

AGENDA

REGULAR BOARD MEETING

Tuesday, November 3, 2015

7:00 p.m. District Conference Room

1. **Call to order- Flag Salute**

In compliance with the Americans with Disabilities Act and the Brown Act, if you need special assistance to participate in the meeting, including the receipt of the agenda and documents in the agenda package in an alternate format, please contact the Tipton Elementary School District office at (559) 752-4213. Notification 48 hours prior to the meeting will enable the district to make reasonable arrangements to ensure accessibility to this meeting (28CFR35.102-35, 104 ADA Title II), and allow for the preparation of documents in appropriate alternate format

2. **Public Input:**

In order to ensure that Members of the public are provided a meaningful opportunity to address the board on agenda items that are within the Board's jurisdiction, agenda items may be addressed either at the public input portion of the agenda, or at the time the matter is taken up by the Board. Board presentations are limited to 3 minutes per person and 15 minutes per topic.

2.1 Community Relations/Citizen Comments-

2.2 Reports by Employee Units CTA/CSEA-

2.3 Correspondence-

2015 Fall Institute

California Department of Education, Preliminary Plan Review Multi-Purpose Building

3. **CONSENT CALENDAR: Action items:**

3.1 Minutes of the Regular Board Meeting-October 6, 2015

3.2 Approval of Board Policies and Administrative Regulations

3.3 403(b) and 457 Plan Administration Agreement with TCOE

3.4 Field Trip, Facility and Conference Attendance Requests

4. **ADMINISTRATIVE: Action items:**

4.1 Approval of BP/AR 6174 – Education for English Language Learners

4.2 Setting Date for Annual Organizational Meeting

4.3 Approval of BP/AR 4121 – Temporary/Substitute Personnel

5. **FINANCE: Action items:**

5.1 Vendor Payments (A revised document will be available during the vendor payment presentation)

5.2 Budget Revisions (A revised document will be available during the budget revision presentation)

6. **INFORMATION: (Verbal Reports & presentations)**

6.1 MOT--FOOD SERVICE—PROJECTS.

CBEDS Count

Multi-Purpose Building

7. **Any Other Business-**
 - 7.1 Quarterly Board Policy Updates – Informational

8. **Adjourn to Closed Session: The Board will consider and may act upon any of the following items in closed session. Any action taken will be reported publicly at the end of closed session as required by law.**
 - 8.1 Personnel items: Employment, Resignations, Transfers, Leaves etc. of Certificated and Classified Personnel.
 - 8.2 Student transfers, expulsion, reinstatements, suspensions, inter District request, etc.
 - 8.3 Discussion on Certificated/Classified Negotiation
 - 8.4 Management Negotiation and Discussion.

9. **Reconvene to open session**

10. **Report out from Closed Session**

11. **Adjournment**

The Board upon discussion and a vote of agreement may make any item an action item.

Notice: If documents are distributed to Board Members concerning an agenda item within 72 hours of a regular board meeting, at the same time the documents will be made available for public inspection at the District Office located at 370 N. Evans Road, Tipton CA. 93272, telephone 752-4213.

Agenda posted October 29, 2015

2. Public Input:

2.3 Correspondence-

2015 Fall Institute

California Department of Education, Preliminary Plan
Review Multi-Purpose Building

2015 FALL INSTITUTE

for School Board Members, School Administrators &
County Committee on School District Organization

WEDNESDAY, NOVEMBER 18, 2015

5:00 p.m., Wyndham Visalia
(formerly Visalia Holiday Inn)
9000 West Airport Drive, Visalia

Don't miss this wonderful event for School Board Members, Administrators and County Committee Members featuring **Dr. Jeffrey W. Frost with Frost, Davis & Donnelly**. The event also features informative breakout sessions on current educational and legal matters, plus dinner and entertainment!

SPECIAL GUEST SPEAKER

Dr. Jeffrey W. Frost, Legislative Advocate has over 30 years of experience lobbying the California State Legislature for public agencies on education, local government and transportation. In 1990, Dr. Frost founded the legislative advocacy firm of Frost, Davis & Donnelly based in Sacramento. The firm specializes in advocacy and policy development for education associations, school districts and corporations with a direct interest in public education issues. Dr. Frost has expertise in a broad range of public education areas, including school finance, curriculum, English language learner policies, education technology and special education.

EVENT SCHEDULE

5:00 p.m. - Registration & Hors d'Oeuvres
5:30 p.m. - Breakout Session I
6:25 p.m. - Breakout Session II
7:15 p.m. - Dinner/Program

RSVP BY FRIDAY, NOVEMBER 13

For information, contact Marlene Moreno at (559) 733-6302. Register On-line at: www.tcoe.org/FallInstitute, or e-mail: marlenem@tcoe.org. Fax: (559) 627-5219.

REGISTRATION

County Committee on School District Organization and School Board Members attend at no cost as guests of the County Superintendent of Schools.

SCHOOL ADMINISTRATORS AND GUESTS: \$38.00 PER PERSON

Please make checks payable to: TCOE (no purchase orders, please).

Mail remittance to:
Tulare County Office of Education
attn: Jim Vidak
P.O. Box 5091 Visalia, CA 93278-5091

Name(s): _____

District: _____

I am a member of a School Board or County Committee (no payment required)

I would prefer a vegetarian meal I would prefer a gluten-free meal

Number of reservations: _____ Phone: _____

sponsored by

Tulare County
Office of Education

Jim Vidak, County Superintendent of Schools



Tulare County
School Boards Association



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

October 21, 2015

Governing Board
Tipton Elementary
PO Box 787
Tipton, CA 93272

Project Tracking No: 72215-7
Re: Tipton Elementary
County: Tulare
Square Feet: 14,264
Grade Level: K - 8

Dear Governing Board:

Subject: Preliminary Plan Review - New Buildings

The California Department of Education has reviewed the preliminary plans with the title sheet date of October 14, 2015 for the above referenced project. The plans were received on October 15, 2015.

State Allocation Board (SAB) regulation 1859.83(d) provides additional funding for projects built on sites substantially smaller than the size recommended by the California Department of Education. The district should review the project to determine if the project is eligible for supplemental funding pursuant to this regulation.

The project as approved consists of:

<u>TEACHING STATIONS</u>	<u>GRADE LEVEL</u>	<u>ROOMS</u>	<u>STUDENTS</u>
Music/Choir/Band	7 - 8	1	27

Based on the standards specified in Education Code 17071.25 and the number of teaching stations in the project, the student capacity of this project is 27.

CORE FACILITIES:

Kitchen	Multi-Purpose	Storage
Toilets		

The scope of the project constructs a new gym/multi-purpose which includes a music classroom. For final approval, the redesign of the parking lot should allow students to access the site from the corner of Woods Avenue and Smith Road without having to cross through the parking lot pursuant to Title 5 Regulations, Section 14030(b)(3). Additionally, the district should articulate on the Plan Summary the function of the existing cafeteria once the gym is complete.

School districts and county offices of education are required to indicate that the project is a minor addition eligible for either a statutory or categorical exemption under the California Environmental

Quality Act(CEQA), or that they have complied with the requirements of Education Code 17213.1 regarding Phase I or a Preliminary Endangerment Assessment and if necessary the remediation of potentially hazardous materials. Districts and county offices shall indicate on the SFPD Form 4.07B, submitted with a request for Final Plan Approval, how they complied with this requirement.

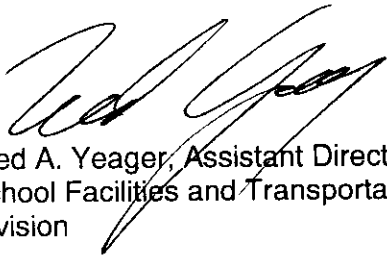
It is the responsibility of the school district to meet all requirements concerning toilet facilities, drinking water supply, sewage disposal, food service facilities and other plan elements having primary health and safety implications. The plans should be reviewed by the local health agency having jurisdiction and a written approval should be secured and filed in the school district's records. If the approved project involves work on an existing school building, it is the responsibility of the school district to meet all Federal, State and local requirements relating to the identification, remediation and/or removal of hazardous levels of lead and asbestos containing materials before or during construction. It is the responsibility of the district to complete all of the mitigation measures identified in the documents submitted to the California Department of Education for review.

This plan review cannot be construed as justification of need nor as an approval under the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 of the Education Code commencing with Section 17070.10).

When final plans are complete, plans, reduced size plans, a construction cost estimate and an updated educational specifications (or SFPD Form 4.07/08 and SFPD Form 4.07/08B) must be submitted to this office for approval. If no changes to the educational specifications are made from the preliminary review submittal, districts need not submit a second 4.07/4.08C form with the final plans. Instead, please indicate in writing that no changes were made when submitting the final plans and submit the other required documents.

Please contact the consultant identified below if you have questions regarding this letter.

Sincerely,



Fred A. Yeager, Assistant Director
School Facilities and Transportation Services
Division



John Gordon, Consultant
School Facilities and Transportation Services
Division
(916)323-0575

DP8311/P7475
cc: Architect

3. CONSENT CALENDAR: Action items:

3.1 Minutes of the Regular Board Meeting-October 6, 2015

Minutes

REGULAR BOARD MEETING

Tuesday, October 6, 2015
7:00 p.m. District Conference Room

1. **Call to order- Flag Salute**

Board President Tony Macedo called the meeting to order at 7:00 pm and led the flag salute. Board Members present: Iva Sousa, Shelley Heeger, Tony Macedo, John Cardoza and Greg Rice.

Guest: Magen Cardoza, Kathleen Rice and Stacey Bettencourt.

2. **Public Input:**

2.1 Community Relations/Citizen Comments- *No Comments Made*

2.2 Reports by Employee Units CTA/CSEA- *No Comments Made*

2.3 Correspondence-

Review and Approval of Budget, Fiscal Year 2015-2016

3. **CONSENT CALENDAR: Action items:**

3.1 Minutes of the Regular Board Meeting-September 1, 2015

3.2 Special Education Services with TCOE

3.3 BTSA agreement

3.4 Family Service Worker Services Agreement with TCOE

3.5 Health Service Agreement with TCOE

3.6 Surplus Copiers

3.7 Field Trip, Fund Raiser and Conference Attendance Requests

Motion to approve the consent calendar was made by Shelley Heeger and second by John Cardoza.

Vote Yea 5/ No 0/ Abstain 0/ Absent 0

Yea - Iva Sousa, Shelley Heeger, Tony Macedo, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

4. **ADMINISTRATIVE: Action items:**

4.1 Approval of 2015-2016 Local Control Accountability Plan and Annual Update (LCAP)

Motion to approve the consent calendar was made by Shelley Heeger and second by Iva Sousa.

