.2	Athletic Competition
6145.2	Athletic Competition
6145.8	Assemblies And Special Events
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams

Regulation 5141.52: Suicide Prevention

Status: ADOPTED

Original Adopted Date: 07/01/2009 | Last Revised Date: 06/03/01/2024 2025 | Last Reviewed Date: 06/03/01/2024 2025

CSBA NOTE: Education Code 215 mandates the Governing Board of any district serving students in grades K-12 to adopt a policy on student suicide prevention, intervention, and postvention for grades K-12. See the accompanying Board policy. The following administrative regulation provides additional strategies that fulfill the mandate and may be revised to reflect district practice. Pursuant to Education Code 215, the following regulation should be developed in consultation with school and community stakeholders, school-employed mental health professionals, suicide prevention experts, and, in developing strategies for grades K-6, the county mental health plan.

Examples of suicide prevention strategies are also available in the California Department of Education's (CDE) "Model Youth Suicide Prevention Policy, for Local Educational Agencies that Serve Kindergarten through Twelfth Grade Students," Mental Health Services Oversight and Accountability Commission's (MHSOAC) "Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025," the U.S. Department of Health and Human Services publication "Preventing Suicide: A Toolkit for High Schools," and resources issued by other state and federal agencies and organizations. For further information about strategies to protect students from bullying, cyberbullying, and other harassment, see BP 5131 - Conduct, BP 5131.2 - Bullying, BP 5145.3 - Nondiscrimination/Harassment, BP/AR 5145.7 - Sexual Harassment, and BP 5145.9 - Hate-Motivated Behavior. For additional information and resources related to student mental and behavioral health, see BP 5141.5 - Mental Health.

Definitions

CSBA NOTE: Education Code 215, as amended by SB 1318 (Ch. 645, Statutes of 2024), defines "mental health professional," "student suicide crisis," and "school mental health professional," as reflected below.

Mental health professional means an individual licensed or registered, or an intern or associate working towards licensure, by the Board of Behavioral Sciences or the Board of Psychology in the Department of Consumer Affairs. (Education Code 215)

Student suicide crisis means any of the following: (Education Code 215)

1. A student who is exhibiting suicidal thoughts or behaviors
2. A student who has completed a suicide risk assessment and is determined to be at risk of suicide
3. A student who is attempting to physically harm themselves or others

School mental health professional means a school employee with a clear or preliminary pupil personnel services credential with a specialization in school counseling, school social work, or

school psychology, a credentialed school nurse, or a licensed, registered, or associate marriage and family therapist, professional clinical counselor, clinical social worker, educational psychologist, or psychologist under the supervision of a school employee with a pupil personnel services or administrative services credential. (Education Code 215)

Staff Development

CSBA NOTE: Education Code 215 **mandates** that the district's policy address any training on suicide awareness and prevention to be provided to teachers of students in all grade levels served by the district. Additionally, Education Code 215 requires a district's training materials to include best practices identified in CDE's Model Policy. In addition, Education Code 49604 encourages each district to provide suicide prevention training at least once to each middle, junior high, and high school counselor.

CDE recommends that employees receive training on the core components of suicide prevention at the beginning of employment, and also receive training each year on risk factors, protective factors, warning signs of suicide, suicide prevention, intervention, referral, and postvention, with a minimum of one hour of general suicide prevention training. The following section should be revised to reflect district practice.

Education Code 216 requires CDE to identify evidence-based online training program(s), aligned with the requirements of Education Code 215, that districts may use to train students and staff.

Education Code 216 also requires CDE, dependent upon funds being appropriated in the annual Budget Act, to provide grants, upon application, to county offices of education for the acquisition of such training programs to disseminate to districts at no cost.

Pursuant to Education Code 49428.15, CDE has identified and posted on its website, "Youth Mental Health First Aid," an evidence-based and evidence-informed training program for use by schools to address student behavioral health.

Additionally, the California Surgeon General has developed, "Safe Spaces: Trauma Informed Training," an online training designed to help recognize and respond to signs of student trauma and stress.

Additional training and funding is available through the federal Suicide Training and Awareness Nationally Delivered for Universal Prevention Act of 2021 (STANDUP ACT) (42 USC 290bb-33), which provides best practices for suicide awareness and prevention training policies.

Suicide prevention training shall be provided to teachers, interns, counselors, and others who interact with students, including, as appropriate, substitute teachers, coaches, expanded day learning staff, crossing guards, tutors, and volunteers. The training shall be offered under the direction of a district counselor, psychologist, and/or social worker who has received advanced training specific to suicide and who may collaborate with one or more county or community mental health agencies.

Materials for training shall include how to identify appropriate mental health services at the school site and within the community, and when and how to refer youth and ~~their~~ families to those

services. ~~Materials~~ **Training materials** may also may include programs that can be completed through self-review of suitable suicide prevention materials. (Education Code 215)

Additionally, staff development shall include research and information related to the following topics:

CSBA NOTE: Education Code 215 **mandates** that the district's policy specifically address the needs of high-risk groups; see the accompanying Board policy. One strategy to specifically address their needs is to increase staff awareness of the higher rates of suicide among these groups, as provided in ~~item~~ **Item** #1 below.

1. The higher risk of suicide among certain groups, including, but not limited to, students who are impacted by suicide; students with ~~disabilities~~ **exceptional needs**, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning

CSBA NOTE: Staff development may include training about individual risk factors associated with suicide, as provided in ~~item~~ **Item** #2 below. Information about risk factors is available from MHSOAC's "Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025," the Centers for Disease Control and Prevention, American Association of Suicidology, American Foundation for Suicide Prevention, Trevor Project, and other publications, agencies, and organizations.

2. Individual risk factors such as previous suicide attempt(s) or self-harm, history of depression or mental illness, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe or traumatic stressor or loss, family instability, impulsivity, and other factors
3. Identification of students who may be at risk of suicide, including, but not limited to, warning signs that may indicate depression, emotional distress, or suicidal intentions, such as changes in students' personality or behavior and verbalizations of hopelessness or suicidal intent
4. Protective factors that may help to decrease a student's suicide risk, such as resiliency, problem-solving ability, access to mental health care, and positive connections to family, peers, school, and community
5. Instructional strategies for teaching the suicide prevention curriculum, promoting mental and emotional health, reducing the stigma associated with mental illness, and using safe and effective messaging about suicide
6. The importance of early prevention and intervention in reducing the risk of suicide
7. School and community resources and services, including resources and services that meet the specific needs of high-risk groups
8. Appropriate ways to interact with a student who is demonstrating emotional distress or is suicidal and procedures for intervening when a student attempts, threatens, or discloses the desire to die by suicide, including, but not limited to, appropriate protocols for constant monitoring and supervision of the student, during the time the student is in the school's physical custody, while the immediate referral of the student to medical or mental health services is being processed

9. District procedures for responding after a suicide has occurred
10. Common misconceptions about suicide

The district may provide additional professional development in suicide risk assessment and crisis intervention to district mental health professionals, including, but not limited to, school counselors, psychologists, social workers, and nurses.

Instruction

CSBA NOTE: The state's content standards for health education include voluntary standards pertaining to mental, emotional, and social health at selected elementary and secondary grades and suicide prevention instruction at grade 7 or 8 and in high school.

CDE recommends that the instruction be under the supervision of district-employed mental health professionals following consultation with county and community health agencies, and that it be incorporated into areas of the curriculum in addition to health classes.

The district's comprehensive health education program shall promote the healthy mental, emotional, and social development of students and shall be aligned with the state content standards and curriculum framework. Suicide prevention instruction shall be incorporated into the health education curriculum in an age and developmentally appropriate manner and shall be designed to help students:

1. Identify and analyze warning signs and risk factors associated with suicide, including, but not limited to, understanding how mental health challenges and emotional distress, such as feelings of depression, loss, isolation, inadequacy, and anxiety, can lead to thoughts of suicide
2. Develop coping and resiliency skills for dealing with stress and trauma, and building self-esteem
3. Learn to listen, be honest, share feelings, and get help when communicating with friends who show signs of suicidal intent
4. Identify trusted adults; school resources, including the district's suicide prevention, intervention, and referral procedures; and/or community crisis intervention resources where youth can get help
5. Develop help-seeking strategies and recognize that there is no stigma associated with seeking services for mental health, substance abuse, and/or suicide prevention
6. Recognize that early prevention and intervention can drastically reduce the risk of suicide

The Superintendent or designee may develop and implement school activities that raise awareness about mental health wellness and suicide prevention.

Student Identification Cards

CSBA NOTE: The following section is for use by districts that serve students in grades 7-12. Education Code 215.5, as amended by SB 1063 (Ch. 642, Statutes of 2024), requires districts that

issue or reissue student identification cards to have printed on either side of the card the telephone number ~~off for the 988 Suicide and Crisis Lifeline and~~ the National Suicide Prevention Lifeline (1-800-273-8255), ~~and allows to~~. Pursuant to Education Code 215.5, as amended by SB 1063, a district may have printed on the card the Crisis Text Line (texting HOME to 741741) and/or: ~~the telephone number for campus police or security or, if the campus does not have a campus police or security telephone number, the local nonemergency telephone number;~~ a local suicide prevention hotline telephone number; and/or a quick response (QR) code that links to the county's mental health resources website. For additional requirements related to student identification cards, see BP 5142 - Safety.

Student identification cards for students in grades 7-12 shall include the 988 Suicide and Crisis Lifeline and National Suicide Prevention Lifeline telephone number and may also include the Crisis Text Line and/or, campus police or security, a local suicide prevention hotline telephone number, and/or a quick response (QR) code for the county's mental health resources website. (Education Code 215.5)

Intervention

CSBA NOTE: Education Code 215 mandates that the district's policy and procedures address suicide intervention. The following section should be revised to reflect district practice. In addition, the district may choose to incorporate crisis intervention strategies in its comprehensive school safety plan adopted pursuant to Education Code 32280-32289.5; see BP/AR 0450 - Comprehensive Safety Plan.

The following paragraph is for use by districts that have formed and trained district and/or school site crisis intervention team(s) to assist with suicide intervention; see the accompanying Board policy. The National Association of School Psychologists (NASP) recommends that crisis intervention teams assign one or more individuals as a "designated reporter" to receive and act upon all reports from teachers, other staff, and students who may be suicidal.

The Superintendent or designee shall provide the name, title, and contact information of the members of the district and/or school crisis intervention team(s) to students, staff, parents/guardians, and caregivers and ~~post~~ on school and district web sites. ~~websites~~. Such notifications shall identify the mental health professional who serves as the crisis intervention team's designated reporter to receive and act upon reports of a student's suicidal intention.

Students shall be encouraged to notify a teacher, principal, counselor, designated reporter, or other adult when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.

Every statement regarding suicidal intent shall be taken seriously. Whenever a staff member suspects or has knowledge of a student's suicidal intentions based on the student's verbalizations or act of self-harm, the staff member shall promptly notify the principal, school counselor, or designated reporter, who shall implement district intervention protocols as appropriate.

CSBA NOTE: Education Code 49602 generally protects the confidentiality of information of a personal nature disclosed to a school counselor by a student age 12 years or older or by a parent/guardian. However, in certain circumstances, the counselor may disclose such information

to avert a clear and present danger to the health, safety, or welfare of the student or others within in the school community. Also see BP 6164.2 - Guidance/Counseling Services.

Although any personal information that a student discloses to a school counselor shall generally not be revealed, released, discussed, or referred to with third parties, the counselor may report to the principal or student's parents/guardians when there is reasonable cause to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or others within the school community. In addition, the counselor may disclose information of a personal nature to psychotherapists, other health care providers, or the school nurse for the sole purpose of referring the student for treatment, or to report child abuse and neglect as required by Penal Code 11164-11174.3. (Education Code 49602)

Whenever schools establish a peer counseling system to provide support for students, peer counselors shall receive training that includes identification of the warning signs of suicidal behavior and referral of a suicidal student to appropriate adults.

When the district determines that a student is in need of mental or behavioral health services, the services shall be provided in accordance with protocols specified in Board Policy 5141.5 - Mental Health.

When a suicide attempt or threat is reported, the principal or designee shall ensure student safety by taking the following actions:

1. Immediately securing medical treatment and/or mental health services as necessary
2. Notifying law enforcement and/or other emergency assistance if a suicidal act is being actively threatened
3. Keeping the student under continuous adult supervision and providing comfort to the student until the parent/guardian and/or appropriate support agent or agency can be contacted and has the opportunity to intervene
4. Removing other students from the immediate area as soon as possible

The principal or designee shall document the incident in writing, including the steps that the school took in response to the suicide attempt or threat.

CSBA NOTE: The following paragraph is optional. If a student's parents/guardians refuse or neglect to access treatment for a student who has been identified to be at risk for suicide, the Superintendent or designee shall consider whether a referral to child protective services for child neglect is needed. Pursuant to Penal Code 11164-11174.3, the Child Abuse and Neglect Reporting Act, school employees who are mandated reporters are required to report child abuse or neglect, as defined in law, when they have knowledge of or reasonably suspect that a child is a victim of child abuse or neglect. See BP/AR 5141.4 - Child Abuse Prevention and Reporting.

The Superintendent or designee shall follow up with the parent/guardian and student in a timely manner to provide referrals to appropriate services as needed. If the parent/guardian does not access treatment for the student, the Superintendent or designee may meet with the parent/guardian to identify barriers to treatment and assist the family in providing follow-up care for the student. If follow-up care is still not provided, the Superintendent or designee shall consider whether it is necessary, pursuant to laws for mandated reporters of child neglect, to refer the matter to the local child protective services agency.

For any student returning to school after a mental health crisis, the principal or designee and/or school counselor may meet with the parents/guardians and, if appropriate, with the student to discuss re-entry and appropriate steps to ensure the student's readiness for return to school and determine the need for ongoing support.

Postvention

CSBA NOTE: Education Code 215 mandates that the district's policy and procedures address suicide postvention. The following section should be revised to reflect district practice.

In the event that a student dies by suicide, the Superintendent or designee shall communicate with the student's parents/guardians to offer condolences, assistance, and resources. In accordance with the laws governing confidentiality of student record information, the Superintendent or designee shall consult with the parents/guardians regarding facts that may be divulged to other students, parents/guardians, and staff.

CSBA NOTE: Research has identified an increased risk of suicide among youth who are grieving the suicide of another (so-called "suicide contagion"). The NASP, in its [publication](#), "Preventing Suicide: Guidelines for Administrators and Crisis Teams," recommends that memorials should be implemented with care so as not to sensationalize or glamorize suicide and thereby increase the suicide risk to other students. If a memorial is conducted for a student who dies by suicide, the association suggests a living memorial, such as making donations to a local crisis center, participating in an event that raises awareness about suicide prevention, or providing other opportunities for service activities in the school that emphasize the importance of students taking care of each other.

The Superintendent or designee shall implement procedures to address students' and staff's grief and to minimize the risk of imitative suicide or suicide contagion. The Superintendent or designee shall provide students, parents/guardians, and staff with information, counseling, and/or referrals to community agencies as needed. Students significantly affected by suicide death and those at risk of imitative behavior should be identified and closely monitored. School staff may receive assistance from school counselors or other mental health professionals in determining how to best discuss the suicide or attempted suicide with students.

Any response to media inquiries shall be handled by the district-designated spokesperson who shall not divulge confidential information. The district's response shall not sensationalize suicide and shall focus on the district's postvention plan and available resources.

After any suicide or attempted suicide by a student, the Superintendent or designee shall provide an opportunity for all staff who responded to the incident to debrief, evaluate the effectiveness of the strategies used, and make recommendations for future actions.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the 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 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines
Ed. Code 216	Suicide prevention online training programs
<u>Ed. Code 216.3</u>	<u>Training curriculum to support lesbian, gay, bisexual, queer and questioning students</u>
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 32280-32289.5	School safety plans
Ed. Code 49060-49079	Student records
<u>Ed. Code 49428.15</u>	<u>Identification of evidence-based and evidence-informed training programs for schools to address youth behavioral health</u>
<u>Ed. Code 49428.2</u>	<u>Referral protocols for addressing student behavioral health concerns in grades 7-12; certification of youth behavioral health training for employees</u>
<u>Ed. Code 49428.5</u>	<u>Student mental health poster</u>
<u>Ed. Code 49429</u>	<u>Telehealth technology in schools</u>
Ed. Code 49602	Counseling and confidentiality of student information
Ed. Code 49604	Suicide prevention training for school counselors
Gov. Code 810-996.6	Government Claims Act
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act
W&I Code 5698	Emotionally disturbed youth; legislative intent
W&I Code 5850-5886	Children's Mental Health Services Act
Federal	Description
<u>42 USC 290bb-33</u>	<u>Suicide Training and Awareness Nationally Delivered for Universal Prevention Act of 2021</u>
Management Resources	Description
California Department of Education Publication	Model Youth Suicide Prevention Policy <u>for Local Educational Agencies that Serve Kindergarten through Twelfth Grade Students, February 2023</u> (https://www.cde.ca.gov/ls/mh/documents/modelpolicy.docx)
California Department of Education Publication	Health Education Framework for California Public Schools, Kindergarten Through Grade Twelve, May 2019 (https://www.cde.ca.gov/ci/he/cf/index.asp)
California Department of Education Publication	Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

CALSCHLS <u>California Department of Education</u> Publication	<u>California School Staff Survey (CSSS)</u> <u>Telehealth Guidance for School Districts</u> , July 2024 (https://www.cde.ca.gov/ls/mh/documents/telehealthguidance.docx)
CALSCHLS <u>CDC</u> Publication	<u>California School Parent Survey (CSPS)</u> <u>Promoting Mental Health and Well-Being in Schools</u> , December 2023 (https://www.cdc.gov/mental-health-action-guide/about/index.html)
CALSCHLS <u>CSBA</u> Publication	<u>California Healthy Kids Survey (CHKS)</u> <u>Safe Schools Toolkit: Bullying and Cyberbullying</u> , July 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/SafeSchoolsToolkit/Safety-Toolkit-5ashx?la=en&rev=40ec0e57416844f2ad701180a754cc3e)
CDC and Prevention Publication	<u>School Connectedness: Strategies for Increasing Protective Factors Among Youth</u> , 2009 (https://stacks.cdc.gov/view/cdc/5767)
Court Decision	<u>Corales v. Bennett (Ontario-Montclair School District) (2009)</u> 567 F.3d 554
Each Mind Matters Publication	<u>Making Headlines: Guide to Engaging the Media in Suicide Prevention in California</u> , 2012 (https://resource-center.yourvoicecounts.org/resources/making-headlines-guide-engaging-media-suicide-prevention-california)
Heard Alliance Publication	<u>K-12 Toolkit for Mental Health Promotion and Suicide Prevention</u> , 2017 <u>2021</u> (https://www.heardalliance.org/help-toolkit/)
Mental Health Svcs Oversight & Accountability Pub	<u>Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025</u> (https://sprc.org/wp-content/uploads/2022/11/CA-Suicide-Prevention-Plan_2020_2025.pdf)
<u>Mental Health Svcs Oversight & Accountability Pub</u>	<u>Accelerating Transformational Change: Strategic Plan for 2024-2027</u> (https://bhsoac.ca.gov/wp-content/uploads/MHSEOAC-Strategic-Plan-2024-2027.pdf)
<u>Nat's Assoc. of School Psychologists</u> Publication	<u>Comprehensive School Suicide Prevention in a Time of Distance Learning</u> , 2020 (https://www.nasponline.org/resources-and-publications/resources-and-podcasts/covid-19-resource-center/crisis-and-mental-health-resources/comprehensive-school-suicide-prevention-in-a-time-of-distance-learning)
<u>Nat's Assoc. of School Psychologists</u> Publication	<u>Conducting a Virtual Suicide Assessment Checklist</u> (https://www.nasponline.org/resources-and-publications/resources-and-podcasts/covid-19-resource)

	center/crisis-and-mental-health-resources/conducting-virtual-suicide-assessment-checklist)
Nat'l Assoc. of School Psychologists Publication	Preventing Suicide: Guidelines for Administrators and Crisis Teams, 2015 (https://www.nasponline.org/resources-and-publications/resources-and-podcasts/school-safety-and-crisis-mental-health-resources/preventing-youth-suicide-preventing-suicide-guidelines-for-administrators-and-crisis-teams/)
Suicide Prevention Resource Center Publication	After a Suicide: A Toolkit for Schools, 2nd Edition, 2018 (https://sprc.org/online-library/after-suicide-toolkit-schools/)
U.S. Department of Education, Office for Civil Rights and U.S. Department of Justice, Civil Rights Division Publication	Supporting and Protecting the Rights of Students at Risk of Self-Harm in the Era of COVID-19, October 2021 (https://archive.ada.gov/students_self-harm_fact_sheet.pdf)
U.S. Dept. of Health & Human Services Publication	Preventing Suicide: A Toolkit for High Schools, 2012 (https://store.samhsa.gov/product/preventing-suicide-toolkit-high-schools/sma12-4669)
U.S. Dept. of Health & Human Services Publication	National Strategy for Suicide Prevention: Goals , 2024 (https://www.hhs.gov/programs/prevention-and-objectives-for-action-rev-2012-wellness/mental-health-substance-abuse/national-strategy-suicide-prevention/index.html)
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Public Health, Office of Suicide Prevention (https://www.cdph.ca.gov/Programs/CCDCPHP/DCDIC/SACB/Pages/Office-of-Suicide-Prevention-(OSP).aspx)
Website	California Surgeon General, Safe Spaces: Trauma-Informed Training (https://osg.ca.gov/safespaces/)
Website	Suicide Prevention Messaging
Website	National Action Alliance for Suicide Prevention
Website	Mental Health Evaluation, Training, Research, and Innovation Center for Schools (METRICS) (https://www.metricscenter.org/)
Website	Mental Health Services Oversight and Accountability Commission
Website	HEARD Alliance
Website	Each Mind Matters: California's Mental Health Movement
Website	Crisis Text Line
Website	California School Climate, Health, and Learning Surveys (CalSCHLS)

Website	California Mental Health Services Authority
Website	Suicide Prevention Lifeline
Website	Suicide Prevention Resource Center
Website	National Child Traumatic Stress Network
Website	SchoolSafety.gov (https://www.schoolsafety.gov/mental-health)
Website	Substance Abuse and Mental Health Services Administration
Website	Trevor Project
Website	American Academy of Pediatrics
Website	American Association of Suicidology
Website	American Foundation for Suicide Prevention
Website	American Psychological Association
Website	California Department of Education, Mental Health
Website	California Department of Health Care Services, Mental Health Services
Website	CalHOPE Schools Initiative (https://www.calhopeschools.org/)
Website	Centers for Disease Control and Prevention, Mental Health
Website	National Association of School Psychologists
Website	National Institute for Mental Health
Website	American School Counselor Association

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1112	Media Relations
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1240	Volunteer Assistance
1240	Volunteer Assistance
1400	Relations Between Other Governmental Agencies And The Schools

3515	Campus Security
3515	Campus Security
4112.21	Interns
4112.21	Interns
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4127	Temporary Athletic Team Coaches
4127	Temporary Athletic Team Coaches
4131	Staff Development
4227	Temporary Athletic Team Coaches
4227	Temporary Athletic Team Coaches
4231	Staff Development
4327	Temporary Athletic Team Coaches
4327	Temporary Athletic Team Coaches
4331	Staff Development
5125	Student Records
5125	Student Records
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.8	Mobile Communication Devices
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting

5141.5	Mental Health
5141.6	School Health Services
5141.6	School Health Services
5142	Safety
5142	Safety
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.71-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6145.2	Athletic Competition
6145.2	Athletic Competition
6145.8	Assemblies And Special Events
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams

Policy 5145.13: Response To Immigration Enforcement

Status: ADOPTED

Original Adopted Date: 05/01/2018 | **Last Revised Date:** 03/01/2025 | **Last Reviewed Date:** 05/01/2018 2025

CSBA NOTE: Pursuant to Education Code 234.7, as added by AB 699 (Ch. 493, Statutes of 2017), districts are were mandated to adopt policy consistent policies by July 1, 2018, with a language that is equivalent to the model policy language developed by the California Attorney General which limits assistance with immigration enforcement at public schools. See in 'Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, available on the web site of the Office of the Attorney General. Except as otherwise noted below, the following policy reflects the mandated policy statements: " first published in April 2018 ("2018 Guidance"). The Attorney General updated the 2018 Guidance in December 2024 ("2024 Guidance") and has stated that districts "should" adopt or update their policies based on the 2024 Guidance by May 1, 2025. The 2024 Guidance is available on the Office of the Attorney General's website.

Since the legal landscape regarding a district's response to immigration enforcement is in flux and additional legislation is currently pending, it is recommended that districts consult with CSBA's District and County Office of Education Legal Service or district legal counsel when adopting this policy.

See the accompanying administrative regulation, BP 0410 - Nondiscrimination in District Programs and Activities, BP/AR 5111 - Admission, AR 5111.1 - District Residency, BP/AR 5125 - Student Records, AR/E 5125.1 - Release of Directory Information, and BP 5131.2 - Bullying for additional language fulfilling this mandate. that is equivalent to the model policy language in the 2018 Guidance and 2024 Guidance.

The Governing Board is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.

District staff shall not solicit or collect information or documents, and shall not seek or require information or documents to the exclusion of other permissible information or documents, regarding the citizenship or immigration status of students a student or their the student's family members or provide assistance with immigration enforcement at district schools, except as may be required by state and federal law. (Education Code 234.7)

CSBA NOTE: Education Code 234.1 mandates that districts adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics set forth in Penal Code 422.55 and Education Code 220: As amended by AB 699 (Ch. 493, Statutes of 2017), and Penal Code 422.55. Education Code 234.1 expressly includes immigration status among the protected categories. See BP 0410 - Nondiscrimination in District

Programs and Activities and BP 5145.3 - Nondiscrimination/Harassment for language fulfilling this mandate.

~~No~~In accordance with law, Board Policy 0410 - Nondiscrimination in District Programs and Activities, and Board Policy 5145.3 - Nondiscrimination/Harassment, no student shall be denied equal rights and opportunities, nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the district's programs and activities on the basis of ~~his/her immigration status; the student's or family's immigration status or for the refusal to provide information related to the student's or family's immigration status.~~ (Education Code 200, 220, 234.1)

CSBA NOTE: Pursuant to Education Government Code 234.7, as added by AB 699 (Ch. 493, Statutes of 2017), the district must notify parents/guardians of their children's right to a free public education regardless of 8310.3 prohibits districts from disclosing information about immigration status, including "Know Your Educational Rights" information as contained or religion for use in the Office of the Attorney General publication Promoting compilation of a registry for immigration enforcement or otherwise assisting in the creation of such a Safe and Secure Learning Environment for All: registry. The 2024 Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues. Such notice may be included in the annual parental notification provided pursuant to Education Code 48980 or through any other cost-effective means: contains a similar prohibition. Also see BP 0410 - Nondiscrimination in District Programs and Activities and BP 5125 - Student Records.

Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. (Government Code 8310.3)

CSBA NOTE: Pursuant to Education Code 234.7, a district is required to notify parents/guardians of their children's right to a free public education regardless of immigration status. The 2024 Guidance provides additional detail on this topic, which includes one appendix titled "Know Your Educational Rights." Such notice may be included in the annual parental notification provided pursuant to Education Code 48980 or through any other cost-effective means. See 5145.6 - Parent/Guardian Notifications and BP 0410 - Nondiscrimination in District Programs and Activities.

The Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. (Education Code 234.7)

Consistent with requirements of the California Office of the Attorney General, ~~the~~The Superintendent or designee shall develop procedures for addressing any immigration-related requests by a law enforcement officer for access to district records, school sites, or students ~~for the purpose of immigration enforcement.~~

CSBA NOTE: The following optional paragraph reflects a recommendation ~~off from~~ the Attorney General's model policy 2024 Guidance and may be revised to reflect district practice.

Teachers, school administrators, and other school staff shall receive The Superintendent or designee may provide training to staff regarding immigration issues, including information on responding to a

request from an immigration law enforcement officer to visit a school site or to have access to a student.

The Superintendent or designee shall report to the Board in a timely manner any requests for information or access to a school site by an officer or employee of a law enforcement agency officer for the purpose of enforcing the immigration laws. Such notification shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

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Policy Reference Disclaimer:

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State

Ed. Code 200

Description

Equal rights and opportunities in state educational institutions

Ed. Code 220

Prohibition of discrimination

Ed. Code 234.1

Student protections relating to discrimination, harassment, intimidation, and bullying

Ed. Code 234.7

Student protections relating to immigration and citizenship status

Ed. Code 48204.4

Evidence of residency for school enrollment

Ed. Code 48980

Parent/Guardian notifications

Ed. Code 48985

Notices to parents in language other than English

Gov. Code 8310.3

California Religious Freedom Act

Pen. Code 422.55

Definition of hate crime

Pen. Code 627-627.10

Access to school premises

Federal

20 USC 1232g

Description

Family Educational Rights and Privacy Act (FERPA) of 1974

Management Resources

CA Office of the Attorney General
Publication

Description

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018 December 2024

Court Decision

Plyler v. Doe, (1982) 457 U.S. 202 (1982)

CSBA Publication

Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017

Website	CSBA District and County Office of Education Legal Services
Website	U.S. Immigration and Customs Enforcement, Online Detainee Locator System
Website	<u>California Attorney General's Office</u>
Website	California Office of the Attorney General
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Immigration and Customs Enforcement
Website	California Department of Education
Website	California Civil Rights Department

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
<u>1250</u>	<u>Visitors/Outsiders</u>
1340	Access To District Records
1340	Access To District Records
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5141	Health Care And Emergencies

5141	Health Care And Emergencies
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5142	Safety
5142	Safety
5145.12	Search And Seizure
5145.12	Search And Seizure
<u>5145.3</u>	<u>Nondiscrimination/Harassment</u>
<u>5145.6</u>	<u>Parent/Guardian Notifications</u>
6142.3	Civic Education
6143	Courses Of Study
6143	Courses Of Study
6175	Migrant Education Program
6175	Migrant Education Program

Regulation 5145.13: Response To Immigration Enforcement

Status: ADOPTED

Original Adopted Date: 05/01/2018 | Last Revised Date: 03/01/2025 | Last Reviewed Date: 05/01/2018 2025

CSBA NOTE: Pursuant to Education Code 234.7, as added by AB 699 (Ch. 493, Statutes of 2017), districts are were mandated to adopt policy policies, by June 1, 2018, with language that is consistent with equivalent to the model policy language developed by the California Attorney General's model policy limiting assistance with immigration enforcement at public schools. The required model policy statements are contained in the Office of the Attorney General publication in "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues; and, except as otherwise noted, are reflected in the following regulation. " first published in April 2018 ("2018 Guidance"). The Attorney General updated the 2018 Guidance in December 2024 ("2024 Guidance") and has stated that districts "should" adopt or update their policies based on the 2024 Guidance by May 1, 2025. The 2024 Guidance is available on the Office of the Attorney General's website.

Since the legal landscape regarding a district's response to immigration enforcement is in flux and additional legislation is currently pending, it is recommended that districts consult with CSBA's District and County Office of Education Legal Service or district legal counsel when adopting this policy.

See the accompanying Board policy, BP 0410 - Nondiscrimination in District Programs and Activities, BP/AR 5111 - Admission, AR 5111.1 - District Residency, BP/AR 5125 - Student Records, AR/E 5125.1 - Release of Directory Information, and BP 5131.2 - Bullying for additional language fulfilling this mandate.

The Attorney General's model policy General recommends that, if feasible, districts designate an immigrant affairs liaison to facilitate training programs for staff, help provide non-legal advice to families, and assist in communications with other educational agencies and local and state government stakeholders. The following administrative regulation may be revised to reflect any such position established by the district.

Responding to Requests for Immigration-Related Information or Documents

CSBA NOTE: Education Code 234.7, as added by AB 699 (Ch. 493, Statutes of 2017), prohibits the collection of information or documents regarding the citizenship or immigration status of students or their family members., except as required by state or federal law, or as required to administer a state or federally supported education program. If the district becomes aware of the citizenship or immigration status of any student, it is prohibited from disclosing that information to U.S. Immigration and Customs Enforcement (ICE), as such disclosure is not among the limited exceptions specified in law for which student records may be released without parental consent or a lawful judicial order. An ICE "administrative warrant" is not a court order that would allow a district to disclose student records without parent/guardian consent. See the Office of the

Attorney General publication Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues for further information and examples of such administrative warrants and judicial orders: except in limited circumstances, such as when parent/guardian consent, a court order, or a judicial subpoena/warrant is provided.

Unless authorized by Upon receiving any verbal or written request for information or documents related to a student's or family's immigration or citizenship status, district staff shall:

1. Record or otherwise document the Family Educational Rights request and Privacy Act pursuant to 20 USC 1232g; notify the Superintendent or designee about the request
2. Provide the student's parent/guardian or, if the student information is at least 18 years old, the student, with notice, a description of the request, and any documentation provided to the district describing the request, unless prohibited by a court order, judicial subpoena/warrant, or in cases involving investigation of child abuse, neglect, or dependency

Information or documents related to a student's immigration or citizenship status shall not be disclosed to immigration law enforcement authorities officer without parental consent by the parent/guardian or, if the student is at least 18 years old, by the student, a court order, or judicial subpoena. /warrant. To obtain written consent, the release of student information shall include the following information:

1. The signature and signature date of the parent/guardian, or student if the student is at least 18 years old
2. A description of the records to be disclosed
3. The reason for the release of information
4. The parties or class of parties receiving the information
5. A copy of the records to be released, if requested by the parent/guardian or student

In accordance with law and Board Policy 5125 - Student Records, the Superintendent or designee shall annually notify parents/guardians that the district will not release student information to third parties for immigration enforcement purposes, unless the parent/guardian consents or as required to do so by a court order or judicial subpoena: /warrant.

Responding to Requests for Access to Students or School Grounds

District staff shall receive parent/guardian consent or, if the student is at least 18 years old, the student's consent, before the student is interviewed or searched by any law enforcement officer for immigration enforcement purposes, unless the officer presents a court order or a judicial warrant.

A student's parent/guardian shall be immediately notified when a law enforcement officer requests or is able to interview, search, detain, or otherwise interact with the student for immigration enforcement purposes, unless prohibited by a court order or a judicial warrant, or in cases involving investigations of child abuse, neglect, or dependency. (Education Code 48906)

CSBA NOTE: Items #1-4 below reflect requirements of the Attorney General's model policy. CSBA NOTE: The Attorney General's model policy includes requirements that the district post signs at school entrances containing school hours and registration requirements and that the district adopt measures for responding to outsiders in a manner that avoids classroom interruptions. See BP/AR 1250 - Visitors/Outsiders for procedures applicable to all visitors.

Upon receiving any verbal or written request for information related to a student's or family's immigration or citizenship status, district staff shall:

1. Notify the Superintendent or designee about the information request
2. Provide students and families with appropriate notice and a description of the immigration officer's request
3. Document any request for information by immigration authorities
4. Provide students and parents/guardians with any documents provided by the immigration enforcement officer, unless such disclosure is prohibited by a subpoena served on the district or in cases involving investigations of child abuse, neglect, or dependency

CSBA NOTE: Government Code 8310.3, as added by SB 31 (Ch. 826, Statutes of 2017), prohibits districts from disclosing information about immigration status or religion to federal government authorities for use in the compilation of a registry for immigration enforcement or otherwise assisting in the creation of such a registry. In addition, the Attorney General's model policy developed pursuant to Education Code 234.7 prohibits the use of school data or resources for creating a registry based on specific characteristics. Also see BP 0410 - Nondiscrimination in District Programs and Activities and BP 5125 - Student Records.

Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. (Government Code 8310.3)

Responding to Requests for Access to Students or School Grounds

CSBA NOTE: Except as otherwise noted, the following mandated section reflects the Attorney General's model policy developed pursuant to Education Code 234.7. The Office of the Attorney General publication Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues contains a Quick Reference Guide for School Officials that summarizes the steps to be taken in the event that an immigration enforcement officer comes to a school or requests personal information about a student or his/her family member.

District staff shall receive parent/guardian consent before a student is interviewed or searched by any officer seeking to enforce civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge or a valid, effective court order. A student's parent/guardian shall be immediately notified if a law enforcement officer requests or gains access to the student for immigration enforcement purposes, unless the judicial warrant or subpoena restricts disclosure to the parent/guardian.

CSBA NOTE: The Attorney General's model policy includes requirements that the district post signs at school entrances containing school hours and registration requirements and that the

district adopt measures for responding to outsiders in a manner that avoids classroom interruptions. See BP/AR 1250 - Visitors/Outsiders for procedures applicable to all "outsiders," as defined in Penal Code 627.1.