Vote Yea 5/ No 0/ Abstain 0/ Absent 0

Yea - Iva Sousa, Shelley Heeger, Tony Macedo, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

4.2 Authorize Signature Update to the Valley Business Bank Accounts, remove Merri Larson, add Anthony Hernandez, Business Manager and keep Stacey Bettencourt, Principal and Miguel Guerrero, Superintendent, on the list as per attached.

Motion to approve the Authorize Signature Update to the Valley Business Bank Accounts, remove Merri Larson, add Anthony Hernandez, Business Manager, and keep Stacey Bettencourt, Principal, and Miguel Guerrero, Superintendent, on the list as per attached was made by Greg Rice and second by John Cardoza.

Vote Yea 5/ No 0/ Abstain 0/ Absent 0

Yea - Iva Sousa, Shelley Heeger, Tony Macedo, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

5. FINANCE: Action items:

5.1 Vendor Payments

Motion to approve Vendor Payments was made by Shelley Heeger and second by Greg Rice.

Vote Yea 5/ No 0/ Abstain 0/ Absent 0

Yea - Iva Sousa, Shelley Heeger, Tony Macedo, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

5.2 Budget Revisions

Motion to approve Budget Revisions was made by Greg Rice and second by Shelley Heeger.

Vote Yea 5/ No 0/ Abstain 0/ Absent 0

Yea - Iva Sousa, Shelley Heeger, Tony Macedo, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

6. INFORMATION: (Verbal Reports & presentations)

6.1 MOT--FOOD SERVICE—PROJECTS.

7. Any Other Business-

7.1 Quarterly Board Policy Updates – Informational

7.2 CAASPP 2014-2015 Results

Mr. Guerrero presented to the board the CAASPP results for the 2014-2015 year.

8. Adjourn to Closed Session: 7:32 p.m.

9. Reconvene to open session 7:55 p.m.

10. Report out from Closed Session

8.1 Personnel items: Employment, Resignations, Transfers, Leaves etc. of
Certificated and Classified Personnel.

Motion to approve Kevin Perry's resignation was mad by Greg Rice and second by Shelley Heeger.

Vote Yea 5/ No 0/ Abstain 0/ Absent 0

Yea - Iva Sousa, Shelley Heeger, Tony Macedo, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

8.2 Student transfers, expulsion, reinstatements, suspensions, inter District request, etc.

Motion to approve student transfers was made by Shelley Heeger and second by John Cardoza.

Vote Yea 5/ No 0/ Abstain 0/ Absent 0

Yea - Iva Sousa, Shelley Heeger, Tony Macedo, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

8.3 Discussion on Certificated/Classified Negotiation

No action taken.

8.4 Management Negotiation and Discussion.

No action taken.

11. Adjourment 7:56 p.m.

Minutes approved November 3, 2015

Tony Macedo, President

Greg Rice, Clerk

Miguel A. Guerrero Ed.D., Secretary

3. CONSENT CALENDAR: Action items:

3.2 Approval of Board Policies and Administrative Regulations

Minutes

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Yea - Iva Sousa, Shelley Heeger, Tony Macedo, John Cardoza and Greg Rice

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Absent – 0

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No – 0

Abstain – 0

Absent – 0

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No – 0

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Absent – 0

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Yea - Iva Sousa, Shelley Heeger, Tony Macedo, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

5.2 Budget Revisions

Motion to approve Budget Revisions was made by Greg Rice and second by Shelley Heeger.

Vote Yea 5/ No 0/ Abstain 0/ Absent 0

Yea - Iva Sousa, Shelley Heeger, Tony Macedo, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

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Vote Yea 5/ No 0/ Abstain 0/ Absent 0

Yea - Iva Sousa, Shelley Heeger, Tony Macedo, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

8.2 Student transfers, expulsion, reinstatements, suspensions, inter District request, etc.

Motion to approve student transfers was made by Shelley Heeger and second by John Cardoza.

Vote Yea 5/ No 0/ Abstain 0/ Absent 0

Yea - Iva Sousa, Shelley Heeger, Tony Macedo, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

8.3 Discussion on Certificated/Classified Negotiation

No action taken.

8.4 Management Negotiation and Discussion.

No action taken.

11. Adjourment 7:56 p.m.

Minutes approved November 3, 2015

Tony Macedo, President

Greg Rice, Clerk

Miguel A. Guerrero Ed.D., Secretary

POLICY GUIDE SHEET
Approved November 2015
Page 1

AR 5121 - Grades/Evaluation of Student Achievement

(AR revised)

Regulation updated to reflect **NEW LAW** (AB 2160, 2014) which requires districts to submit the grade point average (GPA) of students in grade 12 to the Cal Grant program. Revised regulation condenses material prohibiting lowering of a foster youth's grades for absences due to a change in placement or specified court-related activities, also addressed in BP 6173.1 - Education for Foster Youth. Regulation also replaces two options regarding grading for repeated classes with optional language that the highest grade received will be used in calculating the GPA.

BP 5131.2 - Bullying

(BP revised)

Policy updated to clarify the appropriate use of the uniform complaint procedures (UCP) in cases of nondiscriminatory bullying. As revised, the policy provides that the UCP be used to investigate all instances of bullying, but that conduct determined to be nondiscriminatory bullying then be resolved in accordance with the district's student discipline policies and procedures.

BP/AR 5148 - Child Care and Development

(BP/AR revised)

Policy updated to expand optional priorities for child care services to include children of district students, expand examples of methods to provide facilities for child care services, and add new section on "Complaints." Regulation updated to reflect **NEW LAW** (AB 1944, 2014) which deletes the requirement for parents/guardians of a child age 11-12 to certify in writing that they need child care services because a before-school or after-school program is unavailable. Regulation also revised to clarify eligibility for subsidized services, reflect the new fee schedule that went into effect July 1, 2014, provide for reassessment of fees when a family is recertified or experiences a change in status, and reflect renumbering of legal cites.

BP/AR 5148.2 - Before/After School Programs

(BP/AR revised)

Policy and regulation updated to reflect **NEW LAW** (SB 1221, 2014) which requires before/after school programs to submit program attendance reports on a semi-annual basis and to use a program quality improvement process that is based on standards developed by the CDE. Policy also adds material on qualifications of staff and volunteers, the preferred placement of students ages 11-12 in a before/after school program rather than subsidized child care services, and timelines for review and maintenance of the program plan. Regulation also revised to clarify applicable grade levels for the 21st Century Community Learning Center program, reflect funding priorities used by the CDE, add material on summer programs, and reflect law authorizing a full meal to be served in after-school programs.

BP/AR 5148.3 - Preschool/Early Childhood Education

(BP/AR revised)

Policy and regulation updated to reflect the mandate for districts offering California State Preschool Program (CSPP) programs to develop written admissions policies and procedures with specified components. Policy also updated to reflect **NEW LAW** (SB 858, 2014) which (1) authorizes districts to use a portion of a reserve fund for purposes of staff development for CSPP instructional staff and (2) establishes the early learning quality rating and improvement system (QRIS) block grant to support continuous local improvement efforts that increase the number of low-income children in high-quality preschool programs. Regulation updated to reflect provisions of SB 858 that grant second priority for enrollment to four-year-old children who are not enrolled in a transitional kindergarten (TK) program. Regulation also reflects the applicability to CSPP programs of specified requirements for general child care and development programs, reflects CDE guidance regarding four-year-olds who are eligible for both CSPP and TK programs, and adds material on staffing ratios, parent/guardian notification of approval or denial of enrollment, and maintenance of a family data file.

GRADES/EVALUATION OF STUDENT ACHIEVEMENT

Written report cards displaying students' grades in each subject or course shall be distributed to parents/guardians at the end of each grading period. Parents/guardians shall be offered an opportunity to meet with their child's teacher(s) to discuss the grades and strategies to improve their child's performance.

(cf. 6020 - Parent Involvement)

Whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or send the parent/guardian a written report. (Education Code 49067)

(cf. 5123 - Promotion/Acceleration/Retention)

Grades for Achievement

For grades K-3, students' level of progress shall be reported as follows:

- O Outstanding
- S Satisfactory
- N Needs Improvement

For grades 4-12, grades for achievement shall be reported for each grading period as follows:

A	(90-100%)	Outstanding Achievement	4.0 grade points
B	(80-89%)	Above Average Achievement	3.0 grade points
C	(70-79%)	Average Achievement	2.0 grade points
D	(60-69%)	Below Average Achievement	1.0 grade points
F	(0-59%)	Little or No Achievement	0 grade points
I		Incomplete	0 grade points

An Incomplete shall be given only when a student's work is not finished because of illness or other excused absence. If not made up within six weeks, the Incomplete shall become an F.

Grades for Physical Education

No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond his/her control, does not wear standardized physical education apparel. (Education Code 49066)

(cf. 6142.7 - Physical Education and Activity)

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

Grades for Citizenship, Study Skills, and Effort

Grades for citizenship, study skills, and effort shall be reported as follows:

- O Outstanding
- S Satisfactory
- N Needs Improvement

Pass/Fail Grading

The Superintendent or designee may identify courses or programs for which students may, with parent/guardian permission, elect to earn a Pass or Fail grade instead of a letter grade.

Students who receive a Pass grade shall acquire the appropriate semester units of credit for the course. The grade shall not be counted in determining class rank, honors list, or membership in the California Scholarship Federation. Students who receive a Fail grade shall not receive credit for taking the course.

Peer Grading

At their discretion, teachers may use peer grading of student tests, papers, and assignments as appropriate to reinforce lessons.

Effect of Absences on Grades

Teachers who may choose to withhold class credit because of excessive unexcused absences shall so inform students and parents/guardians of such a possibility at the beginning of the school year or semester. When a student reaches the number of unexcused absences defined as excessive in Board policy, the student and parent/guardian shall again be notified of the district's policy regarding excessive unexcused absences.

(cf. 5113 - Absences and Excuses)

The student and parent/guardian shall have a reasonable opportunity to explain the absences. (Education Code 49067)

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

If a student receives a failing grade because of excessive unexcused absences, the student's record shall specify that the grade was assigned because of excessive unexcused absences. (Education Code 49067)

Grades for a student in foster care shall not be lowered if the student is absent for any reason specified in Education Code 49069.5.