All visitors and outsiders, including immigration enforcement officers, shall register with the principal or designee upon entering school grounds during school hours. Each visitor or outsider shall provide the principal or designee with his/her name, address, occupation, age if less than 21, purpose in entering school grounds, proof of identity, and any other information required by law. (Penal Code 627.2, 627.3)

A law enforcement officer who requests to enter district property which is not open to all visitors shall register in accordance with Board Policy 1250 - Visitors/Outsiders, except in cases where the officer states that exigent circumstances exist or as stated in a court order or judicial warrant. (Penal Code 627.2, 627.3)

As early as possible, district staff shall notify the Superintendent or designee of any immigration enforcement-related request by a law enforcement officer for access to a student or to district property, including service of lawful warrants, subpoenas, petitions, complaints, or other similar documents.

Responding to Law Enforcement Officers on District Property

CSBA NOTE: The following paragraph may be modified by districts that do not maintain a district police or security department.

District staff shall report the presence of any law enforcement officer on district property for immigration enforcement officers purposes to on-site district police and other appropriate administrators.

As early as possible, district staff shall notify the Superintendent or designee of any request by an immigration Unless a law enforcement officer for declares that exigent circumstances exist and demands immediate access to the school or a student or for review of school documents, including service of lawful subpoenas, petitions, complaints, warrants, or other such documents. In addition campus, district staff shall take the following actions in response to when such an officer is actually or imminently present on the school campus specifically district property for immigration enforcement purposes:

1. Advise the officer that before school personnel can respond to the officer's request, they must first receive notification and direction from the Superintendent, principal or designee, except under exigent circumstances that necessitate immediate action
2. Request to see and record or otherwise document the officer's credentials, including his/her the officer's name and badge number, and the phone number of the officer's supervisor, and note or make a copy of all such information
3. Ask the officer for his/her, and then record or otherwise document, the officer's reason for being on school grounds and document the response district property
- 4.—Request that the officer produce any documentation that authorizes his/her the officer's school access Make a copy, make copies of all documents produced by the officer such

documentation, and retain at least one copy for school district records

5. Contact and consult with the district's legal counsel or Superintendent or designee

6. Follow the direction from the district's legal counsel or Superintendent or designee

6. If the officer declares that exigent circumstances exist and demands immediate access to the campus, district staff shall comply with the officer's orders and immediately contact the Superintendent or designee and then the district's legal counsel.

7. Regardless of whether the officer does not declare declares that exigent circumstances exist, respond according to the requirements of the officer's documentation, as follows:

a. If the officer has an Immigrations and Customs Enforcement (ICE) administrative warrant, district staff shall inform the agent that they cannot consent to any request without first consulting with the district's legal counsel or other designated district official.

b. If the officer has a federal judicial warrant, such as a search and seizure warrant or an arrest warrant signed by a federal judge or magistrate, district staff shall promptly comply with the warrant. If feasible, district staff shall consult with the district's legal counsel or designated administrator before providing the officer with access to the person or materials specified in the warrant.

c. If the officer has a subpoena for production of documents or other evidence, district staff shall inform the district's legal counsel or other designated official of the subpoena and await further instructions as to how to proceed.

8. Do not attempt to district staff shall not attempt to physically impede the officer, even if the officer appears to be exceeding the acting outside the law or in excess of the officer's stated or documented authorization given under a warrant or other document. If an officer enters the premises without consent, district staff shall document the officer's actions while on campus. but only to the extent that it does not impede the officer's actions.

9. After the encounter with the officer, leaves district property, district staff shall promptly make written notes of all interactions with the officer, including:

a. 1. A list or copy of the officer's credentials and contact information, if known

b. 2. The identity of all school personnel who other district staff known to have communicated with the officer

c. Details 3. A description of the officer's officer's request and activities

d. Whether the officer presented 4. The type of documentation, such as a warrant or subpoena to accompany his/her, that authorized the officer's request or actions, what was requested in by the warrant or subpoena documentation, and whether the warrant or subpoena documentation was signed by a judge

e. 5 District staff's response to the officer's request

f. 6 Any further action taken by the officer

g. A photo or copy 7 Copies of any documents presented by the officer

10. Provide District staff shall promptly provide a copy of these notes and any associated documents district staff has collected from the officer to the district's legal counsel or other designated district official designated by the Superintendent.

The district's legal counsel or other designated official the Superintendent or designee shall submit a timely report to the Governing Board regarding the officer's requests and actions and the district's responses response. (Education Code 234.7)

The Superintendent or designee shall also email the Bureau of Children's Justice in the California Department of Justice (BCJ@doj.ca.gov) regarding any attempt by a law enforcement officer to access a school site or a student for immigration enforcement purposes.

Responding to the Detention or Deportation of Student's Family Member Parent/Guardian

The Superintendent or designee shall encourage students and their families parents/guardians to update their emergency contact information as needed throughout the school year and to provide alternative contacts, including an identified trusted adult guardian, in case a student's parent/guardian is detained or is otherwise unavailable. at any time. The Superintendent or designee shall notify students' families parents/guardians that the district will only use information provided on the emergency cards will only be used in response to specific emergency situations and not for any other purpose.

The Superintendent or designee shall may also encourage all students and families to learn their emergency phone numbers and be aware of the location of important documentation, including birth certificates, passports, social security cards, physicians' contact information, medication lists, lists of allergies, and other such information that would allow the students and families to be prepared in the event that a family member student's parent/guardian is detained or deported.

In the event that a student's parent/guardian is detained or deported by federal immigration authorities, the Superintendent or designee shall release the student to the person(s) designated in the student's emergency contact information or to any individual who presents a caregiver's authorization affidavit on behalf of the student. The Superintendent or designee shall only contact child protective services if district personnel are unable to arrange for the timely care of the student by the person(s) designated in the emergency contact information maintained by the school or identified on a caregiver's authorization affidavit.

CSBA NOTE: Education Code 48204.4, as added by SB 257 (Ch. 498, Statutes of 2017), provides that a student complies with district residency requirements if his/her the student's parent/guardian was a resident of California and departed against his/her the parent/guardian's will due to a transfer by a government agency that had custody of the parent/guardian, a lawful order from a court or government agency authorizing his/her removal, or removal or departure pursuant to the federal Immigration and Nationality Act. See AR 5111.1 - District Residency.

The In an instance where a student's parent/guardian was detained or deported, the Superintendent or designee shall notify a the student whose parent/guardian was detained or deported, as well as

the individuals designated in the student's emergency contact information and any individual who presented a caregiver's authorization affidavit on behalf of the student, that the student continues to meet the residency requirements for attendance in a the district school, provided that if the student and the student's parent/guardian who was a resident of California and the student lived in California immediately before he/she moved out of state as a result of the parent/guardian's departure: (detained or deported satisfy the conditions as specified in Education Code 48204.4).

CSBA NOTE: The following paragraph is recommended, but not required, by the Attorney General's model policy. See the management resources in the accompanying Board policy for ICE's Online Detainee Locator System. It should be deleted or modified to reflect district practice.

The Superintendent or designee may refer a student or his/her the student's family members to other resources for assistance, including, but not limited to, an ICE U.S. Immigrant and Customs Enforcement detainee locator, legal assistance, or the consulate or embassy of the parent/guardian's country of origin.

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Policy Reference Disclaimer:

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State

State	Description
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 48204.4	Evidence of residency for school enrollment
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 8310.3	California Religious Freedom Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 627-627.10	Access to school premises

Federal

20 USC 1232g	Description
	Family Educational Rights and Privacy Act (FERPA) of 1974

Management Resources

Management Resources	Description
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12

Schools in Responding to Immigration Issues, ~~April~~
~~2018~~ December 2024

Court Decision	Plyler v. Doe, (1982) 457 U.S. 202 (1982)
CSBA Publication	Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Immigration and Customs Enforcement, Online Detainee Locator System
Website	<u>California Attorney General's Office</u>
Website	California Office of the Attorney General
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Immigration and Customs Enforcement
Website	California Department of Education
Website	California Civil Rights Department

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
<u>1250</u>	<u>Visitors/Outsiders</u>
1340	Access To District Records
1340	Access To District Records
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5125	Student Records
5125	Student Records

5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5142	Safety
5142	Safety
5145.12	Search And Seizure
5145.12	Search And Seizure
<u>5145.3</u>	<u>Nondiscrimination/Harassment</u>
<u>5145.6</u>	<u>Parent/Guardian Notifications</u>
6142.3	Civic Education
6143	Courses Of Study
6143	Courses Of Study
6175	Migrant Education Program
6175	Migrant Education Program

Policy 6142.93: Science Instruction

Status: ADOPTED

Original Adopted Date: 10/01/1995 | **Last Revised Date:** 05/01/2017 ~~2025~~ | **Last Reviewed**
Date: 05/01/2017 ~~2025~~

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

Education Code 51210 and 51220 require that science instruction, including biological and physical aspects of science, be included in the course of study offered in grades 1-12. For grades 1-6, Education Code 51210 requires the course of study ~~must~~ include an emphasis on experimental inquiry ~~and~~ the place of humans in ecological systems. ~~In~~ and the causes and effects of climate change and the methods to mitigate and adapt to climate change. For grades 7-12, Education Code 51220 requires the course of study ~~must~~ include an emphasis on basic concepts, theories, and processes of scientific investigation; the place of humans in ecological systems; ~~and~~ the causes and effects of climate change and the methods to mitigate and adapt to climate change; and with appropriate applications of the interrelation and interdependence of the sciences. ~~See~~ For more information regarding the requirements for courses of study, see AR 6143 - Courses of Study.

~~In addition~~ Additionally, Education Code 51225.3 requires completion of two courses in science, including biological and physical sciences, to meet high school graduation requirements. See BP 6146.1 - High School Graduation Requirements.

~~Many~~ In addition, many districts integrate science, technology, engineering, and mathematics instruction (STEM), and sometimes art instruction (STEAM), to teach processes and concepts applied to real-world contexts. Further information about this interdisciplinary approach is available on the ~~web sites~~ websites of the California Department of Education (CDE) and U.S. Department of Education.

The Governing Board believes that science education should focus on giving students an understanding of the biological and physical aspects of science, including the place of humans in ecological systems, the causes and effects of climate change and the methods to mitigate and adapt to climate change, key scientific concepts, and methods of scientific inquiry and investigation through experiments and other activities that foster critical thinking. Students should become familiar with the natural world and the interrelationship of science, mathematics, technology, and engineering. As part of science instruction, students should learn how to apply scientific knowledge and reasoning.

Philosophical and religious theories that are based, at least in part, on faith and are not subject to scientific test and refutation shall not be discussed during science instruction.

CSBA NOTE: The State Board of Education (SBE) adopted the California Next Generation Science Standards (CA-NGSS) in 2013 and the Science Framework for Public Schools in 2016. Under the CA-NGSS, the focus of instruction shifts from knowing science facts to knowing and applying science concepts. The SBE's NGSS Systems Implementation Plan for California requires the CA-NGSS to be fully implemented, including updated instructional materials and science assessments, by the 2018-19 school year. CSBA NOTE: Pursuant to Education Code 33548, the Instructional Quality Commission (IQC) is required to consider incorporating media literacy content, which encompasses the foundational skills that lead to digital citizenship including the ability to access, analyze, evaluate, and use media and information, into the science curriculum framework when that framework is next revised. Additionally, pursuant to Education Code 33548, as amended by AB 2876 (Ch. 927, Statutes of 2024), IQC is required to consider (1) including media literacy content and artificial intelligence (AI) literacy in its criteria for evaluating instructional materials, and (2) incorporating AI literacy content into the science curriculum framework when that framework is next revised.

The ~~district's Board shall adopt~~ academic standards for science ~~instruction shall that~~ meet or exceed the California Next Generation Science Standards (CA-NGSS).) and describe the knowledge and skills students are expected to possess at each grade level, with an instructional focus on understanding the process of science, the fundamental ideas within each discipline of science, and underlying themes that are common to all sciences. The Superintendent or designee shall ensure that curricula used in district schools are aligned with these standards and the state curriculum framework.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Education Code 52060 requires that the district's local control and accountability plan include goals related to, among other things, student achievement (~~including, student~~ access to and enrollment in a broad course of study), and the implementation of SBE State Board of Education-adopted academic content and performance standards.

The Superintendent or designee shall ensure that students have access to and are enrolled in a broad course of study including science courses.

CSBA NOTE: The Los Angeles County Office of Education (LACOE) has developed a Strategic Science Teaching website that integrates literature and the 5E Learning Cycle, an inquiry-based learning cycle, to provide guidance regarding the delivery of integrated science instruction. It is recommended that districts stay apprised of future resources from LACOE related to curriculum-embedded performance tasks aligned with the Next Generation Science Standards.

The Superintendent or designee shall provide certificated staff with opportunities to participate in professional development activities designed to enhance their knowledge of district-adopted academic standards, instructional strategies for teaching science, and changes in scientific theories.

CSBA NOTE: The following paragraph is for use by districts that offer science laboratory classes and may be modified to reflect district practice. For further information about safety practices in

school science laboratories, see the CDE's comprehensive [Science Safety Handbook for California Public Schools](#), and [AR 5142 - Safety](#). Additional resources are available on CDE's ["Science Safety" website](#).

Pursuant to 8 CCR 5191, whenever a school laboratory uses hazardous chemicals, it is required to have a written chemical hygiene plan to protect employees. See BP/AR 3514.1 - Hazardous Substances. In addition, Education Code 49340-49341 encourage educational efforts to increase student and staff awareness dealing with hazardous materials in school laboratories in order to minimize injuries, loss of property, and classroom disruptions.

The Superintendent or designee shall develop and implement appropriate safety measures for science laboratory classes [in accordance with Administrative Regulation 5142 - Safety](#), including, but not limited to, staff and student safety training, use of eye safety devices, hearing protection, first aid procedures, regular equipment maintenance, safe use of heat sources, safe use and disposal of hazardous chemicals, proper ventilation, prevention of exposure to bloodborne pathogens from sharp instruments, fire prevention and control, an emergency response plan, and evacuation procedures. Parents/guardians shall be informed of the types of science laboratory activities that will be conducted and encouraged to sign consent forms for their child's participation.

CSBA NOTE: The following optional paragraph should be revised to reflect measures that will be used to evaluate program effectiveness as agreed upon by the Board and Superintendent or designee.

Pursuant to Education Code 60640, the California Assessment of Student Performance and Progress includes administration of science assessments at grades 5, 8, and 10. ~~The California Standards Tests are to be used for this purpose until a science assessment that is aligned with the CA-NGSS is adopted.~~ Students with disabilities who are unable to participate in the science assessments, even with allowable testing variations and resources, ~~must~~ [may](#) be administered either the California Modified Assessment or California Alternate Performance Assessment in accordance with their individualized education program. See AR 6162.51 - State Academic Achievement Tests.

The Superintendent or designee shall regularly report to the Board regarding the implementation and effectiveness of the science curriculum at each grade level. At a minimum, each report shall address the extent to which the program is aligned with the CA-NGSS, any applicable student assessment results, and feedback from students, parents/guardians, and staff regarding the program.

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State

Description

5 CCR 14030	Preliminary procedure, planning and approval of school facilities
8 CCR 5191	Chemical hygiene plan
Ed. Code 32030-32034	Eye safety
Ed. Code 32255-32255.6	Student's right to refrain from harmful or destructive use of animals
Ed. Code 33475-33475.5	Model curriculum on stem cell science
Ed. Code 33548	Media and artificial intelligence literacy
Ed. Code 49340-49341	Hazardous substances education
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51210.3	Elementary science coach
Ed. Code 51220	Course of study for grades 7-12
Ed. Code 51225.3	High school graduation requirements
Ed. Code 52060 52059.5 -52077	Local control and accountability plan
Ed. Code 60640-60648.5	California Assessment of Student Performance and Progress
Ed. Code 8774	Residential outdoor science program
Management Resources	Description
California Department of Education Publication	Next Generation Science Standards Systems Implementation Plan for California, 2014
California Department of Education Publication	Science Safety Handbook for California Public Schools, 2014 (https://sst.lacoe.edu/resources/science-safety.html)
California Department of Education Publication	California Next Generation Science Standards, 2013 (https://www.cde.ca.gov/ci/pl/ngssstandards.asp)
California Department of Education Publication	Science Framework for California Public Schools: Kindergarten Through Grade 12, 2016 (https://www.cde.ca.gov/sc/cf/cascienceframework2016.asp)
CSBA Publication	Supporting Implementation of the California Next Generation Science Standards (CA-NGSS), Governance Brief, November 2016 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201611GB-NGSSImplementation.ashx?la=en)
CSBA Publication	Supporting STEM Access, Equity, and Effectiveness: Professional Learning is Essential to Next Generation Science Standards Implementation, October 2020

	https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/G-Brief-STEM-ProDev-Oct2020.ashx?la=en&rev=d5b90a2ba0a6473a93c0f609ad27ad21
CSBA Publication	Supporting STEM Access, Equity, and Effectiveness: The Path to Full Implementation of the California Next Generation Science Standards, October 2018 (https://www.csba.org/-/media/94E867EB7CB5476B86843E37F8D9C258.ashx)
CSBA Publication	Supporting STEM Access, Equity, and Effectiveness: Equitable Access to Rigorous STEAM Coursework, October 2018 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2018GovBriefSTEM2.ashx?la=en&rev=9ed1a99a8bd74a55a8cfc2538cf51138)
Website	Strategic Science Teaching, Grades K-12: A Sampler of Science Lessons Connecting Literature with the California Standards (https://sst.lacoe.edu/)

Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, STEM Education
Website	California Science Teachers Association
Website	California Alliance for Next Generation Science Standards
Website	California Department of Education
Website	Los Angeles County Office of Education, Introduction to Strategic Science Teaching (SST) (https://sst.lacoe.edu/)
Website	CSBA

Cross References

Code	Description
0440	District Technology Plan
0440	District Technology Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Pla

0500	Accountability
3511	Energy And Water Management
3511	Energy And Water Management
3511.1	Integrated Waste Management
3511.1	Integrated Waste Management
3514.1	Hazardous Substances
3514.1	Hazardous Substances
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4131	Staff Development
4157	Employee Safety
4157	Employee Safety
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4257	Employee Safety
4257	Employee Safety
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4331	Staff Development
4357	Employee Safety
4357	Employee Safety
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5142	Safety
5142	Safety
5145.8	Refusal To Harm Or Destroy Animals

5148.2	Before/After School Programs
5148.2	Before/After School Programs
6011	Academic Standards
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6141.4	International Baccalaureate Program
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.5	Environmental Education
6142.92	Mathematics Instruction
6143	Courses Of Study
6143	Courses Of Study
6146.1	High School Graduation Requirements
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6179	Supplemental Instruction

Policy 6142.94: History-Social Science Instruction

Status: ADOPTED

Original Adopted Date: 07/01/2009 | **Last Revised Date:** 10/03/01/2016 2025 | **Last Reviewed Date:** 10/03/01/2016 2025

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

Education Code 51210 and 51220 require that social studies sciences be included in the course of study offered in grades 1-12, including age-appropriate instruction drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology. For specific topics that must be included in the history-social science curriculum, see AR 6143 - Courses of Study.

~~In addition~~ Additionally, to meet high school graduation requirements, Education Code 51225.3 requires completion of three courses of social studies ~~to meet high school graduation requirements;~~ a one-semester course in ethnic studies beginning with students graduating in the 2029-30 school year; and, as amended by AB 2927 (Ch. 37, Statutes of 2024), a separate, stand-alone one-semester course in personal finance beginning with students graduating in the 2030-31 school year. For more information regarding high school graduation requirements, see BP 6146.1 - High School Graduation Requirements.

The Governing Board believes that the study of history and other social sciences is essential to prepare students to engage in responsible citizenship, comprehend complex global interrelationships, and understand the vital connections among the past, present, and future: as well as to establish a foundation for the appreciation of different ethnicities, the wise use of natural resources, and the responsible management of personal finance. The district's history-social science education program shall include, at appropriate grade levels, instruction in American and world history, geography, economics, political science, anthropology, psychology, and sociology.

CSBA NOTE: The State Board of Education (SBE) has adopted state content standards for history-social science which cover grades K-12, with the exception of grade 9 which, in current California practice, is traditionally the year in which students choose a history-social science elective. In addition to core content knowledge, the standards describe intellectual, reasoning, reflection, and research skills that should be learned through the content standards for grade ranges K-5, 6-8, and 9-12.

The Board shall adopt academic standards for history-social science which meet or exceed state content standards and describe the knowledge and skills students are expected to possess at each grade level.

CSBA NOTE: The History-Social Science Framework for California Public Schools, adopted by the SBE on July 14, 2016, reflects the state content standards as well as the California Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects and the California English Language Development Standards. The updated framework includes greater emphasis on literacy skills (i.e., reading, writing, speaking, listening, and other language skills) required for college and career readiness.

Pursuant to Education Code 33540, 51008, 51226.3, and 51284, the SBE added specified topics to the updated curriculum framework, including, but not limited to, financial literacy, voter education, genocide, and the contributions of lesbian, gay, bisexual, and transgender Americans and the disabled. Education Code 51226.7, as added by AB 2016 (Ch. 327, Statutes of 2016), requires the SBE to adopt a model curriculum in ethnic studies by March 31, 2020 and encourages districts to offer an elective course in ethnic studies based on that model curriculum, when available, in at least one grade level during grades 9–12. 33548, the Instructional Quality Commission (IQC) is required to consider incorporating media literacy content, which encompasses the foundational skills that lead to digital citizenship including the ability to access, analyze, evaluate, and use media and information, into the history-social science curriculum framework when that framework is next revised. Additionally, pursuant to Education Code 33548, as amended by AB 2876 (Ch. 927, Statutes of 2024), IQC is required to consider (1) including media literacy content and artificial intelligence (AI) literacy in its criteria for evaluating instructional materials, and (2) incorporating AI literacy content into the history-social science curriculum framework when that framework is next revised.

Pursuant to Education Code 51226.3, as amended by AB 1821 (Ch. 658, Statutes of 2024), when SBE adopts new history-social science instructional materials, IQC is required to consider including (1) content on the treatment and perspectives of Native Americans during the periods of the Spanish colonization of California and the Gold Rush Era, and (2) content on the case of *Westminster School District of Orange County v. Mendez*, which prohibited school segregation in California in 1947. Additionally, pursuant to Education Code 51226.3, IQC is required to consider including the historical, social, economic, and political contributions of Asian Americans, Native Hawaiians, and Pacific Islanders in the United States and give examples of racism, discrimination, and violence perpetrated against these groups, in its next revision of the history-social science curriculum framework, related evaluation criteria, and accompanying instructional materials.

Pursuant to Education Code 51225.32, as added by AB 2927, SBE is required to, on or before May 31, 2026, adopt a curriculum guide and resources for a separate, stand-alone one-semester course in personal finance based on IQC's recommendation. If SBE has not adopted a curriculum guide and resources by May 31, 2026, districts are required to locally develop, for approval by the Governing Board, curriculum and resources to offer a separate, stand-alone one-semester course in personal finance that meets the requirements of Education Code 51225.3.

Districts may find curricula and curriculum guides on the California Department of Education's Model Curricula and Curriculum Guides webpage, which currently includes materials related to personal finance, Cambodian American studies, Hmong history and cultural studies, Vietnamese

American experiences, Native American studies, ethnic studies, Cesar Chavez, and human rights and genocide.

The Superintendent or designee shall develop and submit to the Board for approval a comprehensive, sequential curriculum aligned with the district standards and consistent with the state's curriculum framework for history-social science. The curriculum shall be designed to develop students' core knowledge in history and social science and their skills in chronological and spatial thinking, research, and historical interpretation. History-social science instruction shall also include an explicit focus on developing students' literacy in reading, writing, speaking, listening, and other language skills.

CSBA NOTE: Instructional materials that will be used by the district must be adopted by the ~~Governing Board~~ in accordance with Education Code 60200-~~60206~~ 60213 for grades K-8 and Education Code 60400-60411 for grades 9-12.

Education Code 60119 requires the Board to hold a public hearing on the sufficiency of standards-aligned instructional materials in certain subjects, including history-social science; see BP 6161.1 - Selection and Evaluation of Instructional Materials.

The state content standards for history-social science encourage schools to use supplementary materials as provided in the following paragraph.

The Board shall adopt standards-aligned instructional materials for history-social science in accordance with applicable law, Board policy, and administrative regulation. ~~In addition~~ Additionally, teachers are encouraged to supplement the curriculum in accordance with Board Policy 6161.11 - Supplementary Instructional Materials by using biographies, original documents, diaries, letters, legends, speeches, other narrative artifacts, and literature from and about the period being studied.

CSBA NOTE: The following paragraph is optional. Education Code 51221.3, 51221.4, and 51226.3 encourage the use of personal testimony (i.e., oral histories, videos, or other multimedia formats) during instruction on certain topics, including World War II, the Vietnam War, the Korean War, the Bracero program, human rights, the Holocaust, genocide, and violence awareness and prevention. Oral history related to World War II and the Vietnam War is required to meet certain standards specified below. Pursuant to Education Code 51221.3 and 51226.3, oral history presented on other topics is encouraged, but not required, to meet similar standards.

Personal testimony from persons who can provide first-hand accounts of significant historical events is encouraged and may be provided through oral histories, videos, or other multimedia formats. If oral history is used for instruction related to the role of Americans in World War II or the Vietnam War, such testimony shall exemplify the personal sacrifice and courage of the wide range of ordinary citizens who were called upon to participate in the war, provide views and comments concerning reasons for participating in the war, and provide commentary on the aftermath of the war in Eastern Europe and the former Soviet Union. (Education Code 51221.3, 51221.4)

CSBA NOTE: The following paragraph applies to districts that serve students in grades 9-12. Pursuant to Education Code 49110.5, all public high schools are required to observe the week that includes April 28 as "Workplace Readiness Week" by providing information to students on their rights as workers, including specified topics. For students in grades 11 and 12, the "Workplace

Readiness Week" observances are required to be integrated into the regular school program, consistent with the history-social science framework, but may also include special events after regular school hours. This integration is encouraged, but not required, to occur during "Workplace Readiness Week."

District high schools shall annually observe, during the week that includes April 28, "Workplace Readiness Week" by providing information to students on their rights as workers, including topics specified in Education Code 49110.5. For students in grades 11 and 12, the "Workplace Readiness Week" observances shall be integrated into the regular school program, consistent with the history-social science framework. (Education Code 49110.5)

CSBA NOTE: Education Code 99200-99206 99204 establish the California History-Social Science Project, a statewide professional development project designed to develop and enhance teachers' knowledge and instructional strategies to improve student achievement in history-social science. **Professional**

Education Code 51221.1, as added by SB 1277 (Ch. 890, Statutes of 2024), establishes the California Teachers Collaborative for Holocaust and Genocide Education, a statewide professional development program to (1) ensure that genocide, including Holocaust, education is taught in interdisciplinary and age-appropriate ways, and (2) identify and confront antisemitism and hate in modern society.

Additionally, professional development resources also may be located through state and national professional associations, such as the California Council for the Social Studies or the National Council for History Education.

The Superintendent or designee shall provide a standards-based professional development program designed to increase teachers' knowledge of adopted instructional materials and instructional strategies for teaching history-social science.

CSBA NOTE: The following optional paragraph should be revised to reflect ~~indicators~~ indicators that will be used to evaluate program effectiveness as agreed upon by the Board and Superintendent or designee.

The Superintendent or designee shall regularly evaluate and report to the Board regarding the implementation and effectiveness of the history-social science curriculum at each grade level, including, but not limited to, the extent to which the program is aligned with state standards, any applicable student assessment results, and feedback from students, parents/guardians, and staff regarding the program.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the 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 33540	Standards for government and civics instruction <u>History social science framework course requirements</u>
<u>Ed. Code 33540.2</u>	<u>Model curriculum related to Vietnamese American refugee experience</u>
<u>Ed. Code 33540.4</u>	<u>Model curriculum related to Cambodian American history and heritage</u>
<u>Ed. Code 33540.6</u>	<u>Model curriculum related to Hmong history and cultural studies</u>
<u>Ed. Code 33548</u>	<u>Media literacy and artificial intelligence literacy curriculum frameworks</u>
<u>Ed. Code 49110.5</u>	<u>Workplace readiness week</u>
Ed. Code 51008-51009	Instruction on farm labor movement
Ed. Code 51204	Course of study designed for student's needs
Ed. Code 51204.5	History of California; contributions of specified groups
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51220	Course of study for grades 7-12
Ed. Code 51220.2	Instruction in legal system; teen or peer court programs
Ed. Code 51221	Social science course of study; inclusion of instruction in use of natural resources
<u>Ed. Code 51221.1</u>	<u>California Teachers Collaborative for Holocaust and Genocide Education</u>
Ed. Code 51221.3-51221.4	<u>Instruction on World War II and Vietnam War; use of oral histories</u>
Ed. Code 51225.3	<u>High school graduation requirements</u>
<u>Ed. Code 51225.32</u>	<u>Personal finance course: curriculum guide and resources</u>
Ed. Code 51226.3	Instruction on civil rights, <u>human rights violations</u> , genocide, slavery, <u>and the Holocaust, and deportation to Mexico</u>
Ed. Code 51226.7	Model curriculum in ethnic studies
Ed. Code 60040-60051	Criteria for instructional materials
Ed. Code 60119	Sufficiency of textbooks and instructional materials; hearing and resolution
Ed. Code 60200-60206 <u>60213</u>	instructional materials; grades K-8

Ed. Code 60400-60411

Ed. Code 60640-60648.5

Ed. Code 99200-99206 99204

Management Resources

California Department of Education
Publication

California Department of Education
Publication

California Department of Education
Publication

California Department of Education
Publication

California Department of Education
Publication

California Department of Education
Publication

California Department of Education
Publication

California Department of Education
Publication

California Department of Education
Publication

National Council for the
Social Studies Social Studies Publication

Instructional materials; high schools

California Assessment of Student Performance and Progress

Subject matter projects

Description

California English Language Development Standards, 2012

(<https://www.cde.ca.gov/sp/ml/eldstandards.asp>)

Model Curriculum for Human Rights and Genocide, 2000

([https://www.cde.ca.gov/ci/cr/cf/modelcurriculumprojects.as
p](https://www.cde.ca.gov/ci/cr/cf/modelcurriculumprojects.asp))

Ethnic Studies Model Curriculum, 2020

([https://www.cde.ca.gov/ci/cr/cf/modelcurriculumprojects.as
p](https://www.cde.ca.gov/ci/cr/cf/modelcurriculumprojects.as
p))

Personal Finance Curriculum Guide, 2024

([https://www.cde.ca.gov/ci/cr/cf/modelcurriculumprojects.as
p](https://www.cde.ca.gov/ci/cr/cf/modelcurriculumprojects.as
p))

Southeast Asia Model Curricula, 2024

([https://www.cde.ca.gov/ci/cr/cf/modelcurriculumprojects.as
p](https://www.cde.ca.gov/ci/cr/cf/modelcurriculumprojects.as
p))

Cesar E. Chavez Model Curriculum

([https://www.cde.ca.gov/ci/cr/cf/modelcurriculumprojects.as
p](https://www.cde.ca.gov/ci/cr/cf/modelcurriculumprojects.as
p))

**Common Core State Standards for English Language Arts and
Literacy in History-Social Studies, Science, and Technical
Subjects, 2013**

(<https://www.cde.ca.gov/re/cc/literacyresources.asp>)

History-Social Science Content Standards for California

**Public Schools, Kindergarten Through Grade Twelve, October
1998**

([https://www.cde.ca.gov/be/st/ss/documents/histsocscistnd.
pdf](https://www.cde.ca.gov/be/st/ss/documents/histsocscistnd.
pdf))

**History-Social Science Framework for California Public
Schools, Kindergarten Through Grade Twelve, 2016**

(<https://www.cde.ca.gov/ci/hs/cf/hssframework.asp>)

**College, Career, and Civic Life (C3) Framework for Social
Studies State Standards, 2013**

(<https://www.socialstudies.org/standards/c3>)

Court Decision

Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>National Association for Multicultural Education</u>
Website	<u>National Council for History Education</u>
Website	<u>California Council for History Education</u>
Website	<u>California History-Social Science Course Models</u>
Website	<u>California Humanities</u>
Website	<u>California Subject Matter Project</u>
Website	<u>California Council for the Social Studies</u>
Website	<u>National Council for the Social Studies</u>
Website	<u>California Department of Education</u>
Website	<u>CSBA</u>

Cross References

Code	Description
0400	Comprehensive Plans
0500	Accountability
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
4131	Staff Development
5145.9	Hate-Motivated Behavior
6011	Academic Standards
6115	Ceremonies And Observances
6115	Ceremonies And Observances
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs

6142.2	World Language Instruction
6142.2	World Language Instruction
6142.3	Civic Education
6142.4	Service Learning/Community Service Classes
6142.91	Reading/Language Arts Instruction
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6146.1	High School Graduation Requirements
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.1	Library Media Centers
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6179	Supplemental Instruction
9000	Role Of The Board

Policy 6159: Individualized Education Program

Status: ADOPTED

Original Adopted Date: 03/01/2003 | **Last Revised Date:** 07/03/01/20202025 | **Last Reviewed Date:** 07/03/01/20202025

CSBA NOTE: The following Board policy and the accompanying **mandated** administrative regulation should be revised for consistency with the policies and regulations of the Special Education Local Plan Area in which the district participates.

The Governing Board desires to provide full educational opportunities to all students with disabilities: **exceptional needs**. Students with disabilities **exceptional needs** shall receive a free appropriate public education (FAPE) and, to the maximum extent possible, shall be educated in the least restrictive environment with nondisabled students.

For each student with disabilities **exceptional needs**, an individualized education program (IEP) shall be developed which identifies the special education instruction and related services to be provided to the student. The Superintendent or designee shall develop administrative regulations regarding the membership of the IEP team, the team's responsibility to develop and regularly review the IEP, the contents of the IEP, and the development, review, and revision processes.