(cf. 6173.1 - Education for Foster Youth)

Grade Point Average

The Superintendent or designee shall calculate each student's GPA using the grade point assigned to each letter grade in accordance with the scale described in the section "Grades for Achievement" above. The grade points for all applicable coursework shall be totaled and divided by the number of courses completed. Pass/Fail grades shall not be included in the determination of a student's GPA.

(cf. 5126 - Awards for Achievement)

(cf. 6145 - Extracurricular and Cocurricular Activities)

When plus and minus designations are added to letter grades, they shall not be considered in determining GPA.

BULLYING

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel.

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

Cyberbullying includes the creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

(cf. 5145.2 - Freedom of Speech/Expression)

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans.

(cf. 0420 - School Plans/Site Councils)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 6020 - Parent Involvement)

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

(cf. 1020 - Youth Services)

Bullying Prevention

To the extent possible, district schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote a positive, collaborative

BULLYING (continued)

school climate Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying.

(cf. 5137 - Positive School Climate)

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

(cf. 6142.8 - Comprehensive Health Education)
(cf. 6142.94 - History-Social Science Instruction)
(cf. 6163.4 - Student Use of Technology)

Staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response.

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

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness an act of bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

BULLYING (continued)**Reporting and Filing of Complaints**

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Investigation and Resolution of Complaints

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3.

If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

BULLYING (continued)

Discipline

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

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

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference: (see next page)

BULLYING (continued)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination*

32282 *Comprehensive safety plan*

32283.5 *Bullying; online training*

35181 *Governing board policy on responsibilities of students*

35291-35291.5 *Rules*

48900-48925 *Suspension or expulsion*

48985 *Translation of notices*

52060-52077 *Local control and accountability plan*

PENAL CODE

422.55 *Definition of hate crime*

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

647.7 *Use of camera or other instrument to invade person's privacy; punishment*

653.2 *Electronic communication devices, threats to safety*

CODE OF REGULATIONS, TITLE 5

4600-4687 *Uniform complaint procedures*

UNITED STATES CODE, TITLE 47

254 *Universal service discounts (e-rate)*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 *Nondiscrimination on basis of disability; complaints*

CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 *Designation of responsible employee for Section 504*

106.8 *Designation of responsible employee for Title IX*

110.25 *Notification of nondiscrimination on the basis of age*

COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

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

Lavine v. Blaine School District, (2002) 279 F.3d 719

Management Resources: (see next page)

BULLYING (continued)

Management Resources:

CSBA PUBLICATIONS

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

*Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014**Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012*

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

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Bullying at School, 2003

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

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

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

Common Sense Media: <http://www.commonsensemedia.org>

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

ON[the]LINE, digital citizenship resources: <http://www.onthelineca.org>

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

CHILD CARE AND DEVELOPMENT

The Governing Board desires to provide child care and development services which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.

- (cf. 5148.2 - Before/After School Programs)*
- (cf. 5148.3 - Preschool/Early Childhood Education)*
- (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*
- (cf. 6175 - Migrant Education Program)*

The Board shall enter into a contract with the California Department of Education (CDE) for the provision of child care and development services by the district.

- (cf. 3312 - Contracts)*

The district shall work cooperatively with the local child care and development planning council, public and private agencies, parents/guardians, and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality, and supply information about child care options.

- (cf. 1020 - Youth Services)*
- (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*
- (cf. 1700 - Relations Between Private Industry and the Schools)*

The Board shall approve for the district's child care and development program a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

- (cf. 0000 - Vision)*
- (cf. 0100 - Philosophy)*
- (cf. 0200 - Goals for the School District)*

Eligibility and Enrollment

Child care admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the child care center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and health examination requirements. (5 CCR 18105; 22 CCR 101218)

- (cf. 0410 - Nondiscrimination in District Programs and Activities)*
- (cf. 3540 - Transportation)*
- (cf. 3550 - Food Service/Child Nutrition Program)*
- (cf. 5141.22 - Infectious Diseases)*
- (cf. 5141.3 - Health Examinations)*
- (cf. 5141.31 - Immunizations)*

CHILD CARE AND DEVELOPMENT (continued)

The Superintendent or designee shall ensure that subsidized child care is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263 and 5 CCR 18106.

To the extent that space is available after the enrollment of children who are eligible for subsidized services, priority for admissions shall be given to district students, children of district students, and children of district employees.

(cf. 5111.1 - District Residency)

(cf. 5146 - Married/Pregnant/Parenting Students)

Staffing

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications and have satisfied all legal requirements.

(cf. 1240 - Volunteer Assistance)

(cf. 4112.2 - Certification)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Facilities

Upon recommendation of the Superintendent or designee, the Board may approve any of the following for the provision of child care and development services:

1. The use of existing district facilities that have capacity
2. Renovation or improvement of district facilities to make them suitable for such services
3. Purchase of relocatable child care facilities
4. Inclusion of child care facilities in any new construction
5. Agreement with a public agency or community organization for the use of community facilities

(cf. 1330.1 - Joint Use Agreements)

(cf. 7110 - Facilities Master Plan)

CHILD CARE AND DEVELOPMENT (continued)

The Superintendent or designee shall ensure that facilities used for child care services meet all applicable health and safety standards. (5 CCR 18020; 22 CCR 101238-101239.2)

Complaints

For a licensed child care center, any complaint alleging health and safety violations shall be referred to the California Department of Social Services. For a license-exempt facility, such complaints shall be referred to the appropriate Child Development regional administrator. Any other alleged violation of state or federal laws governing child care and development programs shall be investigated and resolved using the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Program Evaluation

The Superintendent or designee shall annually conduct an evaluation of the district's child care and development services in accordance with state requirements. The evaluation report shall be submitted to the Board and the CDE along with an action plan which establishes program goals and objectives for the coming year and addresses any areas identified as needing improvement. (5 CCR 18279-18281)

(cf. 0500 - Accountability)

Legal Reference: (see next page)

CHILD CARE AND DEVELOPMENT (continued)

Legal Reference:

EDUCATION CODE

8200-8499.10 *Child Care and Development Services Act, especially:*
8200-8209 *General provisions for child care and development services*
8210-8216 *Resource and referral program*
8220-8226 *Alternative payment program*
8230-8233 *Migrant child care and development program*
8235-8239 *California state preschool program*
8240-8244 *General child care programs*
8250-8252 *Programs for children with special needs*
8263 *Eligibility and priorities for subsidized child development services*
8263.3 *Disenrollment of families due to reduced funding levels*
8263.4 *Enrollment of students ages 11-12 years*
8273-8273.3 *Fees*
8278.3 *Child Care Facilities Revolving Fund*
8360-8370 *Personnel qualifications*
8400-8409 *Contracts*
8482-8484.65 *After-school education and safety program*
8484.7-8484.8 *21st Century community learning centers*
8493-8498 *Facilities*
8499-8499.7 *Local planning councils*
49540-49546 *Child care food program*
49570 *National School Lunch program*
56244 *Staff development funding*

HEALTH AND SAFETY CODE

1596.70-1596.895 *California Child Day Care Act*
1596.90-1597.21 *Day care centers*
120325-120380 *Immunization requirements*

CODE OF REGULATIONS, TITLE 5

4610-4687 *Uniform complaint procedures*
18000-18434 *Child care and development programs, especially:*
18012-18122 *General requirements*
18180-18192 *Federal and state migrant programs*
18210-18213 *Severely handicapped program*
18220-18231 *Alternative payment program*
18240-18248 *Resource and referral program*
18270-18281 *Program quality, accountability*
18290-18292 *Staffing ratios*
18295 *Waiver of qualifications for site supervisor*
18300-18308 *Appeals and dispute resolution*
80105-80125 *Commission on Teacher Credentialing, child care and development permits*

CODE OF REGULATIONS, TITLE 22

101151-101239.2 *General requirements, licensed child care centers, especially:*
101151-101163 *Licensing and application procedures*
101212-101231 *Continuing requirements*
101237-101239.2 *Facilities and equipment*

Legal Reference continued: (see next page)

CHILD CARE AND DEVELOPMENT (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 42

1751-1769 School lunch programs

9831-9852 Head Start programs

9858-9858q Child care and development block grant

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch program

CODE OF FEDERAL REGULATIONS, TITLE 45

98.2-98.93 Child care and development fund

COURT DECISIONS

CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001) 91 Cal.App.4th 892

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

14-03a Revised Child Care and Development Fee Schedule, Management Bulletin, September 2014

Uniform Complaint Procedures, 2014

12-07 Disenrollment due to Maximum Reimbursable Amount Reduction, Management Bulletin, July 2012

Keeping Children Healthy in California's Child Care Environments: Recommendations to Improve Nutrition and Increase Physical Activity, 2010

WEB SITES

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

California Association for the Education of Young Children: <http://www.caeyc.org>

California Child Development Administrators Association: <http://www.ccdaa.org>

California Department of Education, Early Education and Support Division: <http://www.cde.ca.gov/sp/cd>

California Department of Education, Early Education Management Bulletins:

<http://www.cde.ca.gov/sp/cd/ci/allmbs.asp>

California Department of Social Services, Licensing Information: <http://cclld.ca.gov/PG492.htm>

California Head Start Association: <http://caheadstart.org>

California School-Age Consortium: <http://calsac.org>

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

National Association for the Education of Young Children: <http://www.naeyc.org>

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

CHILD CARE AND DEVELOPMENT

Licensing

All district child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code 1596.792 or 22 CCR 101158.

The license shall be posted in a prominent, publicly accessible location in the facility. (Health and Safety Code 1596.8555)

Licensed child care centers shall be subject to the requirements of Health and Safety Code 1596.70-1597.21, 22 CCR 101151-101239.2, and, when applicable, 22 CCR 101451-101539.