The district shall make FAPE available to individuals with disabilities ages 3-21 who reside in the district, including: (Education Code 56040; 20 USC 1412; 34 CFR 300.17, 300.101, 300.104)

1. Students who have been suspended or expelled from school
2. Students who are placed by the district in a nonpublic, nonsectarian school
3. Individuals age 18-21 years who are incarcerated in an adult correctional facility and were identified as being an individual with disabilities or had an IEP in their prior educational placement

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

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State

Description

5 CCR 3021-3029	Identification, referral and assessment
5 CCR 3040-3043	Instructional planning and the individualized education program
5 CCR 3051-3053	Implementation of the individualized education program
5 CCR 853-853.5	State assessments; accommodations
Ed. Code 46392	Emergencies
Ed. Code 48853.5	Students in foster care
Ed. Code 51225.3	High school graduation requirements
Ed. Code 56040.3	Availability of assistive technology device
Ed. Code 56040.6	Deaf and hard of hearing supports
Ed. Code 56043	Transition plans
Ed. Code 56049.1	Data related to least restrictive environment
Ed. Code 56055	Rights of foster parents pertaining to foster youth's education
Ed. Code 56136	Guidelines for low incidence disabilities areas
Ed. Code 56195.8	Adoption of policies
Ed. Code 56321	Notice of parental rights; consent of parents
Ed. Code 56321.5	Notice to include right to electronically record
Ed. Code 56340.1-56347	Instructional planning and individualized education program
Ed. Code 56348	IEP template translations
Ed. Code 56350-56354	IEP for visually impaired students
Ed. Code 56380	IEP reviews; notice of right to request
Ed. Code 56390-56392	Recognition for educational achievement; special education
Ed. Code 56471	Workability programs
Ed. Code 56500-56509	Procedural safeguards
Ed. Code 60640-60648.5	California Assessment of Student Performance and Progress
Ed. Code 60900.1	English language and special education reporting
Ed. Code 60900.2	Graduation rates for students with exceptional needs
Fam. Code 6500-6502	Age of majority
Gov. Code 7572.5	Seriously emotionally disturbed child; expanded IEP team
W&I Code 300	Minors subject to jurisdiction

W&I Code 601

W&I Code 602

Federal

20 USC 1232g

20 USC 1400-1482

34 CFR 300.1-300.818

Management Resources

Attorney General Opinion

California Department of Education
Publications

California Department of Education
Publications

U.S. Department of Education
Publication

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

Court Decision

Court Decision

Court Decision

Court Decision

Minors habitually disobedient

Minors violating law; ward of court

Description

Family Educational Rights and Privacy Act (FERPA) of 1974

Individuals with Disabilities Education Act

Individuals with Disabilities Education Act

Description

85 Ops.Cal.Atty.Gen. 157 (2002)

California Practitioners' Guide for Educating English Learners
with Disabilities, July 2019

<https://www.cde.ca.gov/SP/se/ac/documents/ab2785guide.pdf>

Frequently Asked Questions: Promotion, Retention, and
Grading (Students with Disabilities disabilities)

<https://www.cde.ca.gov/sp/se/sr/promoretntn.asp>

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

<https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/504-discipline-guidance.pdf>

Dear Colleague Letter on the Provision of Assistive
Technology Devices and Services for Children with
Disabilities under the Individuals with Disabilities Education
Act, January 22, 2024

<https://sites.ed.gov/idea/idea-files/dcl-assistive-technology-jan-22-2024/>

Capistrano Unified School District v. S.W. and C.W. (9th Cir.
2021) 21 F.4th 1125

Endrew F. v. Douglas County School District Re-1, 137 S. Ct.
988

Marshall v. Monrovia Los Angeles Unified School District v.
A.O. (9th Circuit, 2010) 327 f.3d 773 Cir. 2024) 92 F.4th 1159

Marshall v. Monrovia Unified School District (9th Circuit, Cir.
2010) 327 f.3d 773

Court Decision	Sacramento City School District v. Rachel H. (9th Cir. 1994) 14 F.3d 1398
Court Decision	Schaffer v. Weast (2005) 125 S. Ct. 528
Court Decision	Shapiro v. Paradise Valley Unified School District, No. 69 (9th Circuit, Cir. 2003) 317 F.3d 1072
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Special Education and Rehabilitative Services
<u>Website</u>	<u>U.S. Department of Education, Office of Educational Technology</u> <u>(https://tech.ed.gov/)</u>
Website	California Department of Education

Cross References

Code	Description
0200	Goals For The School District
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
3250	Transportation Fees
3250	Transportation Fees
3541	Transportation Routes And Services
3541.2	Transportation For Students With Disabilities
3555	Nutrition Program Compliance

3555-E(1)	Nutrition Program Compliance
4112.23	Special Education Staff
5113.11	Attendance Supervision
5125	Student Records
5125	Student Records
5126	Awards For Achievement
5126	Awards For Achievement
5131.8	Mobile Communication Devices
5131.9	Academic Honesty
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.31	Immunizations
5141.31	Immunizations
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.71-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6000	Concepts And Roles
6112	School Day
6112	School Day

6117	Year-Round Schedules
6120	Response To Instruction And Intervention
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6143	Courses Of Study
6143	Courses Of Study
6146.1	High School Graduation Requirements
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation
6146.4	Differential Graduation And Competency Standards For Students With Disabilities
6151	Class Size
6154	Homework/Makeup Work
6158	Independent Study
6158	Independent Study
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.4	Behavioral Interventions For Special Education Students
6162.5	Student Assessment

6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6163.2	Animals At School
6163.2	Animals At School
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.41	Children With Disabilities Enrolled By Their Parents In Private School
6164.41	Children With Disabilities Enrolled By Their Parents In Private School
6164.5	Student Success Teams
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6174	Education For English Learners
6174	Education For English Learners
6176	Weekend/Saturday Classes
6177	Summer Learning Programs
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning

6178.1	Work-Based Learning
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
6184	Continuation Education
6184	Continuation Education
6185	Community Day School
6185	Community Day School

Regulation 6159: Individualized Education Program

Status: ADOPTED

Original Adopted Date: 11/01/2010 | Last Revised Date: 07/03/01/2020 2025 | Last Reviewed
Date: 07/03/01/2020 2025

CSBA NOTE: The following mandated administrative regulation reflects the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818), and conforming state legislation. Note that in cases where state law provides greater protections, state law supersedes federal law.

Pursuant to Education Code 56302.5, the term "assessment" as used in state law has the same meaning as "evaluation" provided in 20 USC 1414. The following administrative regulation uses the terms interchangeably.

In *Capistrano Unified School District v. S.W. and C.W.*, the Ninth Circuit Court of Appeals held that when a student is enrolled in private school by the student's parents/guardians, the district only needs to prepare an individualized education program (IEP) if the parents/guardians ask for one, regardless of whether a claim for reimbursement has been filed.

At the beginning of each school year, the district shall have an individualized education program (IEP) in effect for each student with a ~~disability~~ an exceptional need within district jurisdiction. The IEP shall be a written statement that is developed, reviewed, and revised by the IEP team to meet the unique educational needs of a student with a ~~disability~~ an exceptional need. (Education Code 56344, 56345; 34 CFR 300.320, 300.323)

Members of the IEP Team

Unless excused by written agreement in accordance with Education Code 56341, the IEP team for any student with a ~~disability~~ an exceptional need shall include the following members: (Education Code 56341, 56341.5; 20 USC 1414; 34 CFR 300.321)

1. One or both of the student's parents/guardians and/or a representative selected by them

CSBA NOTE: Education Code 56055 provides that a foster parent, to the extent permitted by federal law, shall have the same rights relative to the foster child's education as a parent/guardian. Education Code 56055 clarifies that this right applies only when the juvenile court has limited the right of a parent/guardian to make educational decisions on the student's behalf and the student has been placed in a planned permanent living arrangement. Education Code 56055 defines "foster parent" as a licensed person, relative caretaker, or nonrelative extended family member.

Because the rights granted to parents/guardians under the IDEA (20 USC 1400-1482) are often

complex, it is recommended that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel should be consulted, as appropriate.

_____ To the extent permitted by federal law, a foster parent shall have the same rights relative to a foster child's IEP as a parent/guardian. (Education Code 56055)

2. If the student is or may be participating in the general education program, at least one of the student's general education teachers designated by the Superintendent or designee to represent the student's general education teachers

The general education teacher shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of appropriate positive behavioral interventions, supports, and other strategies for the student, and supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student, consistent with 34 CFR 300.320. (Education Code 56341; 20 USC 1414; 34 CFR 300.324)

3. At least one of the student's special education teachers or, where appropriate, special education providers

4. A representative of the district who is:

- a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities exceptional needs
- b. Knowledgeable about the general education curriculum
- c. Knowledgeable about the availability of district resources

5. An individual who can interpret the instructional implications of assessment results

This individual may already be a member of the team as described in ~~items~~ item #2-4 above or in ~~item~~ item #6 below.

CSBA NOTE: Pursuant to Education Code 56341 and 34 CFR 300.321, the determination as to whether an individual identified in ~~item~~ item #6 below has "knowledge or special expertise" ~~must~~ is required to be made by the party (either the district or parent/guardian) who invites the individual to the IEP team meeting.

An Attorney General opinion (In 85 Ops.Cal.Atty.Gen. 157 (2002)) ~~concluded~~ the Attorney General opined that members of the media may not attend an IEP team meeting as observers even though the parents/guardians have consented to such attendance. The Attorney General based this

decision on the fact that the media would be "observers," not a "person with knowledge or expertise," as detailed below.

6. At the discretion of the parent/guardian or the Superintendent or designee, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate

The determination of whether the individual has knowledge or special expertise regarding the student shall be made by the party who invites the individual to be a member of the IEP team.

7. Whenever appropriate, the student ~~with a disability~~

In the development, review, or revision of the IEP, the student shall be allowed to provide confidential input to any representative of the IEP team. (Education Code 56341.5)

8. When the student is suspected of having a specific learning disability, at least one individual who is qualified to conduct individual diagnostic examinations of the student such as a school psychologist, speech language pathologist, or remedial reading teacher

In accordance with 34 CFR 300.310, at least one team member other than the student's general education teacher shall observe the student's academic performance and behavior in the areas of difficulty in the student's learning environment, including in the ~~regular~~ general education classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.

In the following circumstances, the Superintendent or designee shall invite other specified individuals to an IEP team meeting:

1. When the student has been placed in a group home by the juvenile court, a representative of the group home shall be invited to attend ~~the IEP team meetings.~~ meeting (Education Code 56341.2)
2. Whenever the IEP team is meeting to consider the student's postsecondary goals and the transition services needed to assist the student in reaching the goals, the following individuals shall be invited to attend: (34 CFR 300.321)

- a. The student, regardless of the student's age

If the student does not attend the IEP team meeting, the Superintendent or designee shall take other steps to ensure that the student's preferences and interests are considered.

- b. To the extent appropriate, and with the consent of the parent/guardian or adult student, a representative of any other agency that is likely to be responsible for providing or paying for the transition services
3. If the student was previously served under the Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004), and upon request of the student's parent/guardian, the Superintendent or designee shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services: (Education Code 56341; 20 USC 1414; 34 CFR 300.321)

A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the parent/guardian and the district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. Even if the meeting involves a discussion of the IEP team member's area of the curriculum or related service, the member may be excused from the meeting if the parent/guardian, in writing, and the district consent to the excusal after conferring with the member and the member submits to the parent/guardian and team written input into the development of the IEP prior to the meeting. (Education Code 56043, 56341; 20 USC 1414; 34 CFR 300.321)

Contents of the IEP

CSBA NOTE: Education Code 56348, as added by SB 445 (Ch. 906, Statutes of 2024), provides for the creation, by the California Collaborative for Educational Excellence, of a state standardized IEP template, which, by the earlier of January 1, 2027, or 18 months after the final draft of the IEP template is converted to a digital platform, is required to be translated into the 10 most commonly spoken languages used across California other than English and made available on the California Department of Education's (CDE) website, with notification to districts of their availability.

The IEP shall include, but not be limited to, all of the following: (Education Code 56345, 56345.1; 20 USC 1414; 34 CFR 300.320)

1. A statement of the present levels of the student's academic achievement and functional performance, including:
 - a. The manner in which the ~~disability~~ exceptional need affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for ~~nondisabled students~~ a student without exceptional needs)
 - b. For a preschool student, as appropriate, the manner in which the ~~disability~~ exceptional need affects the student's participation in appropriate activities

- c. For a student with a ~~disability~~ an exceptional need who takes alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives

CSBA NOTE: Education Code 56345 requires a statement of a student's academic and functional goals, as specified below, and expresses legislative recognition that, although some students with ~~disabilities~~ exceptional needs may not meet the growth projected in the annual goals and objectives, districts ~~must~~ are required to make a good faith effort to assist them in achieving the goals in their IEP.

2. A statement of measurable annual goals, including academic and functional goals, designed to:
 - a. Meet the student's needs that result from ~~the disability~~ an exceptional need in order to enable the student to be involved in and make progress in the general education curriculum
 - b. Meet each of the student's other educational needs that result from the ~~disability~~ exceptional need
3. A description of the manner in which the student's progress toward meeting the annual goals described in ~~item~~ Item #2 above will be measured and when the district will provide periodic reports on the progress the student is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards
4. A statement of the special education instruction and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to:
 - a. Advance appropriately toward attaining the annual goals
 - b. Be involved and make progress in the general education curriculum in accordance with ~~item~~ Item #1 above and to participate in extracurricular and other nonacademic activities
 - c. Be educated and participate with other students with ~~disabilities~~ exceptional needs and ~~nondisabled~~ students without exceptional needs in the activities described in the IEP
5. An explanation of the extent, if any, to which the student will not participate with ~~nondisabled~~ students without exceptional needs in the regular class and in extracurricular and other nonacademic activities described in the IEP

CSBA NOTE: Pursuant to 20 USC 1412, students with disabilities must exceptional needs are required to be included in state and district assessments, with appropriate accommodations. However, with respect to such assessments, exceptions exist. For example, pursuant to Education Code 60640, a student with disabilities exceptional needs who is unable to participate in state achievement tests even with accommodations shall be given an alternate assessment in accordance with the student's IEP. For specific program requirements, exceptions, waivers, and permitted accommodations concerning such state or districtwide assessments, see AR 6162.51 - State Academic Achievement Tests.

Education Code 56345 and 34 CFR 300.320 require a description of the individual accommodations that will be used by the student and, if the student will not participate in the regular assessment, a statement as to the reason for that determination and what alternate assessment will be provided.

6. A statement of any appropriate individual accommodations necessary to measure the academic achievement and functional performance of the student on state and districtwide assessments

If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or districtwide assessment, the student's IEP ~~also~~ shall also include a statement of the reason that the student cannot participate in the regular assessment and the reason that the particular alternate assessment selected is appropriate.

CSBA NOTE: In Los Angeles Unified School District v. A.O., the Ninth Circuit Court of Appeals held that the district violated IDEA by failing to specify the frequency and duration of proposed services. The district's plan to provide speech therapy for 30 minutes per week in one to 10 sessions and audiology services for 20 minutes per month in one to five sessions "fell short of the IDEA because it failed to specify clearly the frequency and duration of offered services" as required by law.

7. The projected date for the beginning of the services and modifications described in item Item #4 above and the anticipated frequency, location, and duration of those services and modifications

Beginning CSBA NOTE: Commencing July 1, 2025, Education Code 56043, as amended by AB 438 (Ch. 901, Statutes of 2024), requires a student's IEP, if determined appropriate by a student's IEP team, to include measurable postsecondary goals and transition services beginning when the student starts high school or not later than the first IEP to be in effect when the student is 16 years of age, or younger if, as appropriate, and updated annually thereafter. Education Code 56471 provides grant funding to workability programs that provide instruction and experiences that reinforce core curriculum concepts and skills leading to gainful employment, which, as amended by SB 153 (Ch. 38, Statutes of 2024), is not available to nonpublic, nonsectarian schools.

8. If determined appropriate by the IEP team, when the student starts high school or not later than the first IEP to be in effect when the student is 16 years of age, or younger, and

updated annually thereafter, the following:

- a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills
- b. The transition services, including courses of study, needed to assist the student in reaching those goals

CSBA NOTE: Education Code 56345, as amended by SB 98 (Ch. 24, Statutes of 2020), requires that the following component be addressed in the development of a new IEP or at the next regularly scheduled review of an existing IEP.

9. A description of the means by which the IEP will be provided under emergency conditions, as described in Education Code 46392, in which instruction and/or services cannot be provided to the student either at the school or in person for more than 10 school days:

 The description shall take into account public health orders and shall include special education and related services, supplementary aids and services, transition services, and extended school year services.

10. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of the rights, if any, that will transfer to the student upon reaching age 18, pursuant to Education Code 56041.5
11. For a student in grades 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation
12. For a student whose native language is not English, linguistically appropriate goals, objectives, programs, and services
13. Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education (FAPE)
14. If the student is to be transferred from a special class or nonpublic, nonsectarian school into a general education program in a public school for any part of the school day, provision for transition into the general education program including descriptions of activities intended to:
 - a. Integrate the student into the general education program, including the nature of each activity and the time spent on the activity each day or week

- b. Support the transition of the student from the special education program into the general education program

15. For a student with low incidence disabilities, specialized services, materials, and equipment consistent with the guidelines pursuant to Education Code 56136

CSBA NOTE: Education Code 56353, as added by AB 947 (Ch. 778, Statutes of 2019), authorizes, but does not require, districts to consider elements of the expanded core curriculum, as defined, when developing an IEP for a student who is blind, has low vision, or is visually impaired.

To assist a student who is blind, has low vision, or is visually impaired to achieve the student's maximum potential, the IEP team may consider instruction in the expanded core curriculum, including compensatory skills such as Braille, concept development, or other skills needed to access the core curriculum; orientation and mobility; social interaction skills; career technical education; assistive technology, including optical devices; independent living skills; recreation and leisure; self-determination; and sensory efficiency. When appropriate, such services may be offered before or after school. (Education Code 56353)

Development of the IEP

Within 30 days of a determination that a student needs special education and related services, the Superintendent or designee shall ensure that a meeting to develop an initial IEP is conducted. (Education Code 56043; 34 CFR 300.323)

Any IEP required as a result of an assessment of a student shall be developed within 60 days from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. Days between the student's regular school sessions, terms, or vacation of more than five school days shall not be counted. In the case of school vacations, the 60-day time limit shall recommence on the date that the student's school days reconvene. (Education Code 56043, 56344)

However, when the IEP is required as a result of an assessment of a student for whom a referral has been made 30 days or less prior to the end of the preceding regular school year, the IEP shall be developed within 30 days after the commencement of the subsequent regular school year. (Education Code 56344)

In developing the IEP, the IEP team shall consider all of the following: (Education Code 56040.6, 56341.1, 56345; 20 USC 1414; 34 CFR 300.324)

1. The strengths of the student
2. The concerns of the parents/guardians for enhancing the education of their child

3. The results of the initial or most recent assessment of the student
4. The academic, developmental, and functional needs of the student

CSBA NOTE: The U.S. Department of Education's (USDOE) guidance, "Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973," provides guidance regarding schools' obligations to meet the needs of students with behavior based in an exceptional need and other steps schools are required to take to avoid discrimination on the basis of an exceptional need when disciplining students with exceptional needs.

5. In the case of a student whose behavior impedes the student's learning or that of others, the use of positive behavioral interventions and supports and other strategies to address that behavior
6. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP
7. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and instruction in the use of Braille

However, such instruction need not be included in the IEP if the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the student. This determination shall be based upon an assessment of the student's reading and writing skills, needs, and appropriate reading and writing media, including an assessment of future needs for instruction in Braille or the use of Braille.

CSBA NOTE: Pursuant to Education Code 56040.6, as added by AB 1938 (Ch. 903, Statutes of 2024), IEP teams, when determining the least restrictive environment for a deaf, hard of hearing, or deaf-blind student, are required to consider the language needs of the student, and to consider reviewing placements and services available to the student, as specified. Additionally, by July 1, 2025, CDE is required to communicate these requirements to districts.

8. The communication needs of the student and, in the case of a student who is deaf or, hard of hearing, or deaf-blind, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode

The team shall also consider the placements, related services, and program options that provide the student with an equal opportunity for communication access, as described in Education Code 56345.

9. Whether the student requires assistive technology devices and services, including artificial intelligence devices and services

If, in considering the special factors in ~~items~~ Items #1-9 above, the IEP team determines that the student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the team shall include a statement to that effect in the student's IEP. (Education Code 56341.1)

Provision of Special Education and Related Services

The district shall ensure that, as soon as possible following development of the IEP, special education ~~services~~ and related services are made available to the student in accordance with the IEP. (Education Code 56344; 34 CFR 300.323)

The Superintendent or designee shall ensure that the student's IEP is accessible to each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The Superintendent or designee also shall ensure that such teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP. (34 CFR 300.323)

CSBA NOTE: Education Code 56354, as added by AB 947, establishes requirements for orientation and mobility evaluations conducted for students who are blind, have low vision, or are visually impaired. Such services are used to teach individuals how to navigate around their home, school, and community. If the district chooses to prohibit orientation and mobility specialists from using their vehicles to transport students to and from orientation and mobility instruction, the district must provide transportation for that purpose.

If an orientation and mobility evaluation is determined to be needed for a student who is blind, has low vision, or is visually impaired, the evaluation shall be conducted by a person who is appropriately certified as an orientation and mobility specialist and shall occur in familiar and unfamiliar environments, in varying lighting conditions, and in the home, school, and community, as appropriate. The Superintendent or designee may require annual written parent/guardian consent to provide orientation and mobility services when such services are provided before or after school and when they are provided away from the school site. (Education Code 56354; 5 CCR 3051.3)

CSBA NOTE: Pursuant to Education Code 56041.1, an IEP team ~~must~~ is required to consider whether a student with ~~disabilities~~ exceptional need needs assistive technology devices or services, defined in 20 USC 1401 as any item, piece of equipment, or product system that is used to increase, maintain, or improve functional capabilities of a student with a ~~disability~~. an exceptional needs. See the section on "Development of the IEP" above.

As added by AB 605 (Ch. 228, Statutes of 2019),

Education Code 56040.3 requires a district to provide the use of school-purchased assistive technology devices in a student's home or other settings if the student's IEP team determines that

the student needs access to the devices in order to receive free appropriate public education (FAPE), consistent with 34 CFR 300.105. It also requires the district to provide continued access to assistive technology devices, for two months or until alternative arrangements can be made, whichever comes first, to a student who transfers out of the district.

USDOE's January 2024, "Dear Colleague Letter on the Provision of Assistive Technology Devices and Services for Children with Disabilities under the Individuals with Disabilities Education Act," provides guidance to support children with exceptional needs who need assistive technology devices and services for meaningful access and engagement in education.

If a student's IEP requires the provision of assistive technology devices or services, including artificial intelligence services, the district shall provide such devices or services and shall, on a case-by-case basis, provide for the use of school-purchased devices or services in the student's home or other settings if the IEP team determines that the student needs access to those devices or services in order to receive FAPE. If a student who requires the use of an assistive technology device or services transfers to another local educational agency, the district shall provide the student with continued access to that device or services or a comparable device or service for two months from the date the student ceased to be enrolled in the district or until alternative arrangements can be made to provide access to the device, whichever occurs first. (Education Code 56040.3; 34 CFR 300.105)

Review and Revision of the IEP

CSBA NOTE: Education Code 56043 and 56380 **mandate** the district to maintain procedures to ensure that the IEP team reviews the IEP periodically, but at least annually, to determine whether the annual goals for the student are being achieved and, as appropriate, revises the IEP to address the conditions specified below.

Pursuant to Education Code 60900.2, as added by AB 1340 (Ch. 576, Statutes of 2024), CDE is required to include a report on its website that allows the public to view statewide-level four- and five-year cohort graduation rates for students with exceptional needs, disaggregated by disability or disabilities, as specified in 34 CFR 300.8.

The Superintendent or designee shall ensure that the IEP team reviews the IEP periodically, but at least annually, in order to: (Education Code 56043, 56341.1, 56380; 20 USC 1414; 34 CFR 300.324)

1. Determine whether the annual goals for the student are being achieved
2. Revise the IEP, as appropriate, to address:
 - a. Any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate
 - b. The results of any reassessment conducted pursuant to Education Code 56381

- c. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 34 CFR 300.305 and Education Code 56381
 - d. The student's anticipated needs
 - e. Any other relevant matter
3. Consider the special factors listed in ~~items~~ **Items** #5-9 above, under "Development of the IEP" when reviewing the IEP of any student with a ~~disability~~ **an exceptional need** to whom one of those factors may apply

The IEP team shall also meet at any other time upon request by the student's parent/guardian or teacher to review or revise the IEP. (Education Code 56343)

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the district shall notify the parent/guardian of the need for a written request and the procedure for filing such a request. (Education Code 56043, 56343.5)

CSBA NOTE: Education Code 56195.8 mandates that the district's policy set forth procedures and timelines for the review of a classroom assignment of a student with a ~~disability~~ **an exceptional need** when so requested by a general education or special education teacher. Education Code 56195.8 does not state a specific deadline for the review. The following paragraph provides a timeline of 20 days for reviewing the request and 30 days for convening an IEP team meeting. The district should revise this timeline to be consistent with district practice and the policies and regulations of the Special Education Local Plan Area (SELPA) in which the district participates and should specify the title of the individual responsible for the review, rather than "Superintendent or designee."

A regular education or special education teacher may request a review of the classroom assignment of a student with a ~~disability~~ **an exceptional need** by submitting a written request to the Superintendent or designee. The Superintendent or designee shall consider the request within 20 days of receiving it, not counting days when school is not in session or, for year-round schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction, and/or related services, the Superintendent or designee shall convene an IEP team meeting, which shall be held within 30 days of the Superintendent or designee's review, not counting days when school is not in session or days when school is off track, unless the student's parent/guardian consents in writing to an extension of time.

If a participating agency other than the district fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service objectives set out for the student in the IEP. (Education Code 56345.1; 20 USC 1414; 34 CFR 300.324)

CSBA NOTE: CSBA NOTE: Pursuant to Education Code 48853.5 for a foster youth who is a student with exceptional needs, "school of origin" includes a placement in a nonpublic, nonsectarian school. Any nonsectarian school or agency serving a foster youth is required to agree in writing to be designated as the school of origin and to allow the foster youth to continue in the school.

Education Code 56157 specifies that when the district has placed a foster student in a nonpublic, nonsectarian school, the district ~~must~~ is required to conduct an annual evaluation, as specified below. In addition, Education Code 56157 requires the nonpublic, nonsectarian school to report to the district regarding the educational progress made by the student.

Pursuant to Education Code 56049.1, CDE is required to publish data related to federal measures of least restrictive environment for students with exceptional needs on its website and include it as a resource on the California School Dashboard.

If a student with a ~~disability~~ an exceptional need residing in a licensed children's institution or foster family home has been placed by the district in a nonpublic, nonsectarian school, the Superintendent or designee shall conduct an annual evaluation as part of the IEP process of whether the placement is the least restrictive environment that is appropriate to meet the student's needs. (Education Code 56157)

To the extent possible, the Superintendent or designee shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student. (20 USC 1414; 34 CFR 300.324)

When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and the Superintendent or designee may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. The IEP team shall be informed of any such changes. Upon request, the Superintendent or designee shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (Education Code 56380.1; 20 USC 1414; 34 CFR 300.324)

Audio Recording of IEP Team Meetings

CSBA NOTE: Pursuant to Education Code 56341.1, parents/guardians and the district may audio record an IEP team meeting subject to certain requirements as specified in the following section. Audio recordings made by a district, SELPA, or county office of education are subject to the federal Family Educational Rights and Privacy Act (20 USC 1232g) and the confidentiality requirements of 34 CFR 300.610-300.626.

Parents/guardians and the Superintendent or designee shall have the right to audio record the proceedings of IEP team meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the Superintendent or designee gives notice of intent to audio record a meeting and the parent/guardian objects or refuses to attend because the meeting would be audio recorded, the meeting shall not be audio recorded. Parents/guardians also have the right to: (Education Code 56341.1)

1. Inspect and review the audio recordings
2. Request that an audio recording be amended if they believe it contains information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights
3. Challenge, in a hearing, information that the parents/guardians believe is inaccurate, misleading, or in violation of the student's privacy rights or other rights

Parent/Guardian Participation and Other Rights

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with a ~~disability~~ **an exceptional need** are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall send parents/guardians notices of IEP team meetings that: (Education Code 56341.5; 34 CFR 300.322)

- ~~1. Indicate the purpose, time, and location of the meeting~~
2. Indicate who will be in attendance at the meeting
3. Inform them of:
 - a. Their right to bring to the meeting other individuals who have knowledge or special expertise about the student, pursuant to Education Code 56341
 - b. The provision of Education Code 56341 relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting, if the student was previously served under Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004)

~~In addition~~ **Additionally**, when the IEP team meeting is to consider the development, review, or revision of the IEP of a student with a ~~disability~~ **an exceptional need** who is 16 years of age or older, or younger than 16 if deemed appropriate by the IEP team, the Superintendent or designee's notice to the student's parents/guardians shall include the following: (Education Code 56341.5)

1. An indication that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student pursuant to Education Code 56345.1, 20 USC 1414, and 34 CFR 300.320

2. An indication that the student is invited to the IEP team meeting

At each IEP team meeting convened by the district, the district administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321. (Education Code 56500.1)

The parent/guardian shall have the right and opportunity to examine all of the student's school records upon request, before any IEP meeting, and in connection with any hearing or resolution session on matters affecting the student, including, but not limited to, initial formal assessment, procedural safeguards, and due process. Upon receipt of an oral or written request, the Superintendent or designee shall provide complete copies of the records within five business days. (Education Code 56043, 56504)

The parent/guardian shall have the right to present information to the IEP team in person or through a representative and the right to participate in meetings that relate to eligibility for special education and related services, recommendations, and program planning. (Education Code 56341.1)

If neither parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including video conferences or individual or conference telephone calls. (Education Code 56341.5; 20 USC 1414; 34 CFR 300.322)

An IEP team meeting may be conducted without a parent/guardian in attendance if the Superintendent or designee is unable to convince the parent/guardian to attend. In such a case, the Superintendent or designee shall maintain a record of the attempts to arrange a mutually agreed upon time and place for the meeting, including: (Education Code 56341.5; 34 CFR 300.322)

1. Detailed records of telephone calls made or attempted and the results of those calls
2. Copies of correspondence sent to the parent/guardian and any responses received
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits

The Superintendent or designee shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall give the parents/guardians of a student with a disability an exceptional need a copy of the IEP at no cost. (Education Code 56341.5; 34 CFR 300.322)

Parent/Guardian Consent for Provision of Special Education and Services

Before providing special education and related services to any student pursuant to 20 USC 1414, the Superintendent or designee shall seek to obtain informed consent of the student's parent/guardian. (Education Code 56346)

If the parent/guardian fails to respond or refuses to consent to the initiation of services, the district shall not use the due process hearing procedures pursuant to 20 USC 1415 to obtain agreement or a ruling that the services may be provided to the student. In such circumstances, the district shall not be required to convene an IEP team or develop an IEP for the student. (Education Code 56346)

If the parent/guardian consents in writing to the receipt of special education and related services for the student but does not consent to all of the components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. If the Superintendent or designee determines that a part of a proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student with FAPE, a due process hearing shall be initiated in accordance with 20 USC 1415. While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the Superintendent or designee agree otherwise. (Education Code 56346)

CSBA NOTE: 34 CFR 300.300 authorizes a parent/guardian to revoke, at any time and in writing, consent for the continued provision of special education and related services to the student. Once this revocation has been received, the district need not convene an IEP team meeting or develop an IEP, but rather must promptly provide "prior written notice" and, within a reasonable period of time, discontinue all services to the student. For details regarding the contents of the prior written notice, see AR 6159.1 - Procedural Safeguards and Complaints for Special Education.

In addition, 34 CFR 300.300 and Education Code 56346 specify that a district may not override the parent/guardian's revocation by filing for a due process hearing or requesting mediation in order to require that services be provided. In such a situation, the district shall be deemed to be in compliance with the requirement to make free appropriate public education (FAPE) available to the student and is under no obligation to convene an IEP team meeting or to develop an IEP for further provision of special education and related services to the student.

If at any time subsequent to the initial provision of services, the student's parent/guardian, in writing, revokes consent for the continued provision of special education services, the Superintendent or designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student. The Superintendent or designee shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student. (Education Code 56346; 34 CFR 300.300, 300.503)

CSBA NOTE: The following paragraph is optional and should be modified to reflect district practice.

Prior to the discontinuation of services, the Superintendent or designee may offer to meet with the parents/guardians to discuss concerns for the student's education. However, this meeting shall be voluntary on the part of the parent/guardian and shall not delay the implementation of the parent/guardian's request for discontinuation of services.

CSBA NOTE: Pursuant to 34 CFR 300.9, when a parent/guardian revokes consent for provision of special education services, the district is not required to amend the student's records to remove any reference to the student's prior receipt of special education services. In some circumstances, a student who is no longer receiving special education services may be eligible for accommodation under Section 504 of the Rehabilitation Act of 1973; see BP/AR 6164.6 - Identification and Education under Section 504. However, because the law is unclear, it is recommended that districts with questions should consult CSBA's District and County Office of Education Legal Services or legal counsel, as appropriate.

When the district ceases to provide special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.

Transfer Students

CSBA NOTE: Education Code 56325 details the requirements for students transferring from districts within and outside of California, as specified below. Districts should be careful to comply with the time requirements, though in *Marshall v. Monrovia Unified School District*, the Ninth Circuit Court of Appeals ruled in favor of defendant, a school district, on the question of whether the district denied FAPE to a student with a disability an exceptional need by not developing a valid IEP within 30 days of the student's transfer into the district. The court reasoned that the delay in developing the IEP was minimal and that the student did not suffer any deprivation of educational benefit.

To facilitate the transition of a student with a disability an exceptional need who is transferring into the district, the Superintendent or designee shall take reasonable steps to promptly obtain the student's records, including the IEP and the supporting documents related to the provision of special education services. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from another school district within the same Special Education Local Plan Area (SELPA) during the school year, the district shall continue to provide services comparable to those described in the student's existing IEP, unless the student's parent/guardian and the district agree to develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from a school district outside of the district's SELPA during the school year, the district shall provide the student with FAPE, including services comparable to those described in the previous district's IEP in consultation with the student's parent/guardian, for a period not to exceed 30 days. By the end of that period, the district shall either adopt the previous district's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from an out-of-state district during the school year, the district shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as the Superintendent or designee conducts an assessment, if it determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate. (Education Code 56325; 34 CFR 300.323)

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Policy Reference Disclaimer:

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

State	Description
5 CCR 3021-3029	Identification, referral and assessment
5 CCR 3040-3043	Instructional planning and the individualized education program
5 CCR 3051-3053	Implementation of the individualized education program
5 CCR 853-853.5	State assessments; accommodations
Ed. Code 46392	Emergencies
Ed. Code 48853.5	Students in foster care
Ed. Code 51225.3	High school graduation requirements
Ed. Code 56040.3	Availability of assistive technology device
Ed. Code 56040.6	Deaf and hard of hearing supports
Ed. Code 56043	Transition plans
Ed. Code 56049.1	Data related to least restrictive environment
Ed. Code 56055	Rights of foster parents pertaining to foster youth's education
Ed. Code 56136	Guidelines for low incidence disabilities areas
Ed. Code 56195.8	Adoption of policies
Ed. Code 56321	Notice of parental rights; consent of parents
Ed. Code 56321.5	Notice to include right to electronically record
Ed. Code 56340.1-56347	Instructional planning and individualized education program
Ed. Code 56348	IEP template translations
Ed. Code 56350-56354	IEP for visually impaired students
Ed. Code 56380	IEP reviews; notice of right to request
Ed. Code 56390-56392	Recognition for educational achievement; special education
Ed. Code 56471	Workability programs
Ed. Code 56500-56509	Procedural safeguards

Ed. Code 60640-60648.5

[Ed. Code 60900.1](#)

[Ed. Code 60900.2](#)

Fam. Code 6500-6502

Gov. Code 7572.5

W&I Code 300

W&I Code 601

W&I Code 602

Federal

20 USC 1232g

20 USC 1400-1482

34 CFR 300.1-300.818

Management Resources

Attorney General Opinion

California Department of Education
Publications

California Department of Education
Publications

[U.S. Department of Education
Publication](#)

[U.S. Department of Education, Office of
Special Education and Rehabilitative
Services and Office of Educational
Technology Publication](#)

[Court Decision](#)

California Assessment of Student Performance and Progress

[English language and special education reporting](#)

[Graduation rates for students with exceptional needs](#)

Age of majority

Seriously emotionally disturbed child; expanded IEP team

Minors subject to jurisdiction

Minors habitually disobedient

Minors violating law; ward of court

Description

Family Educational Rights and Privacy Act (FERPA) of 1974

Individuals with Disabilities Education Act

Individuals with Disabilities Education Act

Description

85 Ops.Cal.Atty.Gen. 157 (2002)

California Practitioners' Guide for Educating English Learners
with Disabilities, July 2019

<https://www.cde.ca.gov/SP/se/ac/documents/ab2785guide.pdf>

Frequently Asked Questions: Promotion, Retention, and
Grading (Students with Disabilities [disabilities](#))

<https://www.cde.ca.gov/sp/sc/sr/promoretntn.asp>

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

<https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/504-discipline-guidance.pdf>

[Dear Colleague Letter on the Provision of Assistive
Technology Devices and Services for Children with
Disabilities under the Individuals with Disabilities Education
Act, January 22, 2024](#)

<https://sites.ed.gov/idea/idea-files/dcl-assistive-technology-jan-22-2024/>

[Capistrano Unified School District v. S.W. and C.W. \(9th Cir.
2021\) 21 F.4th 1125](#)

Court Decision	Endrew F. v. Douglas County School District Re-1, 137 S. Ct. 988
Court Decision	Marshall v. Monrovia <u>Los Angeles</u> Unified School District v. <u>A.O.</u> (9 th Circuit, 2010) 327 f.3d 773 <u>Cir. 2024</u> 92 F.4 th 1152
Court Decision	Marshall v. Monrovia Unified School District (9th Circuit, <u>Cir.</u> 2010) 327 f.3d 773
Court Decision	Sacramento City School District v. Rachel H. (9th Cir. 1994) 14 F.3d 1398
Court Decision	Schaffer v. Weast (2005) 125 S. Ct. 528
Court Decision	Shapiro v. Paradise Valley Unified School District, No. 69 (9th Circuit, <u>Cir.</u> 2003) 317 F.3d 1072
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Special Education and Rehabilitative Services

Website U.S. Department of Education, Office of Educational Technology

(https://tech.ed.gov/)

Website California Department of Education

Cross References

Code	Description
0200	Goals For The School District
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures

1312.3-E(2)	Uniform Complaint Procedures
3250	Transportation Fees
3250	Transportation Fees
3541	Transportation Routes And Services
3541.2	Transportation For Students With Disabilities
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
4112.23	Special Education Staff
5113.11	Attendance Supervision
5125	Student Records,
5125	Student Records
5126	Awards For Achievement
5126	Awards For Achievement
5131.8	Mobile Communication Devices
5131.9	Academic Honesty
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.31	Immunizations
5141.31	Immunizations
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.71-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs

5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6000	Concepts And Roles
6112	School Day
6112	School Day
6117	Year-Round Schedules
6120	Response To Instruction And Intervention
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6143	Courses Of Study
6143	Courses Of Study
6146.1	High School Graduation Requirements
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation
6146.4	Differential Graduation And Competency Standards For Students With Disabilities
6151	Class Size
6154	Homework/Makeup Work
6158	Independent Study
6158	Independent Study
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education

6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.4	Behavioral Interventions For Special Education Students
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6163.2	Animals At School
6163.2	Animals At School
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.41	Children With Disabilities Enrolled By Their Parents In Private School
6164.41	Children With Disabilities Enrolled By Their Parents In Private School
6164.5	Student Success Teams
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families

6174	Education For English Learners
6174	Education For English Learners
6176	Weekend/Saturday Classes
6177	Summer Learning Programs
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
6184	Continuation Education
6184	Continuation Education
6185	Community Day School
6185	Community Day School

Policy 6159.2: Nonpublic, Nonsectarian School And Agency Services **Status:** ADOPTED
For Special Education

Original Adopted Date: 06/01/1995 | Last Revised Date: 06/03/01/2023 2025 | Last Reviewed
Date: 06/03/01/2023 2025

CSBA NOTE: Education Code 56195.8 mandates districts to adopt policies for the special education programs and services they operate, including nonpublic, nonsectarian services provided to students with disabilities exceptional needs when no appropriate public education program is available to meet their special education needs. The nonpublic, nonsectarian school or agency (NPS/A) must be certified as meeting state standards pursuant to Education Code 56366 and 56366.1.