Program Components

The district's child care and development program shall include the following components:

1. A developmental profile recording each child's physical, cognitive, social, and emotional development which shall be used to plan and conduct developmentally and age-appropriate activities (Education Code 8203.5; 5 CCR 18272)

Program staff shall complete the "Desired Results Developmental Profile," available from the California Department of Education (CDE), for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages. (Education Code 8203.5; 5 CCR 18270.5, 18272)

2. An educational program which complies with 5 CCR 18273, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs

(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 6159 - Individualized Education Program)
(cf. 6164.4 - Identification of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)
(cf. 6174 - Education for English Language Learners)

3. A staff development program which complies with 5 CCR 18274

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

CHILD CARE AND DEVELOPMENT (continued)

4. Parent/guardian involvement and education which comply with 5 CCR 18275 and involve parents/guardians through an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress

(cf. 6020 - Parent Involvement)

5. A health and social services component which complies with 5 CCR 18276 and includes referrals to appropriate community agencies as needed

(cf. 1020 - Youth Services)

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

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.23 - Asthma Management)

(cf. 5141.6 - School Health Services)

6. A community involvement component which complies with 5 CCR 18277

7. A nutrition component which ensures that children in the program are provided nutritious meals, beverages, and snacks that meet state and federal standards and have access to drinking water throughout the day, including at meal times (Health and Safety Code 1596.808; 5 CCR 18278; 42 USC 1766)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 5030 - Student Wellness)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

8. An annual plan for program evaluation which conforms with the state's "Desired Results for Children and Families" system and includes, but is not limited to, a self-evaluation, parent survey, and environment rating scale using forms provided by the CDE (5 CCR 18270.5, 18279, 18280)

(cf. 0500 - Accountability)

9. Programs that promote age-appropriate structured and unstructured opportunities for physical activity and that limit the amount of time spent in sedentary activities to an appropriate level

Staffing Ratios

The district's child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in 5 CCR 18290-18292 based on the ages of the children served.

CHILD CARE AND DEVELOPMENT (continued)

Eligibility and Enrollment

The district's subsidized child care and development services may be available to infants and children through age 12 years and to individuals with disabilities through age 21 years in accordance with their individualized education program and Education Code 8208. (Education Code 8208, 8263.4; 5 CCR 18089, 18407, 18422)

Eligible families shall be those who document both an eligibility basis and a need for care, as follows: (Education Code 8263)

1. The family is eligible for subsidized services on the basis of being a current aid recipient, income eligible, or homeless and/or the family's children are recipients of protective services or have been identified as being, or at risk of being, abused, neglected, or exploited.
2. The family has a need for child care based on the unavailability of the parents/guardians to care for and supervise their children for some portion of the day because they are either working, seeking employment, participating in vocational education and training programs, seeking permanent housing for family stability, or temporarily or permanently incapacitated. Alternatively, a family satisfies the need requirement if the child is identified by a legal, medical, social services agency, or emergency shelter as a recipient of child protective services or as being, or at risk of being, neglected, abused, or exploited.

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

First priority for enrollment shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8263)

Second priority for enrollment shall be given to families who are income eligible, as defined in Education Code 8263.1. Families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with disabilities shall be admitted first or, if there is no child with disabilities, the family that has been on the waiting list for the longest time shall be admitted first. (Education Code 8263, 8263.1)

CHILD CARE AND DEVELOPMENT (continued)

The district shall allow eligible children ages 11-12 years to combine enrollment in a before-school or after-school program with subsidized child care services during the time that the before-school or after-school program does not operate. Children ages 11-12 years, except for children with disabilities, shall be eligible for subsidized child care services only for the portion of care needed that is not available in a before-school or after-school program. (Education Code 8263.4)

After all children eligible for subsidized services have been enrolled, the district may enroll children in accordance with the priorities established by the Governing Board.

The district's decision to approve or deny services shall be communicated to the parent/guardian through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18118)

(cf. 5145.6 - Parental Notifications)

Subsequently, the Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. An indication by the parent/guardian that he/she no longer wants the service
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

The Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services containing the completed and signed application for services, documentation used to determine the child's eligibility and need, and copies of all Notices of Action. (5 CCR 18081, 18095)

CHILD CARE AND DEVELOPMENT (continued)**Fees and Charges**

Except when offering a program which is prohibited by law from charging any fees, the Superintendent or designee may charge fees for services according to the fee schedule established by the Superintendent of Public Instruction, the actual cost of services, or the maximum daily/hourly rate specified in the contract, whichever is least. (Education Code 8250, 8263, 8273, 8273.1, 8273.2, 8447; 5 CCR 18078, 18108-18110)

However, no fee shall be charged to a family that is receiving CalWORKS cash aid, an income-eligible family whose child is enrolled in a part-day California State Preschool Program, or a family whose income level, in relation to family size, is less than the first entry in the fee schedule. (Education Code 8273.1; 5 CCR 18110)

In addition, any family receiving child care on the basis of having a child who is a recipient of child protective services, or having a certification by a county child welfare agency that child care services continue to be necessary, may be exempt from these fees for up to 12 months. Any family whose child is receiving child care on the basis of being at risk of abuse, neglect, or exploitation may be exempt from these fees for up to three months, unless the family becomes eligible based on receipt of child protective services or certification of need by a county child welfare agency. The cumulative period of exemption for these purposes shall not exceed 12 months. (Education Code 8273.1)

Fees shall be assessed at initial enrollment and reassessed when a family is recertified or experiences a change in status. Fees shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the district's regulations regarding fee collection at the time of initial enrollment into the program. (Education Code 8273; 5 CCR 18082, 18114, 18115)

The Superintendent or designee shall establish a process which involves parents/guardians in determining whether to require parents/guardians to provide diapers. This process shall also be used to determine whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8273.3)

Disenrollment

When necessary due to a reduction in state reimbursements, families shall be disenrolled from subsidized child care and development services in the following order: (Education Code 8263.3)

CHILD CARE AND DEVELOPMENT (continued)

1. Families with the highest income in relation to family size shall be disenrolled first.
2. If two or more families have the same income ranking, children without disabilities who have been enrolled in child care services the longest shall be disenrolled first. After all children without disabilities have been disenrolled, children with disabilities shall be disenrolled, with those who have been enrolled in child care services the longest being disenrolled first.
3. Families whose children are receiving child protective services or are at risk of neglect, abuse, or exploitation, regardless of family income, shall be disenrolled last.

Whenever the district issues a notice to the families who will be disenrolled due to funding reduction, a parent/guardian may appeal the decision only on the grounds that the factors used to determine the family's disenrollment are incorrect. He/she shall submit the appeal within 14 calendar days of receipt of the notice, or within 19 calendar days if the notice was mailed.

The Superintendent or designee shall review the appeal and notify the parent/guardian, in writing, of the district's final decision within 10 calendar days of receiving the appeal request. Services shall continue to be provided pending the appeal decision.

Health Examination

A physical examination and evaluation, including age-appropriate immunization, shall be required prior to or within six weeks of enrollment, unless the parent/guardian submits a letter stating that such examination is contrary to his/her religious beliefs. (Education Code 8263)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence, and signature of parent/guardian or district representative. (5 CCR 18065, 18066)

Absences shall be excused for the following reasons:

1. Illness or quarantine of the child or of the parent/guardian (Education Code 8208)

CHILD CARE AND DEVELOPMENT (continued)

2. Family emergency (Education Code 8208)

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative as required by a court of law (Education Code 8208)

4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child (Education Code 8208)

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of child protective services or are at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 18066)

Any absence due to a reason other than any of those stated above, or without the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the program coordinator or site supervisor shall notify the parents/guardians. Children who continue to have excessive unexcused absences may be removed from the program at the discretion of the program coordinator in order to accommodate other families on the waiting list for admission.

Parents/guardians shall be notified of the policies and procedures related to excused and unexcused absences for child care and development services. (5 CCR 18066)

Rights of Parents/Guardians

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of his/her rights as specified in 22 CCR 101218.1, including, but not limited to, the right to enter and inspect the child care facility and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption. (Health and Safety Code 1596.857; 22 CCR 101218.1)

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to

CHILD CARE AND DEVELOPMENT (continued)

the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to noncustodial parents/guardians when so requested by the responsible parent/guardian. (Health and Safety Code 1596.857)

Records

The Superintendent or designee shall maintain records of enrollment, attendance, types of families served, income received from all families participating in the district's child care and development program, and any other records required by the CDE.

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

BEFORE/AFTER SCHOOL PROGRAMS

The Governing Board desires to provide before-school and/or after-school enrichment programs that support the regular education program and provide safe alternatives for students. In order to increase academic achievement of participating students, the content of such programs shall be coordinated with the district's vision and goals for student learning, its curriculum, and district and state academic standards.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 5147 - Dropout Prevention)
(cf. 5148 - Child Care and Development)
(cf. 6011 - Academic Standards)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)
(cf. 6179 - Supplemental Instruction)

The district's program shall be planned through a collaborative process that includes parents/guardians, students, and representatives of participating schools, governmental agencies including city and county parks and recreation departments, local law enforcement, community organizations, and, if appropriate, the private sector. (Education Code 8422, 8482.5)

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)
(cf. 6020 - Parent Involvement)

The establishment of any program shall be approved by the Board and the principal of each participating school. (Education Code 8421, 8482.3)

The Superintendent or designee shall ensure that all staff who directly supervise students in the district's before-school and/or after-school program possess appropriate knowledge and experience. As needed, staff and volunteers shall receive ongoing training related to their job responsibilities. (Education Code 8483.4)

(cf. 1240 - Volunteer Assistance)
(cf. 4131 - Staff Development)
(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

The program shall include academic and enrichment elements in accordance with law and administrative regulation. In addition, the program may include support services that reinforce the educational component and promote student health and well-being.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5030 - Student Wellness)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 6142.7 - Physical Education and Activity)

BEFORE/AFTER SCHOOL PROGRAMS (continued)

A fee may be charged to participating families based on the actual cost of services. The fee may be waived or subsidized based on economic need or other critical needs.

Eligible students ages 11-12 years shall be placed in a before-school or after-school program, if and when available, rather than subsidized child care and development services. During the time that the before-school or after-school program does not operate, students ages 11-12 years may be provided the option of enrolling in child care and development services in accordance with the priorities established in AR 5148 - Child Care and Development. (Education Code 8263.4)

(cf. 3260 - Fees and Charges)

The Board and the Superintendent or designee shall monitor student participation rates and shall identify multiple measures that shall be used to evaluate program effectiveness. Such measures may include, but are not limited to, student outcome data; program self-assessments; feedback from staff, participating students, and parents/guardians; and observations of program activities.