The following policy and accompanying administrative regulation should be revised to comply with the policies and regulations of the Special Education Local Plan Area in which the district operates.

The Governing Board recognizes its responsibility to provide a free appropriate public education to students with disabilities exceptional needs in accordance with law. When the district is unable to provide direct special education and/or related services to students with disabilities exceptional needs, the Board may enter into a contract with a nonpublic, nonsectarian school or agency (NPS/A) to meet student needs consistent with the comprehensive local plan of the Special Education Local Plan Area.

CSBA NOTE: Pursuant to Education Code 56366 and 56366.1, a district contracting with an NPS/A must verify that the NPS/A meets certification requirements. 5 CCR 3067 allows the district to request, in writing, that the California Department of Education (CDE) review the certification status of an NPS/A.

Education Code 56366.1 also requires districts to verify that the NPS/A provides staff training in the use of evidence-based practices and interventions specific to the unique behavioral needs of the NPS/A's student population.

Prior to entering into a contract to place any student in an NPS/A, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities exceptional needs and complies with staff training requirements in accordance with Education Code 56366 and 56366.1. In addition, the

CSBA NOTE: Pursuant to Education Code 56366.1, an NPS/A that is certified or seeking certification is required to provide assurances to CDE that for any foster youth it serves, the NPS/A will serve as the school of origin of the foster youth and that the foster youth will be allowed to continue the foster youth's education in the school. For such purposes, "school of origin" includes placement in an NPS/A.]

Additionally, the Superintendent or designee, such as the district's liaison for foster youth, shall verify that for any student served by an NPS/A who is a foster youth, the NPS/A agrees to serve as the school of origin of the foster youth and allow the foster youth to continue the foster youth's education in the NPS/A in accordance with Education Code 56366.1.

The Superintendent or designee shall monitor, on an ongoing basis, the certification of any NPS/A with which the district has a contract to ensure that the certification has not expired.

CSBA NOTE: Pursuant to Education Code 56366.45, within 14 days of becoming aware of any change to the certification status of an NPS/A, the district is required to notify parents/guardians of district students who attend the NPS/A of the change in certification status and include in that notice, a copy of procedural safeguards.

Within 14 days of becoming aware of any change to the certification status of an NPS/A, including, but not limited to, receiving notification of a determination to suspend or revoke the certification of the NPS/A pursuant to Education Code 56366.4, the district shall notify, through email or regular mail, the parents/guardians of any district student who attends the NPS/A of the change in certification status, which includes a copy of procedural safeguards. The district shall maintain a record of such notice and make the notice available for inspection upon request by the California Department of Education. (Education Code 56366.45)

No district student with a disability **exceptional needs** shall be referred to, or placed in, an NPS/A unless the student's individualized education program (IEP) team has determined that the placement is appropriate for the student. (Education Code 56342.1)

CSBA NOTE: Pursuant to Education Code 56365, students enrolled in an NPS/A are deemed to be enrolled in public schools for state apportionment purposes. Districts then pay to the NPS/A the full amount of the school tuition or, the agency fees for participating students pursuant to the contract.

The district shall pay to the NPS/A the full amount of the tuition or fees, as applicable, for students with disabilities **exceptional needs** who are enrolled in programs or receiving services provided by the NPS/A pursuant to the contract. (Education Code 56365)

In accordance with law, any student with disabilities **exceptional needs** placed in an NPS/A shall have all the rights and protections to which students with disabilities **exceptional needs** are generally entitled, including, but not limited to, procedural safeguards, due process rights, and periodic review of the student's IEP.

During the period when any student with disabilities **exceptional needs** is placed in an NPS/A, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in the IEP.

CSBA NOTE: In a December 2022 Settlement Agreement between Davis Joint Unified School District and the U.S. Department of Education Office for Civil Rights, following an investigation into the use of seclusion and restraint at an NPS/A that the district contracted with, the district

was found to have denied students a free and appropriate public education (FAPE) because the district failed to ensure the NPS/A staff were knowledgeable about district policies, procedures, and practices regarding the use of seclusion and restraint, failed to reevaluate students to determine if the repeated use of restraint and seclusion affected the receipt of FAPE, and failed to consider if any additional aids and services were appropriate in order to provide FAPE. See BP5131. 41 - Use of Seclusion and Restraint for additional information on the use of Seclusion and Restraint.

The Superintendent or designee shall ensure that any contract with an NPS/A contains a requirement for the NPS/A to comply with district policy, procedures, and practices related to student rights, health, and safety, including the use of seclusion and restraint. All NPS/A staff that serve district students shall be made aware of, and trained in such policies, procedures, and practices.

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

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

The Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, and 56366.6. (Education Code 56366.2)

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

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

State

5 CCR 3001

Description

Definitions

5 CCR 3051-3051.24

Special education; standards for related services and staff qualifications

5 CCR 3060-3070

Nonpublic, nonsectarian school and agency services

[Ed. Code 51225.3](#)

[High school graduation requirements](#)

[Ed. Code 51225.31-51225.32](#)

[Graduation exemption for students with exceptional needs](#)

Ed. Code 56034-56035

Definitions of nonpublic, nonsectarian school and agency

Ed. Code 56042

Placement not to be recommended by attorney or advocate with conflict of interest

Ed. Code 56101

Waivers

Ed. Code 56163

Certification

Ed. Code 56168

Responsibility for education of student in hospital or health facility school

Ed. Code 56195.8	Adoption of policies
Ed. Code 56342.1	Individualized education program; placement
Ed. Code 56360-56369	Implementation of special education
Ed. Code 56711	Computation of state aid
Ed. Code 56740-56743	Apportionments and reports
Ed. Code 56760	Annual budget plan; service proportions
Ed. Code 56775.5	Reimbursement of assessment and identification costs
Ed. Code 56836.20-56836.21	Special education funding; SELPA contracts with nonpublic nonsectarian schools
Fam. Code 7911-7912	Interstate compact on placement of children
Gov. Code 7570-7587	Interagency responsibilities for providing services to children with <u>disabilities</u> <u>exceptional needs</u>
Gov. Code 7572.55	Seriously emotionally disturbed child; out-of-state placement
W&I Code 362.2	Out-of-home placement for IEP
W&I Code 727.1	Out-of-state placement of wards of court

Federal

20 USC 1400-1487

34 CFR 300.129-300.148

Management Resources

Court Decision

Website

Website

Website

Description

Individuals with Disabilities Education Act

Children with disabilities in private schools

Description

Agostini v. Felton (1997) 521 U.S. 203, 117 S.Ct. 1997

CSBA District and County Office of Education Legal Services

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

California Department of Education

Cross References

Code

0430

0430

0500

1312.3

Description

Comprehensive Local Plan For Special Education

Comprehensive Local Plan For Special Education

Accountability

Uniform Complaint Procedures

1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1431	Waivers
3541.2	Transportation For Students With Disabilities
3580	District Records
3580	District Records
4112.23	Special Education Staff
5125	Student Records
5125	Student Records
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6146.4	Differential Graduation And Competency Standards For Students With Disabilities
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education

6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families

**Regulation 6159.2: Nonpublic, Nonsectarian School And Agency
Services For Special Education**

Status: ADOPTED

Original Adopted Date: 06/01/1995 | **Last Revised Date:** 07/03/01/2020 **2025** | **Last Reviewed**
Date: 07/03/01/2020 **2025**

CSBA NOTE: The following administrative regulation may be revised to reflect district practice and the procedures of the Special Education Local Plan Area in which the district participates.

Master Contract

CSBA NOTE: Education Code 56366 details the provisions that must be included in a master contract with nonpublic, nonsectarian schools or agencies (NPS/As) for the purpose of special education services.

Every master contract between the district and a nonpublic, nonsectarian school or agency (NPS/A) shall specify the general administrative and financial agreements for providing special education and designated instruction and services. The master contract shall be for a term not to exceed one year and shall be renegotiated prior to June 30. Provisions of the contract shall include, but not be limited to: (Education Code 56366; 5 CCR 3062)

1. Student-teacher ratios
2. Transportation specified in a student's individualized education program (IEP)

The contract shall not include special education transportation provided through the use of services or equipment owned, leased, or contracted by the district for students enrolled in the NPS/A unless provided directly or subcontracted by that NPS/A.
3. Procedures for recordkeeping and documentation
4. The maintenance of school records by the district to ensure that appropriate high school graduation credit is received by any participating student
5. An individual services agreement for each student, which will be negotiated for the length of time for which NPS/A special education and designated instruction and services are specified in the student's IEP
6. A description of the process to be utilized by the district to oversee and evaluate placements in the NPS/A, including a method for evaluating whether each student is making appropriate educational progress
7. Procedures and responsibilities for attendance and unexcused absences
8. General provisions related to modifications and amendments to the contract, waivers, disputes, contractor's status, conflicts of interest, termination, inspection and audits, compliance with applicable state and federal laws and regulations, and indemnification and

insurance requirements

9. Payment schedules, including, but not limited to, payment amounts, payment demand, right to withhold, and audit exceptions

The contract may allow for partial or full-time attendance at the NPS/A. (Education Code 56366)

With mutual agreement of the district and NPS/A, changes may be made to the administrative and financial agreements in the master contract at any time, provided the change does not alter a student's educational instruction, services, or placement as outlined in the student's individual services agreement. (Education Code 56366)

The master contract or individual services agreement may be terminated for cause if either party gives 20 days' notice. However, the availability of a public education program initiated during the period of the contract shall not give cause for termination unless the parent/guardian agrees to transfer the student to the program. (Education Code 56366)

Placement and Services

For any student to be placed in an NPS/A, the Superintendent or designee shall develop an individual services agreement based on the student's IEP. Each individual services agreement shall specify the length of time authorized in the student's IEP for the NPS/A services, not to exceed one year. Changes in a student's educational instruction, services, or placement shall be made only on the basis of revisions to the student's IEP. (Education Code 56366)

At least once each year, the district shall: (Education Code 56366)

CSBA NOTE: Pursuant to Education Code 56366, each student placed in an NPS/A will be administered the California Assessment of Student Performance and Progress by NPS/A staff who have attended the regular testing training sessions provided by the district or another local educational agency. Student assessment results are reported in accordance with the state's **alternative** accountability system (~~Dashboard Alternative School Status~~). See BP 0500 - Accountability.

1. Evaluate the educational progress of each student placed in an NPS/A, including a review of state assessment results
2. During the annual meeting held to review the student's IEP pursuant to Education Code 56343, consider whether the student's needs continue to be best met at the NPS/A and whether changes to the student's IEP are necessary, including whether the student may be transitioned to a public school setting

CSBA NOTE: The following paragraph is for use by elementary school districts.

Prior to the annual review of a student's IEP, the Superintendent or designee shall notify any high school district to which the student may transfer of the student's enrollment in an NPS/A. (5 CCR 3069)

When a special education student meets the district requirements for completion of the prescribed course of study as designated in the student's IEP, the district shall award the student a diploma of graduation. (5 CCR 3070)

CSBA NOTE: Pursuant to Education Code 51225.31, districts are required to exempt an eligible student with exceptional needs who entered the ninth grade in the 2022-23 school year or later, from all coursework and other requirements adopted by the Governing Board that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma.

Additionally, pursuant to Education Code 51225.32, as added by SB 153 (Ch. 38, Statutes of 2024), districts are authorized, until July 1, 2031, to extend such exemption and award a high school diploma to an eligible student with exceptional needs who was enrolled in grade 10 or higher in the 2022-23 school year.

However, a student with exceptional needs who entered the ninth grade in the 2022-23 school year or later shall be exempted from all coursework and other requirements adopted by the Governing Board that are in addition to the statewide course requirements for high school graduation, if the student's IEP meets the criteria specified in law and Board Policy 6146.4 – Differential Graduation and Competency Standards for Students with Disabilities. (Education Code 51225.31)

Additionally, the Superintendent or designee may, until July 1, 2031, exempt a student with exceptional needs who was enrolled in grade 10 or higher in the 2022-23 school year from all coursework and other requirements adopted by the Board that are in addition to the statewide course requirements for high school graduation if the student meets the eligibility criteria specified in Education Code 51225.32.

Out-of-State Placements

CSBA NOTE: Government Code 7572.55 and Welfare and Institutions Code 362.2 and 727.1 address the out-of-state placement of children who are seriously emotionally disturbed and/or wards of the court. Such placements may be made only after in-state alternatives have been considered and found not to meet the child's needs.

Before contracting with an NPS/A outside California, the Superintendent or designee shall document the district's efforts to use public schools and/or to find an appropriate program offered by an NPS/A within California. (Education Code 56365)

Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the costs of the special education and related services provided, and the district's efforts to locate an appropriate public school or NPS/A within California. (Education Code 56365)

If the district decides to place a student with an NPS/A outside the state, the district shall indicate

the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California. (Education Code 56365)

On-Site Visits

CSBA NOTE: Education Code 56366.1 requires a district that enters into a master contract with an NPS/A to conduct on-site visits to the NPS/A as described in the following section. Findings from the monitoring visit must be reported to [the California Department of Education](#) (CDE) using criteria published by CDE.

The Superintendent or designee shall conduct an on-site visit to an NPS/A before the placement of a student at the ~~school or agency~~ [NPS/A](#) if the district does not have any other students currently enrolled at the NPS/A. (Education Code 56366.1)

At least once per year, the Superintendent or designee shall conduct an on-site monitoring visit to each NPS/A at which the district has a student attending and with which it maintains a master contract. The monitoring visit shall include, but is not limited to: (Education Code 56366.1)

- 1. A review of services provided to the student through the individual services agreement
- 2. A review of progress the student is making toward the goals set forth in the student's IEP
- 3. A review of progress the student is making toward the goals set forth in the student's behavioral intervention plan, if applicable
- 4. An observation of the student during instruction
- 5. A walkthrough of the facility

The district shall report the findings resulting from the monitoring visit to ~~CDE~~ [the California Department of Education](#) within 60 calendar days of the on-site visit. (Education Code 56366.1)

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

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State

5 CCR 3001

5 CCR 3051-3051.24

5 CCR 3060-3070

[Ed. Code 51225.3](#)

Description

Definitions

Special education; standards for related services and staff qualifications

Nonpublic, nonsectarian school and agency services

[High school graduation requirements](#)

Ed. Code 51225.31-51225.32

Ed. Code 56034-56035

Ed. Code 56042

Ed. Code 56101

Ed. Code 56163

Ed. Code 56168

Ed. Code 56195.8

Ed. Code 56342.1

Ed. Code 56360-56369

Ed. Code 56711

Ed. Code 56740-56743

Ed. Code 56760

Ed. Code 56775.5

Ed. Code 56836.20-56836.21

Fam. Code 7911-7912

Gov. Code 7570-7587

Gov. Code 7572.55

W&I Code 362.2

W&I Code 727.1

Federal

20 USC 1400-1487

34 CFR 300.129-300.148

Management Resources

Court Decision

Website

Website

Website

Graduation exemption for students with exceptional needs

Definitions of nonpublic, nonsectarian school and agency

Placement not to be recommended by attorney or advocate with conflict of interest

Waivers

Certification

Responsibility for education of student in hospital or health facility school

Adoption of policies

Individualized education program; placement

Implementation of special education

Computation of state aid

Apportionments and reports

Annual budget plan; service proportions

Reimbursement of assessment and identification costs

Special education funding; SELPA contracts with nonpublic nonsectarian schools

Interstate compact on placement of children

Interagency responsibilities for providing services to children with disabilities exceptional needs

Seriously emotionally disturbed child; out-of-state placement

Out-of-home placement for IEP

Out-of-state placement of wards of court

Description

Individuals with Disabilities Education Act

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Description

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CSBA District and County Office of Education Legal Services

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

California Department of Education

Cross References

Code	Description
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0500	Accountability
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1431	Waivers
3541.2	Transportation For Students With Disabilities
3580	District Records
3580	District Records
4112.23	Special Education Staff
5125	Student Records
5125	Student Records
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6146.4	Differential Graduation And Competency Standards For Students With Disabilities
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students

6159.3	Appointment Of Surrogate Parent For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families

Bylaw 9150: Student Board Members

Status: ADOPTED

Original Adopted Date: 12/01/2019 | **Last Revised Date:** 12/03/01/2021 ~~2023~~ | **Last Reviewed**
Date: 12/03/01/2021 ~~2023~~

CSBA NOTE: The following optional Board bylaw is for use by any district maintaining one or more high schools. Pursuant to Education Code 35160, the Governing Board may, on its own authority, elect to include

There are two bases of authority for creating one or more student members on the Board. In districts that do not have a student Board member, the district's positions on a district Governing Board. Education Code 35012 authorizes high school students may to petition for student representation on a district Board. Additionally, Education Code 35160 grants broad authority to the Board, which includes authorization for the Board, to create one or more student Board member positions. When established by student petition, Education Code 35012 also imposes certain requirements related to eligibility, selection, term, and scope of responsibilities. There are no such imposed requirements when established by the Board's own authority. However, it is recommended that Boards adopt the Education Code 35012 requirements as a best practice. Therefore, except where indicated, the following Board bylaw reflects the requirements of Education Code 35012. For Boards that create one or more student Board member positions pursuant to Education Code 35012, to include at least one student on the Board. See section on "Petition" below for additional information regarding student petitions 35160, this Board bylaw should be revised to reflect district practice.