(cf. 0500 - Accountability)

Every three years, the program shall review its after-school program plan, including program goals, program content, and outcome measures. Documentation of the program plan shall be maintained for a minimum of five years. (Education Code 8482.3)

(cf. 3580 - District Records)

Legal Reference: (see next page)

BEFORE/AFTER SCHOOL PROGRAMS (continued)

Legal Reference:

EDUCATION CODE

8263 *Eligibility and priorities for subsidized child development services*
8263.4 *Enrollment of students ages 11-12 years*
8273.1 *Family fees, exemptions*
8350-8359.1 *Programs for CalWORKS recipients*
8360-8370 *Personnel qualifications*
8420-8428 *21st Century After-School Program for Teens*
8482-8484.65 *After School Education and Safety Program*
8484.7-8484.9 *21st Century Community Learning Centers*
8490-8490.7 *Distinguished After School Health Recognition Program*
17264 *New construction; accommodation of before- and after-school programs*
35021.3 *After-school physical recreation instructors*
45125 *Criminal record check*
45330 *Paraprofessionals; instructional aides*
35340-45349 *Paraprofessionals; instructional aides*
49024 *Criminal background check; Activity Supervisor Clearance Certificate*
49430-49434 *Nutrition standards*
49553 *Free or reduced-price meals*
69530-69547.9 *Cal Grant program*

UNITED STATES CODE, TITLE 20

6314 *Title I schoolwide programs*
6319 *Program improvement*
7171-7176 *21st Century Community Learning Centers*

UNITED STATES CODE, TITLE 42

1766-1766a *Child and Adult Care Food Program*

CODE OF FEDERAL REGULATIONS, TITLE 7

226.17 *Nutrition standards*

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Quality Standards for Expanded Learning in California: Creating and Implementing a Shared Vision of Quality, 2014

California After School Physical Activity Guidelines, 2009

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21st Century Community Learning Centers, Nonregulatory Guidance, February 2003

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California Healthy Kids Survey: <https://chks.wested.org>

California School-Age Consortium: <http://calsac.org>

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

Partnership for Children and Youth: <http://partnerforchildren.org>

U.S. Department of Agriculture: <http://www.fns.usda.gov/cnd/care/afterschool.htm>

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

Policy
adopted:

CSBA MANUAL MAINTENANCE SERVICE
July 2015

BEFORE/AFTER SCHOOL PROGRAMS

Grades K-9

The district's After School Education and Safety (ASES) program or 21st Century Community Learning Center (21st CCLC) program may serve students in grades K-9. (Education Code 8482.3, 8484.8)

Consistent with state funding priorities, the district shall, to the extent feasible, give priority to establishing ASES programs that serve students in schools with the highest percentage of students eligible for free and reduced-price meals.

(cf. 3553 - Free and Reduced Price Meals)

The district's 21st CCLC program shall primarily serve students in Title I schoolwide programs or serve a high percentage of students from low-income families. (Education Code 8484.8; 20 USC 7173)

(cf. 6171 - Title I Programs)

Consistent with federal funding priorities, the district shall, to the extent feasible, give priority to establishing 21st CCLC programs in schools that are identified for program improvement under 20 USC 6316 and/or programs that will provide year-round expanded learning opportunities.

(cf. 0520.2 - Title I Program Improvement Schools)

The district's ASES and 21st CCLC program(s) shall be operated in accordance with the following:

1. Program Elements

- a. The program shall include an educational and literacy element in which tutoring or homework assistance is provided in language arts, mathematics, history and social science, computer training, and/or science. (Education Code 8482.3)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6142.93 - Science Instruction)

(cf. 6154 - Homework/Makeup Work)

(cf. 6163.4 - Student Use of Technology)

- b. The program shall include an educational enrichment element which may include, but is not limited to, fine arts, career technical education, recreation, technology, physical fitness, and prevention activities. (Education Code 8482.3)

BEFORE/AFTER SCHOOL PROGRAMS (continued)

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.62 - Tobacco)
(cf. 6142.6 - Visual and Performing Arts)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6178 - Career Technical Education)

2. Nutrition

- a. If snacks or meals are made available in the program, they shall conform to state nutrition standards specified in Education Code 49430-49434 or 42 USC 1766 as applicable. (Education Code 8482.3; 42 USC 1766-1766a; 7 CFR 226.17)
- b. The district's before-school program shall offer a breakfast meal as described in Education Code 49553 for all program participants. (Education Code 8483.1)

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3554 - Other Food Sales)
(cf. 5030 - Student Wellness)

3. Location of Program

- a. The program may be offered at one or multiple school sites and/or at an easily available and accessible off-campus facility. (Education Code 8482.3)
- b. When there is a significant barrier to student participation in either the before-school or after-school component of a program at the school of attendance, the district may, with the approval of the Superintendent of Public Instruction, provide services at another school site. A significant barrier includes either of the following: (Education Code 8482.8)

- (1) Fewer than 20 students participating in the program component
- (2) Extreme transportation constraints, including, but not limited to, desegregation busing, busing for magnet or open enrollment schools, or student dependence on public transportation

In such cases, the district shall arrange for safe, supervised transportation between school sites; ensure communication among staff in the regular school program, staff in the before-school or after-school program, and parents/guardians; and ensure alignment of the educational and literacy elements with the regular school program of participating students. (Education Code 8482.8)

(cf. 3540 - Transportation)

BEFORE/AFTER SCHOOL PROGRAMS (continued)

4. Staffing

- a. All staff members who directly supervise students shall, at a minimum, meet the qualifications for an instructional aide. (Education Code 8483.4; 20 USC 6319)

(cf. 4222 - Teacher Aides/Paraprofessionals)

- b. All program staff and volunteers shall be subject to the health screening and fingerprint clearance requirements in law and Board policy. (Education Code 8483.4)

(cf. 1240 - Volunteer Assistance)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

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

- c. The student-to-staff ratio shall be no more than 20 to 1. (Education Code 8483.4)

5. Hours of Operation

- a. A before-school program shall not operate for less than one and one-half hours per regular school day. (Education Code 8483.1)
- b. An after-school program shall begin immediately upon the conclusion of the regular school day and shall operate a minimum of 15 hours per week and at least until 6 p.m. on every regular school day. (Education Code 8483)

6. Admissions

- a. Every student attending a school operating a program is eligible to participate in the program, subject to program capacity. (Education Code 8482.6)

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

- b. If the number of students wishing to participate in the program exceeds program capacity, students shall be selected for enrollment based on the following guidelines:

- (1) Priority for enrollment of middle or junior high school students shall be given to students who attend daily. (Education Code 8483, 8483.1)

BEFORE/AFTER SCHOOL PROGRAMS (continued)

- (2) Priority for enrollment shall be given to students identified as in need of academic remediation or support in accordance with Board policy or administrative regulations.

(cf. 6179 - Supplemental Instruction)

- (3) Any remaining capacity shall be filled by students selected at random.
- (4) A waiting list shall be established to accommodate additional students if space becomes available.

7. Attendance/Early Release

- a. Each student admitted into a district program shall be expected to attend the full number of hours that the program is in operation every day that he/she participates.
- b. When necessary, a student's parent/guardian may request, in writing, that the Superintendent or designee approve the reasonable late daily arrival of his/her child for the before-school program or the reasonable early daily release of his/her child from the after-school program. The Superintendent or designee shall not approve such a request if the student would be attending less than one-half of the daily program hours.

8. Summer/Intersession/Vacation Programs

- a. A before-school program operating during summer, intersession, and/or vacation days shall be offered for a minimum of two hours per day. An after-school program offered during summer, intersession, and/or vacation days may be operated for either three hours or six hours per day in accordance with Education Code 8483.76. When both before-school and after-school programs are offered for the same students on such days, they shall be operated for a minimum of four and one-half hours per day. (Education Code 8483, 8483.1, 8483.2, 8483.76)
- b. A program offered during summer, intersession, and/or vacation periods may open eligibility to every student attending a school in the district, with priority for enrollment given to students enrolled in the school that received the grant. (Education Code 8483.76)
- c. To address the needs of students and school closures, the program may be conducted at an off-site location or an alternate school site. The program shall notify the California Department of Education (CDE) of the change of location and shall include a plan to provide safe transportation pursuant to Education Code 8484.6. (Education Code 8483.76)

BEFORE/AFTER SCHOOL PROGRAMS (continued)

- d. Any program operating for six hours per day shall provide at least one nutritionally adequate free or reduced-price meal to each eligible student during each program day. (Education Code 8483.76)
- e. For any program operating six hours per day, district procedures pertaining to student attendance and early release as specified in item #7 above shall apply. (Education Code 8483.76)

(cf. 6177 - Summer Learning Programs)

Volunteers

The Superintendent or designee may establish a registry of volunteer after-school physical recreation instructors and other before-school and after-school program volunteers. (Education Code 35021.3)

To be included in the registry, a volunteer shall submit to a criminal background check pursuant to Education Code 45125. He/she also shall submit current contact information to the district and shall update that information whenever the information changes. (Education Code 35021.3)

The Superintendent or designee may use a volunteer registered with the district or may select another person to provide physical recreation to students after school hours or to provide other services. (Education Code 35021.3)

Reports

The Superintendent or designee shall annually submit to the CDE outcome-based data, including, but not limited to: (Education Code 8427, 8482.3, 8484)

- 1. For participating students, school day attendance on an annual basis and program attendance on a semi-annual basis
- 2. Evidence of a program quality improvement process that is data driven and based on CDE program quality standards

(cf. 0500 - Accountability)

PRESCHOOL/EARLY CHILDHOOD EDUCATION

The Governing Board recognizes that high-quality preschool experiences help children ages 3-4 years to develop knowledge, skills, abilities, and attributes necessary for a successful transition into the elementary education program. Early education programs should provide developmentally appropriate activities in a safe, adequately supervised, and cognitively rich environment.

Collaboration with Community Programs

The Superintendent or designee shall collaborate with the local child care and development planning council, other public agencies, organizations, the county office of education, and/or private preschool providers to assess the availability of preschool programs in the community and the extent to which the community's preschool needs are being met. The Board encourages the development of a comprehensive districtwide and/or countywide plan to increase children's access to high-quality preschool programs.

(cf. 1020 - Youth Services)

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

(cf. 1700 - Relations Between Private Industry and the Schools)

(cf. 5148 - Child Care and Development)

The Superintendent or designee shall provide information about preschool options in the community to parents/guardians upon request.

District Preschool Programs

When the Board determines that it is feasible, the district may contract with the California Department of Education (CDE) to provide preschool services in facilities at or near district schools.

The Board shall approve for the district's preschool program a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

The Board shall set priorities for establishing or expanding services as resources become available, giving consideration to the benefits of providing early education programs for at-risk children and/or children residing in the attendance areas of the lowest performing district schools.

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

On a case-by-case basis, the Board shall determine whether the district shall directly administer a preschool program or contract with a public or private provider to offer such a program.

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

Facilities for preschool classrooms shall be addressed in the district's facilities master plan, including an assessment as to whether adequate and appropriate space exists on school sites. As necessary, the Superintendent or designee shall provide information to the Board regarding facilities financing options for preschool classrooms and/or facilities available through partnering organizations or agencies.

(cf. 1330.1 - Joint Use Agreements)

(cf. 7110 - Facilities Master Plan)

(cf. 7210 - Facilities Financing)

Because parents/guardians are essential partners in supporting the development of their children, the Superintendent or designee shall involve them in program planning.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

The Superintendent or designee shall coordinate planning efforts for the district's preschool program, transitional kindergarten program, and elementary education program to provide a developmental continuum that builds upon children's growing skills and knowledge.

(cf. 6011 - Academic Standards)

(cf. 6170.1 - Transitional Kindergarten)

The district's program shall be aligned with preschool learning foundations and curriculum frameworks developed by the CDE which identify the knowledge, skills, and competencies that children typically attain as they complete their first or second year of preschool. The program shall be designed to facilitate children's development in essential skills related to language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

The district's preschool program shall provide appropriate services to support the needs of English learners and children with disabilities.

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

(cf. 6174 - Education for English Language Learners)

The district shall encourage volunteerism in the program and shall communicate frequently with parents/guardians of enrolled children regarding their child's progress.

(cf. 1240 - Volunteer Assistance)

To maximize the ability of children to succeed in the preschool program, the program shall support children's health through proper nutrition and physical activity and shall provide or make referrals to available health and social services as needed.

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

(cf. 3550 - Food Services/Child Nutrition Program)
(cf. 5030 - Student Wellness)
(cf. 5141.31 - Immunizations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.6 - School Health Services)

The Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in district preschool programs possess the appropriate permit(s) issued by the Commission on Teacher Credentialing, meet any additional qualifications established by the Board, and participate in professional development opportunities designed to continually enhance their knowledge and skills.

(cf. 4112.2 - Certification)
(cf. 4112.4/4212.4/4312.4 - Health Examinations)
(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)
(cf. 4131 - Staff Development)
(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Preschool admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a health examination requirement. (CCR 18105; 22 CCR 101218)

The Superintendent or designee shall ensure that subsidized preschool is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263 and 5 CCR 18106.

The Superintendent or designee shall recommend strategies to link the district's preschool program with other available child care and development programs in the district or community in order to assist families whose child care needs extend beyond the length of time that the district's part-day preschool program is offered.

The Superintendent or designee shall develop and implement an annual plan of evaluation which conforms to state requirements. (5 CCR 18279)

The Superintendent or designee shall regularly report to the Board regarding enrollments in district preschool programs and the effectiveness of the programs in preparing preschoolers for transition into the elementary education program.

(cf. 0500 - Accountability)

Legal Reference: (see next page)

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

Legal Reference:

EDUCATION CODE

8200-8499.10 *Child Care and Development Services Act, especially:*
8200-8209 *General provisions for child care and development services*
8230-8233 *Migrant child care and development program*
8235-8239 *California State Preschool Program*
8240-8244 *General child care and development programs*
8250-8252 *Programs for children with special needs*
8263 *Eligibility and priorities for subsidized child development services*
8263.3 *Disenrollment of families due to reduced funding levels*
8300-8303 *Early Learning Quality Improvement System Advisory Committee*
8360-8370 *Personnel qualifications*
8400-8409 *Contracts*
8493-8498 *Facilities*
8499.3-8499.7 *Local child care and development planning councils*
48000 *Transitional kindergarten*

HEALTH AND SAFETY CODE

1596.70-1596.895 *California Child Day Care Act*
1596.90-1597.21 *Day care centers*
120325-120380 *Immunization requirements*

CODE OF REGULATIONS, TITLE 5

18000-18434 *Child care and development programs, especially:*
18130-18136 *California State Preschool Program*
18295 *Waiver of qualifications for site supervisor*
80105-80125 *Permits authorizing service in child development programs*

UNITED STATES CODE, TITLE 20

6311-6322 *Title I, relative to preschool*
6319 *Qualifications for teachers and paraprofessionals*
6371-6376 *Early Reading First*
6381-6381k *Even Start family literacy programs*
6391-6399 *Education of migratory children*

UNITED STATES CODE, TITLE 42

9831-9852 *Head Start programs*
9858-9858q *Child Care and Development Block Grant*

CODE OF FEDERAL REGULATIONS, TITLE 22

101151-101239.2 *General requirements, licensed child care centers, including:*
101151-101163 *Licensing and application procedures*

Legal Reference continued: (see next page)

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 22 (continued)

101212-101231 Continuing requirements

101237-101239.2 Facilities and equipment

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1301-1310 Head Start

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California County Superintendents Educational Services Association: <http://www.ccsesa.org>

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

California Head Start Association: <http://caheadstart.org>

California Preschool Instructional Network: <http://www.cpin.us>

Child Development Policy Institute: <http://www.cdpi.net>

Cities, Counties, and Schools Partnership: <http://www.ccspartnership.org>

First 5 Association of California: <http://www.f5ac.org>

National Institute for Early Education Research: <http://nieer.org>

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

Preschool California: <http://www.preschoolcalifornia.org>

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

PRESCHOOL/EARLY CHILDHOOD EDUCATION

When approved by the California Department of Education (CDE) under the California State Preschool Program, the district may operate one or more part-day preschool programs in accordance with law and the terms of its contract with the CDE.

(cf. 5148 - Child Care and Development)

The district's preschool program shall include all required program components, as described in 5 CCR 18272-18281 and AR 5148 - Child Care and Development, for the educational program, the creation of a developmental profile for each child, staff development, parent involvement and education, community involvement, health and social services, nutrition, and program evaluation. (5 CCR 18271-28281)

Minimum Hours/Days of Operation

The district's part-day preschool program shall operate a minimum of three hours per day, excluding time for home-to-school transportation, and for a minimum of 175 days per year unless otherwise specified in the program's contract. (Education Code 8235; 5 CCR 18136)

Staffing Ratios

The preschool program shall maintain an adult-child ratio of at least one adult for every eight children and a teacher-child ratio of at least one teacher for every 24 children. If the district cannot recruit a sufficient number of parents/guardians or volunteers to meet the required adult-child ratio, teacher aides shall be hired as necessary. (5 CCR 18135, 18290)

(cf. 1240 - Volunteer Assistance)

(cf. 6020 - Parent Involvement)

Wraparound Child Care Services

In accordance with its contract with the CDE, the district may offer full-day services to meet the needs of eligible families through a combination of part-day preschool and wraparound child care services that are offered for the remaining portion of the day or year following completion of the preschool services. Child care and development services offered through this program shall meet the requirements of general child care and development programs pursuant to Education Code 8240-8244. (Education Code 8239)

Wraparound services shall operate a minimum of 246 days per year unless otherwise specified in the contract. For this period of time, part-day preschool programs shall operate 175-180 days and general child care and development programs may operate a full day for the remainder of the year after the completion of the preschool program. (Education Code 8239)

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**Family Literacy Services**

When any district preschool program receives funding for family literacy services pursuant to Education Code 8238.4, the Superintendent or designee shall coordinate the provision of: (Education Code 8238)

1. Opportunities for parents/guardians to work with their children on interactive literacy activities, including activities in which parents/guardians actively participate in facilitating their children's acquisition of prereading skills through guided activities such as shared reading, learning the alphabet, and basic vocabulary development
2. Parenting education for parents/guardians of participating children to support their children's development of literacy skills, including, but not limited to, parent education in:
 - a. Providing support for the educational growth and success of their children
 - b. Improving parent-school communications and parental understanding of school structures and expectations
 - c. Becoming active partners with teachers in the education of their children
 - d. Improving parental knowledge of local resources for the identification of and services for developmental disabilities, including, but not limited to, contact information for the district special education referral
3. Referrals to providers of adult education and instruction in English as a second language as necessary to improve parents/guardians' academic skills

(cf. 6200 - Adult Education)

4. Staff development for teachers in participating classrooms that includes, but is not limited to:
 - a. Development of a pedagogical knowledge, including, but not limited to, improved instructional strategies
 - b. Knowledge and application of developmentally appropriate assessments of the prereading skills of children in participating classrooms
 - c. Information on working with families, including the use of on-site coaching, for guided practice in interactive literacy activities

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

- d. Providing targeted interventions for all young children to improve kindergarten readiness upon program completion

(cf. 4131 - Staff Development)

Eligibility and Enrollment

Children eligible for the district's preschool program include those who will have their third or fourth birthday on or before September 1 of the fiscal year that they are being served. (Education Code 8208, 8235, 8236)

When a child is eligible for both the preschool program and the district's transitional kindergarten program, the family may choose the most appropriate program for the child. In accordance with the enrollment priorities described below, the child may be enrolled in both programs provided that the child is not enrolled in both programs for the same time period on the same day.

(cf. 5111 - Admission)

(cf. 6170.1 - Transitional Kindergarten)

Eligibility for subsidized preschool shall be as follows:

1. Children shall be eligible for subsidized preschool services if their family is a current aid recipient, income eligible, or homeless and/or the family's children are recipients of protective services or have been identified as being, or at risk of being, abused, neglected, or exploited. (Education Code 8235, 8263, 8263.1; 5 CCR 18131, 18134)
2. Children shall be eligible for subsidized wraparound preschool and child care services if their family meets at least one of the criteria specified in item #1 above or needs child care services due to either of the following circumstances: (Education Code 8239, 8263)
 - a. The child is identified by a legal, medical, or social services agency or emergency shelter as a recipient of protective services or as being, or at risk of being, neglected, abused, or exploited.
 - b. The parents/guardians are engaged in vocational training leading directly to a recognized trade, paraprofession, or profession; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated.