In order to enhance communication and collaboration between the Governing Board and the student body and to teach students the importance of civic involvement, the Board supports the participation of high school students in district governance.

Credit, Compensation, and Liability

CSBA NOTE: Pursuant to Education Code 35012 and 35120 authorize the Board has discretion to award elective course credit for service as a student Board member, as specified below and/or to provide the student Board member(s) with monthly financial compensation. The following paragraphs should be deleted or modified to reflect district practice.

~~Student~~The student Board members may, at the Board's discretion, member(s) shall receive elective course credit for service as a student Board member based on the number of equivalent daily instructional minutes for the student Board member's services provided. ~~(Education Code 35012,~~(Education Code 35120)

Additionally, the student Board member(s) shall receive monthly compensation of \$ [REDACTED]. A student

Board member who receives monthly compensation shall receive compensation when absent from a Board meeting if the Board, by resolution duly adopted and included in its minutes, finds that at the time of the Board meeting the student Board member was performing services outside the Board meeting for the district, was ill, was on jury duty, or was absent due to a hardship considered acceptable by the Board. (Education Code 35120)

CSBA NOTE: Pursuant to Education Code 35012, student Board members are entitled to reimbursement for mileage expenses to the same extent as other members of the Board. This law does not address other travel expenses that may be incurred by student Board members related to training or to the performance of authorized services. As such, other travel expenses are not necessarily reimbursable for student Board members, except with prior Board approval.

~~Student~~The student Board member(s) shall be entitled to be reimbursed for mileage to the same extent as other members of the Board, ~~but shall not receive monetary compensation for attendance at Board meetings.~~ (Education Code 35012)

A student Board member shall ~~is~~ not be liable for any acts of the Board. (Education Code 35012)

Student Board Member Positions Based on Petition

CSBA NOTE: If petitioned by the district's high school students pursuant to Education Code 35012, the Board is required to include at least one student on the Board and, at its discretion, may include more than one student Board member. Districts CSBA NOTE: Boards that have already established student Board member position(s) should delete the following section.

High school students may submit a petition to the Board requesting the ~~appointment~~ creation of at least one student Board member. (Education Code 35012) position.

To qualify for Board consideration, the petition ~~for student representation~~ shall contain the signatures of at least 500 students or 10 percent of the number of students regularly enrolled in district high schools, whichever is less. (Education Code 35012)

Within 60 days of receiving a student petition, or at the next regularly scheduled Board meeting if no meeting is held within those 60 days, the Board shall ~~order the inclusion of~~ adopt a Board bylaw or amend this Board bylaw to create at least one student Board member position on the Board. (Education Code 35012)

Choosing Student Board ~~Members~~ Member Positions Based on Board Authority

CSBA NOTE: The following optional section may be revised to reflect district practice. Pursuant ~~is~~ for a Board that, on its own authority pursuant to Education Code 35012, when student representation is 35160, has established in response to a student petition, student Board members must be chosen by the students enrolled in district high school(s). It is recommended that the district apply the same process when ~~a one or more student Board member positions.~~ Boards that have not established or do not want to establish student Board member position is established at

the Board's discretion. The ~~(s) should delete the~~ following paragraph may be revised accordingly ~~section~~.

~~A~~ ~~There shall be~~ ~~one~~ student Board member shall be chosen by students ~~position(s) on the Board~~.
(Education Code 35160)

Student Board Member Eligibility, Selection, and Term

~~Each student Board member shall be~~ enrolled in the district's ~~a district~~ high schools in accordance with procedures prescribed ~~school and shall be selected by the Board~~ ~~a vote of the applicable student body~~. (Education Code 35012)

CSBA NOTE: Education Code 35012, as amended by AB 824 (Ch. 669, Statutes of 2021), authorizes the Board to adjust the term of a student Board member only when a vacancy occurs or in order to provide more students an opportunity to serve on the Board. It is recommended that any proposal to reduce the term of a student Board member be brought before the Board for consideration and that a majority vote of all Board members be required prior to reducing the term.

~~If the district has more high schools than student Board member positions, the student Board member position(s) shall rotate annually between the high schools of the district.~~

The term of ~~the~~ student Board member(s) shall be one year, commencing ~~on each~~ July 1. ~~However, the~~ ~~The~~ Board may adjust the term of a student Board member only if a vacancy occurs or in order to give ~~provide~~ more students ~~with~~ an opportunity to serve on the Board. (Education Code 35012)

Role and Responsibilities of Student Board Members

CSBA NOTE: Pursuant to Education Code 35012, student Board members have certain rights, as specified in the following section. However, student Board members are not considered to be members of the Board for purposes of the Brown Act.

Student Board members shall not be considered members of a legislative body for purposes of the Brown Act. (Education Code 35012)

A student Board member shall not be counted in determining the vote required to carry any measure before the Board or whether a quorum is in attendance at a Board meeting.

~~Student~~ ~~The student~~ Board member(s) shall have the right to attend all Board meetings except closed sessions. (Education Code 35012)

CSBA NOTE: Education Code 35012 requires that student Board members receive all open meeting materials and staff briefings at the same time as other Board members. Any briefings presented to the Board must comply with Brown Act requirements.

Education Code 35012 requires that student Board members also receive all non-closed session materials given to other Board members by the district between open meetings.

All materials presented to Board members, except those related to closed sessions, shall be presented to student Board members at the same time they are presented to other Board members. Student

The student Board member(s) shall also be invited to attend staff briefings, or be provided with a separate staff briefing, within the same timeframe as the briefing of other Board members. In addition, ~~Additionally, the student Board member(s) shall receive~~ all materials given to Board members by the district between meetings, except for materials that pertain to closed session items, shall be distributed ~~at the same time they are presented~~ to student ~~other~~ Board members. (Education Code 35012)

~~Student~~ The student Board member(s) shall be recognized at Board meetings as full member(s), shall be seated with other members of the Board, and shall be allowed to participate in questioning witnesses and discussing issues. (Education Code 35012)

~~Student~~ The student Board member(s) shall be allowed to cast preferential votes on all matters except those subject to closed session discussion. *Preferential voting* means a formal expression of opinion that is recorded in the minutes and cast before the official vote of the Board. Preferential votes shall not affect the final numerical outcome of a vote. (Education Code 35012)

CSBA NOTE: Pursuant to Education Code 35012, the Board may adopt a resolution authorizing its student Board member(s) to make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3. The following optional paragraph is for use by districts that have adopted a resolution granting such authority.

~~Student~~ The student Board member(s) may make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3. (Education Code 35012)

CSBA NOTE: Education Code 35012 requires student Board members to be appointed to subcommittees of the Board in the same manner as other Board members, and as specified below. ~~Student Board members~~ The student Board member(s) shall be appointed to subcommittees of the Board in the same manner as other Board members, and shall be made aware of the time commitment required to participate in subcommittee meetings and work and of the right to ~~although a student Board member may~~ decline an appointment. The availability of all subcommittee members, including the availability of the student Board members, ~~member(s)~~, may be considered when scheduling subcommittee meetings. (Education Code 35012)

CSBA NOTE: Education Code 35012 requires that student Board members be invited to attend functions of the Board, as provided below.

Student ~~The student Board member(s) shall not be considered members of the Board for purposes of the Brown Act. (Education Code 35012)~~

~~The student Board membersmember(s) shall not be counted in determining the vote required to carry any measure before the Board or whether a quorum is in attendance at a Board meeting.~~

~~The student Board members~~ shall be invited to attend functions of the Board, such as forums, meetings with students and parents/guardians, and other general assemblies. (Education Code 35012)

Student Board Member Training

CSBA NOTE: The following section is optional. Trainings for student Board members are available through CSBA's governance workshops and Annual Education Conference and other statewide associations such as the California Association of Student Councils and California Association of Student Leaders. ~~CSBA NOTE: Pursuant to Education Code 35012, as amended by SB 1445 (Ch. 327, Statutes of 2024), the Board may authorize the student Board member(s) to make restorative justice recommendations regarding expulsions if certain conditions are met. The following optional paragraph is for use by districts that choose to grant such authority.~~

~~On a case-by-case basis, the student Board member(s) may make restorative justice recommendations to the Board regarding specific expulsion matters. In order for such a recommendation to be made, the student who is subject to the expulsion and that student's parent/guardian shall first provide written consent. If such consent is given, the Superintendent or designee shall provide the student Board member(s) with information regarding the expulsion but only to the extent necessary for the student Board member(s) to provide a recommendation related to restorative justice to the Board. (Education Code 35012)~~

Student Board Member Training

CSBA NOTE: The following section is optional.

The Superintendent or designee may, at district expense, provide learning opportunities to ~~the~~ student Board ~~members~~member(s) through trainings, workshops, and conferences, such as those offered by the California School Boards Association and other organizations, to enhance their knowledge, understanding, and performance of leadership skills and their Board responsibilities.

The Superintendent or designee may periodically provide information to student Board member candidates to give them an understanding of the position. Once ~~chosen or appointed,~~selected, the incoming student Board ~~members~~member(s) shall be provided an orientation designed to build knowledge of the district and an understanding of the responsibilities and expectations of the position.

Alternate Student Board Member

CSBA NOTE: Education Code 35012 authorizes the Board to appoint a student to serve as an alternate student Board member if the Board determines that the student Board member's duties are not being fulfilled.

If the Board determines that ~~the a student Board member's~~ member is not fulfilling the duties are not being fulfilled of the position, the Board may appoint another student to serve out the term of the student Board member. If an alternate student Board member is appointed, the Board shall suspend the prior student Board member's rights and privileges related to service on the Board. (Education Code 35012)

Elimination of Student Board Member Position

Once established, the student Board member position shall continue to exist until the Board, by majority vote of all voting Board members, approves a motion to eliminate the position. Such a motion shall be listed as a public agenda item for a Board meeting prior to the motion being voted upon. (Education Code 35012)

Policy Reference UPDATE Service

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State

Ed. Code 33000.5

Ed. Code 35012

Ed. Code 35120

Ed. Code 35160

Gov. Code 3540-3549.3

Gov. Code 54950-54963

Description

Appointment of student member to State Board of Education

Board members; number, election, and terms

Student board membership

Authority of governing boards

Educational Employment Relations Act

The Ralph M. Brown Act

Management Resources

Website

Website

Website

Website

Description

CSBA District and County Office of Education Legal Services

California Association of Student Councils

California Association of Student Leaders

CSBA

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
3350	Travel Expenses
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
6142.3	Civic Education
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
9130	Board Committees
9230	Orientation
9240	Board Training
9250	Remuneration, Reimbursement And Other Benefits
9250-E(1)	Remuneration, Reimbursement And Other Benefits
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board
9324	Minutes And Recordings

Bylaw 9224: Oath Or Affirmation

Status: ADOPTED

Original Adopted Date: 09/01/1991 | **Last Revised Date:** 07/03/01/2003 2025 | **Last Reviewed Date:** 07/03/01/2003 2025

CSBA NOTE: The oath or affirmation required of Governing Board members pursuant to Article 20, Section 3, of the California Constitution is the same as that required by Government Code 3100-3109 for public employees. See E(1) 4112.3/4212.3/4312.3 - Oath or Affirmation for the text of the oath. Government Code 1303 provides that any person who exercises any function of a public office, including the office of a Board member, without taking the oath of office is guilty of a misdemeanor; and Additionally, Government Code 1367 provides that no prohibits payment of any compensation or reimbursement for any expenses shall be paid unless the officer to any individual who has not taken the oath or affirmation.

The district should consult legal counsel if a If an incoming Board member raises a bona fide religious concern about taking the state-required oath or affirmation, it is recommended that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Prior to entering upon the duties of their the office, all of a Governing Board members member or exercising any function of a Board member, each Board member shall take the oath or affirmation required by law. (California Constitution, Article 20, Section 3; Government Code 1360)

CSBA NOTE: In addition to the persons listed below, Education Code 60 specifies state- and local- level officers who may administer the oath.

The oath or affirmation may be administered and certified by a Board member, the secretary or assistant secretary to the Board, the Superintendent, deputy or assistant superintendent, principal, or the County Superintendent of Schools, the Superintendent of Public Instruction, or any other person authorized in Education Code 60 or Government Code 1225.

The executed oath shall be filed with the County Clerk. (Government Code 1363)

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State

Description

CA Constitution Article 20, Section 3

Ed. Code 60

[Gov. Code 1225](#)

Gov. Code 1303

Gov. Code 1360-1369

Gov. Code 3100-3109

Management Resources

Court Decision

Court Decision

Website

Cross References

Code

4112.3

4112.3-E(1)

4212.3

4212.3-E(1)

4312.3

4312.3-E(1)

9100

9110

9220

9220-E(1)

9223

Oath of office

Persons authorized to administer and certify oaths

[Right to administer and certify oaths](#)

Exercising functions of office without having qualified

Oath of office

Oath or affirmation of allegiance

Description

Chilton v. Contra Costa Community College District (1976) 55 Cal. App. 3d 544

Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22

CSBA District and County Office of Education Legal Services

Description

Oath Or Affirmation

Oath Or Affirmation

Oath Or Affirmation

Oath Or Affirmation

Oath Or Affirmation

Oath Or Affirmation

Organization

Terms Of Office

Governing Board Elections

Governing Board Elections

Filling Vacancies

Bylaw 9260: Legal Protection

Status: ADOPTED

Original Adopted Date: 03/01/1988 | Last Revised Date: 07/03/01/2003 2025 | Last Reviewed
Date: 07/02/01/2003 2025

Liability Insurance

CSBA NOTE: Education Code 35208 requires the Governing Boards Board to insure the district's liability for death, personal injury or damage/loss of property, and to insure against the personal liability of Board members, district officers and employees for death, personal injury, or damage/loss of property caused by their a Board member's negligent act or omission when acting within the scope of their the Board member's office or employment. Districts may self-insure by provisions of pursuant to Education Code 35214. See BP/AR 3530 - Risk Management/Insurance for additional information regarding district insurance requirements.

The Governing Board shall provide insurance necessary to protect Board members and employees while acting from liability caused by a negligent act or omission that occurs within the scope of their the Board member's office or employment in accordance with Education Code 35208.

CSBA NOTE: Pursuant to Government Code 820.9, Board members are not vicariously liable for injuries caused by the district's acts or omissions. The Additionally, in Caldwell v. Montoya, the California Supreme Court determined, in Caldwell v. Montoya, that Board members are also immune from suits pursuant to Government Code 820.2 when performing "discretionary acts," such as basic governmental policy decisions, within the scope of their duties. Personal and/or criminal liability exists may exist, however, for injuries caused by the individual's own "wrongful" conduct and may also exist, in some circumstances, for some civil rights violations, or knowing violations of the Brown Act. See BB 9323.2 - Actions by the Board. Because the determination as to whether personal liability exists is dependent on the specific facts of each case, it is strongly recommended that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel be consulted if a question arises when questions arise making such a determination.

Protection Against Personal Liability

No Board member shall be liable for any harm caused by his/her the Board member's negligent act or omission when acting within the scope of district the Board member's responsibilities, including, but not limited to, Board responsibilities as specified in Board Bylaw 9000 - Role Of The Board. Additionally, no Board member shall be vicariously liable for injuries caused by the district's acts or omissions. (Education Code 35208; Government Code 820.9)

In addition, no Board member shall be liable for any harm caused by the Board member's act or omission must be if the Board member was acting within the scope of the Board member's responsibilities, made in conformity with federal, state, and local laws, and made in furtherance of

an effort to control, discipline, expel or suspend a student, or maintain order or control in the classroom or school. (20 USC 6736) ~~7946~~)

The ~~This~~ protection against liability shall not apply when: (20 USC 6736) ~~7946~~)

1. The Board member acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person's right to safety.
2. The Board member caused harm by operating a motor vehicle.
3. The Board member was not properly licensed, if required, by the State for such activities.
4. The Board member was found by a court to have violated a federal or state civil rights law.
5. The Board member was under the influence of alcohol or any drug at the time of the misconduct.
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the Board member has been convicted in a court.
7. The misconduct involved a sexual offense for which the Board member has been convicted in a court.

Nothing in this Board bylaw is intended to protect a Board member from criminal or civil liability for injury caused by the Board member's own wrongful conduct, for certain violations of law, including the Brown Act, or for liability from the requirement to reimburse the district under certain circumstances as specified in law. (Government Code 820.9, 825, 825.6, 54959, 54960)

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State	Description
Ed. Code 17029.5	Contract funding; board liability
Ed. Code 35208	Liability insurance
Ed. Code 35214	Liability insurance (self-insurance, or a combination of self-insurance and insurance through an insurance company)
Gov. Code 1090-1098	Prohibitions applicable to specified officers
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 815.3	Intentional torts
Gov. Code 820-823	Tort claims act

Gov. Code 825-~~825~~.6

Gov. Code 87100-89503

Federal

18 USC 16

20 USC 7941-7948

Management Resources

Court Decision

Website

Cross References

Indemnification of ~~public entity~~electd official

Conflicts of interest

Description

Crime of violence; definition

Teacher liability protection

Description

Caldwell v. Montoya (~~Paramount Unified School District~~ 1995) 10 Cal 4th 972 (1995)

CSBA District and County Office of Education Legal Services

Code

1330.1

3530

3530

4119.1

4219.1

4319.1

9000

9124

9323.2

Description

Joint Use Agreements

Risk Management/Insurance

Risk Management/Insurance

Civil And Legal Rights

Civil And Legal Rights

Civil And Legal Rights

Role of the Board

Attorney

Actions by the Board