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

First priority for enrollment in a preschool program shall be given to neglected or abused children age 3 or 4 years who are recipients of child protective services or who, based upon written referral from a legal, medical, or social service agency, are at risk of being neglected, abused, or exploited. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8236; 5 CCR 18131)

(cf. 1020 - Youth Services)

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

(cf. 1700 - Relations Between Private Industry and the Schools)

After all children with first priority are enrolled, the district shall give second priority to eligible children age 4 years who are not enrolled in a transitional kindergarten program prior to enrolling eligible children age 3 years. (Education Code 8236)

After enrolling all eligible children who meet the criteria for subsidized services, up to 10 percent of the program's enrollment, calculated throughout the entire contract, may be filled with children who exceed the age limitations and children whose family income is no more than 15 percent above the income eligibility threshold. (Education Code 8235; 5 CCR 18133)

The district may certify eligibility and enrollment up to 120 calendar days prior to the first day of the beginning of the preschool year. After establishing eligibility at the time of initial enrollment, a child shall remain eligible for the remainder of the program year. (Education Code 8237; 5 CCR 18082)

The district's decision to approve or deny a child's enrollment shall be communicated to the family through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18095, 18118)

(cf. 5145.6 - Parental Notifications)

Subsequently, the Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

3. An indication by the parent/guardian that he/she no longer wants the service
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

For each child enrolled in the district's preschool program, the Superintendent or designee shall maintain a family data file containing a completed and signed application for services, documentation of income eligibility, and a copy of all Notices of Action. For each child not receiving subsidized services, the family data file shall also include records of the specific reason(s) for enrolling each child, the child's family income, and evidence that the district has made a diligent search for children eligible for subsidized services. (5 CCR 18130, 18133, 18081, 18084)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

Fees and Charges

Fees for participation in the district's preschool program shall be assessed and collected in accordance with the fee schedule established by the Superintendent of Public Instruction. (Education Code 8273, 8273.2; 5 CCR 18078)

(cf. 3260 - Fees and Charges)

However, no fee shall be charged to an income-eligible family whose child is enrolled in a part-day preschool program, a family that is receiving CalWORKs cash aid, or a family that is otherwise exempted pursuant to Education Code 8273.1. (Education Code 8273.1; 5 CCR 18110)

In addition, any family qualifying for subsidized preschool on the basis of having a child who is a recipient of child protective services, or having a certification by a county child welfare agency that services continue to be necessary, may be exempt from these fees for up to 12 months. Any family whose child is receiving subsidized preschool on the basis of being at risk of abuse, neglect, or exploitation may be exempt from these fees for up to three months, unless the family becomes eligible based on receipt of child protective services or certification of need by a county child welfare agency. The cumulative period of exemption for these purposes shall not exceed 12 months. (Education Code 8273.1)

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

The Superintendent or designee shall establish a process which involves parents/guardians in determining whether to require parents/guardians to provide diapers. This process shall also be used to determine whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8273.3)

Disenrollment

When necessary due to a reduction in state reimbursements, families shall be disenrolled in the following order: (Education Code 8236, 8263.3)

1. Children age 3 years whose families have the highest income in relation to family size shall be disenrolled first, followed by children age 4 years whose families have the highest income in relation to family size.

At each age level, if two or more families have the same income ranking, the child with disabilities shall be disenrolled last. If there are no families that have a child with disabilities, the child who has received services the longest shall be disenrolled first.

2. Families of children age 3 or 4 years who are receiving child protective services or who have been documented to be at risk of being neglected, abused, or exploited, regardless of income, shall be disenrolled last.

3. CONSENT CALENDAR: Action items:

3.3 403(b) and 457 Plan Administration Agreement with TCOE

Tulare County Office of Education

Committed to Students, Support and Service

MEMORANDUM

From: Jim Vidak
County Superintendent

To: Tulare County School District Superintendents

Re: 403(b) and 457 Plan Administration Agreement

Our office has been processing fees related to each district's 403b plan pursuant to an agreement that was created many years ago. We recently asked Lozano Smith to update our contract regarding processing of those fees. Enclosed with this memorandum please find the updated agreement for your school district for the provision of 403(b) and 457 plan administration fee processing.

As you may know, a 403(b) is a tax-sheltered annuity retirement plan traditionally offered by public schools. Section 403(b) plans work similarly to the 401(k) plans offered for retirement in the private sector. 403(b) plans allow employees to defer some of their salary into their individual accounts on a pre-tax basis, subject to annual limits set by the Internal Revenue Service ("IRS"). A 457 plan works similarly, but is subject to different rules and limits set by the IRS.

In general, the enclosed agreement provides that the Tulare County Office of Education ("TCOE") will pay the administration fees to JEM Resource Partners, as the third-party administrator for 403(b) and 457 plans, and that TCOE will subsequently be reimbursed by each district via a direct transfer of funds from the district's accounts to TCOE. TCOE is pleased to provide this service at no additional charge to all school districts using the TCOE Financial and Payroll System. The proposed agreement is only for plan administration for employee-paid contributions to 403(b) and 457 plans, not for employer-paid contributions.

If your district wishes to move forward with the Agreement, please ensure your District's underlying 403(b) and 457 plan documents meet all requirements of law and have been formally approved by your district's governing board.

To finalize the Agreement, please enter your school district's information into the blanks in the Agreement, have it approved by your district's governing board and return the signed Agreement to TCOE by November 1, 2015 to the attention of Elizabeth Sisk in External Business Services. A signed copy will be returned to the district. If you have any questions, please contact John Wilborn at 559-733-6338.

Sincerely,



Jim Vidak
Tulare County Superintendent of Schools

J:\wdocs\00137\001\mem\00394527.DOC

Jim Vidak
County
Superintendent
of Schools

2637 W. Burrel Ave.
P.O. Box 5091
Visalia, California
93278-5091

(559) 733-6300
www.tcoe.org

Administration
(559) 733-6301
fax (559) 627-5219

Business Services
(559) 733-6474
fax (559) 737-4378

Human Resources
(559) 733-6306
fax (559) 627-4670

**Instructional
Services**
(559) 733-6328
fax (559) 737-4378

Special Services
(559) 730-2910
fax (559) 730-2511

**AGREEMENT FOR 403(b) AND 457 PAYROLL ADMINISTRATION
FEE REMITTANCE AND RELATED PROCESSING**

This Agreement for 403(b) and 457 Payroll Administration Fee Remittance and Related Processing (“Agreement”) is entered into this 3rd day of November, 2015, by and between the Tulare County Office of Education and Tulare County Superintendent of Schools (collectively referred to as “County Superintendent”), and the Tipton Elen School District (“District”). The County Superintendent and District are collectively referred to as the “Parties.”

RECITALS

- A. The school districts in Tulare County (“County Districts”) offer IRS section 403(b) and section 457 retirement plans to employees.
- B. County Districts selected CalSTRS as the third party administrator for their 403(b) and 457 plans.
- C. The District is in Tulare County and participates in CalSTRS administered 403(b) and 457 plans.
- D. CalSTRS selected JEM Resource Partners (“JEM”) as the administrator for its CalSTRS 403(b) Comply program (“403(b) Comply”) and CalSTRS Pension2 457 Deferred Compensation Plan (“Pension2”).
- E. County Superintendent has offered to assist County Districts with the remittance and reporting obligations for 403(b) Comply and Pension2.

AGREEMENT

NOW, THEREFORE, County Superintendent and District agree as follows:

- 1. TERM. This Agreement will continue until written notice of termination is provided by the County Superintendent or District.
- 2. SERVICES. The District acknowledges that the services to be provided by the County Superintendent under this Agreement are entirely voluntary and discretionary and could be performed by the District.

2.1. Payroll Administration Fee Remittance. The County Superintendent will remit the monthly payment of District administrative fees payable to JEM for 403(b) Comply and Pension2 for fees incurred with respect to employee contributions made via payroll deduction to 403(b) and 457 accounts. Upon payment of such administrative fees, the County Superintendent will make a corresponding cash transfer from District funds in reimbursement to the County Superintendent.

2.2. Payroll Related Processing. The County Superintendent will process the electronic transmission of monthly District employee 403(b) and 457 contributions.

3. FEES. The payroll administration fee remittance and payroll related processing services offered by the County Superintendent are without charge to the District.
4. DISCLAIMER OF WARRANTIES. THE COUNTY SUPERINTENDENT EXPRESSLY DOES NOT MAKE ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO: (1) THE SERVICES PROVIDED BY 403(b) COMPLY OR PENSION2; (2) THE QUALIFICATION OF THE DISTRICT'S 403(b) AND 457 PLANS; (3) THE ADEQUACY OF THE 403(b) COMPLY AND PENSION2 CONTRACTS' ERRORS AND OMISSIONS INSURANCE OR BONDING PROVISIONS; OR (4) THE FINANCIAL STABILITY OF 403(b) COMPLY, PENSION2, OR JEM.
5. INDEMNIFICATION. The District shall indemnify, defend, and hold harmless the County Superintendent and any of its governing board members, officers, agents, and employees from and against all claims, losses, damages, liabilities, deficiencies, actions, judgments, interest, awards, penalties, fines, costs or expenses of any kind (including reasonable attorneys' fees) arising out of or resulting from the County Superintendent's performance under this Agreement.
6. AMENDMENTS AND WAIVERS. This Agreement may only be amended, modified or supplemented by an agreement in writing signed by the Parties, and any of the terms thereof may be waived only by a written document signed by the Parties to this Agreement or, in the case of waiver, by the party waiving compliance.
7. GOVERNING LAW. This Agreement shall be governed by and construed in accordance with the laws of the State of California. Venue shall be with the appropriate state or federal court serving Tulare County.
8. BINDING EFFECT. This Agreement shall be binding upon, and inure to the benefit of, the successors, executors, heirs, representatives, and administrators of the Parties.
9. SEVERABILITY. If any term or provision of this Agreement is invalid, illegal or unenforceable, such invalidity, illegality or unenforceability shall not affect any other term or provision of this Agreement. Each term or provision of this Agreement shall be valid and be enforced as written to the full extent permitted by law.
10. ENTIRE AGREEMENT. This Agreement constitutes the sole and entire agreement of the Parties and supersedes all prior and contemporaneous understandings, agreements, representations and warranties, both written and oral, with respect to subject matter of this Agreement.
11. INTERPRETATION. This Agreement will be construed without regard to any presumption or rule requiring construction or interpretation against the party drafting an

instrument or causing any instrument to be drafted. The headings in this Agreement are for reference only and will not affect the interpretation of this Agreement.

12. NO THIRD PARTY BENEFICIARIES. This Agreement is for the sole benefit of the Parties and their respective successors and nothing in this Agreement, express or implied, is intended to or will confer upon any other person or entity any legal or equitable right, benefit or remedy or any nature whatsoever under or by reason of this Agreement.

13. SIGNATURE IN COUNTERPARTS. This Agreement may be signed in any number of counterparts, including facsimile copies, which shall be treated as originals, all of which, taken together shall constitute the same instrument.

14. GUARANTEE OF AUTHORITY. The persons signing this Agreement guarantee they are legally authorized to sign the Agreement on behalf of the designated party and that such execution binds the designated party to the terms of this Agreement.

15. DISTRICT BOARD APPROVAL REQUIRED. This Agreement is contingent upon approval by the District's governing board.

**TULARE COUNTY
SUPERINTENDENT OF SCHOOLS**

By: _____
Jim Vidak, Superintendent

Date: _____

[NAME OF DISTRICT]

By: _____
[Name, Title]

Date: _____

This Agreement was approved by the District's Governing Board at a meeting held on _____, 201_.

Certified by: [NAME OF BOARD SECRETARY/CLERK]

[Signature of Board Secretary/Clerk]

Date: _____

3. CONSENT CALENDAR: Action items:

3.4 Field Trip, Facility and Conference Attendance Requests

Field Trip Approval Form

(MUST BE SUBMITTED ONE MONTH PRIOR TO FIELD TRIP)

TEACHER(S) Keen, Rother, Richmond, Heinkes GRADE 1st

CLASSES ATTENDING The four first grade classes.

DATE OF TRIP 10/16/15 NUMBER OF PUPILS 71 ADULTS 21

DESTINATION Fresno Chaffee Zoo

BUS TO LEAVE SCHOOL AT _____ RETURN AT _____

BUS ROUTING AND STOPS

We will be chartering two buses for trip.

USE THE BACK OF THIS PAPER IF ROUTING NEEDS MORE SPACE

PRELIMINARY STEPS: \$300.00 Deposit to Classic Charter by 10/16/15
Balance due 14 days prior to departure.

TRIP RELEVENCY: To observe animals in their
more natural habitat. (NGSS)

OTHER INFORMATION/STAFF CHAPARONE REQUEST:

COST \$ 248.50 Zoo Admission Bus 1382.00 Bus Entrance Fees ^{Bio}

CAFETERIA LUNCHES NEEDED FOR STUDENTS: YES NO _____ HOW MANY 71(?)

CAFETERIA LUNCHES NEEDED FOR ADULTS: YES _____ NO _____ HOW MANY (?)

SIGNATURE OF TEACHER IN CHARGE Karen Keen

TRIP AUTHORIZED BY SCHOOL BOARD YES _____ NO _____

SIGNATURE OF SUPERINTENDENT Paul Greeno



**Tipton Elementary School District
Conference Attendance Request**



Today's Date: October 28, 2015

Name: Miguel A. Guerrero Grade: _____

Name of Conference : Superintendents' Symposium

Location of Conference: Monterey, CA

Date of the Conference: January 26, 2016 to January 30, 2016

Date of Departure: January 26, 2016 Date of Return: January 30, 2016

Registration Deadline: _____

Conference Registration Fee: TBD College Credit: N/A

Advance Payment Required: _____

Check Payable To: _____

Mail Payment to: _____

Name: Association of California School Administrators

Address: 1029 J Street, Suite 500

City, State, and ZIP code: Sacramento, Ca 95814

Signature: Miguel A. Guerrero Date: 10/28/2015

Office Use Only	
Funding Source: _____	CODE: _____
Conference Request Approved: _____	
Conference Request Denied: _____	

4. ADMINISTRATIVE: Action items:

4.1 Approval of BP/AR 6174 – Education for English Language Learners

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

The Governing Board intends to provide English learners with challenging curriculum and instruction that develop proficiency in English as rapidly and effectively as possible while facilitating student achievement in the district's regular course of study.

The district shall identify in its local control and accountability plan (LCAP) specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

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

English learners shall be provided English language development instruction targeted to their English proficiency level and aligned with the state content standards and curriculum framework. The district's program shall be based on sound instructional theory, use standards-aligned instructional materials, and assist students in accessing the full educational program.

(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6171 - Title I Programs)

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

(cf. 4112.22 - Staff Teaching English Language Learners)

The Superintendent or designee shall provide to teachers, administrators, and other school staff research-based professional development that is designed to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. (20 USC 6825)

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

The Superintendent or designee shall encourage parent/guardian and community involvement in the development, implementation, and evaluation of English language development programs. In addition, to support students' English language development, the Superintendent or designee may provide an adult literacy training program that leads to English fluency for parents/guardians and community members.

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 6020 - Parent Involvement)

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)**Identification and Assessment**

The Superintendent or designee shall maintain procedures which provide for the accurate identification of English learners and an assessment of their proficiency and needs in the areas of listening, speaking, reading, and writing in English.

Once identified as an English learner, a student shall be annually assessed for language proficiency until he/she is reclassified based on criteria specified in the accompanying administrative regulation.

English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with allowable testing variations in accordance with 5 CCR 853.5 and 853.7. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR 853.5, 853.7)

(cf. 6152.51 - State Academic Achievement Tests)

Placement of English Learners

Students who are English learners shall be educated through "structured English immersion" (also known as "sheltered English immersion"), as defined in law and the accompanying administrative regulation, for a temporary transition period not normally intended to exceed one year. Nearly all of the classroom instruction in the district's structured English immersion program shall be in English, but with the curriculum and presentation designed for students who are learning the language. (Education Code 305-306)

"Nearly all," for the purpose of determining the amount of instruction to be conducted in English, means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

When an English learner has acquired a reasonable level of English proficiency as measured by any of the state-designated assessments approved by the California Department of Education, any district assessments, and/or other criteria adopted by the Board, he/she shall be transferred from a structured English immersion classroom to an English language mainstream classroom in which the instruction is overwhelmingly in English. (Education Code 305-306; 5 CCR 11301)

(cf. 6162.5 - Student Assessment)

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

An English learner has acquired a "reasonable level of English proficiency" when he/she has achieved the following:

1. Score *Proficient* or *Advanced* in English on the CELDT – The overall score must be a 4 or 5 and scores of 3 or higher in each skill area.
2. Attain a 2.00 or better in all academic subjects.
3. ELA Achievement level of within 30 points from the *Standard Met* cut point on the CAASPP.

At any time during the school year, the parent/guardian of an English learner may have his/her child moved into an English language mainstream program. (5 CCR 11301)

Parental Exception Waivers

When allowed by law, the parent/guardian of an English learner may submit a request that his/her child be exempted from placement in a structured English immersion program and instead be placed in a class where he/she is taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. (Education Code 310-311)

Each waiver request shall be considered on its individual merits with deference given to the parent/guardian's preference for student placement.

A waiver request shall be granted in accordance with law unless the principal and educational staff have determined that an alternative program would not be better suited to the student's overall educational development. (5 CCR 11309)

If the Superintendent or designee denies the waiver request, he/she shall provide a written justification to the parent/guardian describing the reasons for the denial. A parent/guardian may appeal the decision in writing to the Board. The Board may consider the matter at its next regular Board meeting. The Board may decide not to hear the appeal, in which case the Superintendent's decision shall be final. If the Board hears the appeal, the Superintendent shall send the Board's decision to the parent/guardian within seven working days.

Program Evaluation

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1
4. The achievement of English learners on standards-based tests in core curricular areas
5. Progress toward any other goals for English learners identified in the district's LCAP
6. A comparison of current data with data from at least the previous year.

The Superintendent or designee also shall provide the Board with regular reports from any district or schoolwide English learner advisory committees.

Legal Reference:

EDUCATION CODE

300-340 *English language education*

430-446 *English Learner and Immigrant Pupil Federal Conformity Act*

33050 *State Board of Education waiver authority*

42238.02-42238.03 *Local control funding formula*

44253.1-44253.11 *Qualifications for teaching English learners*

48985 *Notices to parents in language other than English*

52052 *Academic Performance Index; numerically significant student subgroups*

52060-52077 *Local control and accountability plan*

52130-52135 *Impacted Languages Act of 1984*

52160-52178 *Bilingual Bicultural Act*

60200.7 *Suspension of state instructional materials adoptions*

60605.87 *Supplemental instructional materials, English language development*

60640 *California Assessment of Student Performance and Progress*

60810-60812 *Assessment of language development*

62005.5 *Continuation of advisory committee after program sunsets*

CODE OF REGULATIONS, TITLE 5

853.5-853.7 *Test administration; universal tools, designated supports, and accommodations*

11300-11316 *English learner education*

11510-11517 *California English Language Development Test*

UNITED STATES CODE, TITLE 20

1701-1705 *Equal Educational Opportunities Act*

6312 *Local education agency plans*

6801-6871 *Title III, Language instruction for limited English proficient and immigrant students*

7012 *Parental notification*

Legal Reference continued: (see next page)

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

Legal Reference continued:

COURT DECISIONS

Valeria G. v. Wilson, (2002) 307 F.3d 1036

California Teachers Association v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141

McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196

Teresa P. et al v. Berkeley Unified School District et al., (1989) 724 F.Supp. 698

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 40 (2000)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Academic Criterion for Reclassification, CDE Correspondence, August 11, 2014

California English Language Development Test (CELDT): 2013-14 CELDT Information Guide, 2013

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

English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012

Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students, May 2007

WEB SITES

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

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

EDUCATION FOR ENGLISH LANGUAGE LEARNERS**Definitions**

English learner, also known as a limited English proficient student, means a student who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English. (Education Code 306)

English language classroom means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language. (Education Code 306)

English language mainstream classroom means a classroom in which the students either are native English language speakers or already have acquired reasonable fluency in English. (Education Code 306)

Structured English immersion (also known as "sheltered English immersion") means an English language acquisition process in which nearly all classroom instruction is in English but with the curriculum and presentation designed for students who are learning the language. (Education Code 306)

Bilingual education/native language instruction means a language acquisition process for students in which much or all instruction, textbooks, and teaching materials are in the student's native language. (Education Code 306)

Identification and Assessments

Upon enrollment in the district, each student's primary language shall be determined through use of a home language survey. (Education Code 52164.1; 5 CCR 11307)

Any student who is identified as having a primary language other than English as determined by the home language survey, and who has not previously been identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be assessed for English proficiency using the state's designated English language proficiency test. (Education Code 313, 52164.1; 5 CCR 11511)

Each year after a student is identified as an English learner and until he/she is redesignated as English proficient, the summative assessment shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)

The state assessment shall be administered in accordance with test publisher instructions and 5 CCR 11511-11516.7. Variations and accommodations in test administration may be provided pursuant to 5 CCR 11516-11516.7. Any student with a disability shall be allowed to

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

take the assessment with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's individualized education program (IEP) or Section 504 plan that are appropriate and necessary to address the student's individual needs. If he/she is unable to participate in the assessment or a portion of the assessment with such accommodations, he/she shall be administered an alternate assessment for English language proficiency as set forth in his/her IEP. (5 CCR 11516-11516.7)

(cf. 6152.51 - State Academic Achievement Tests)

(cf. 6159 - Individualized Education Program)

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

Parental Notifications

The Superintendent or designee shall provide the following written notifications to parents/guardians of English learners:

1. **Assessment Notification:** The district shall notify parents/guardians of their child's results on the state's English language proficiency assessment within 30 calendar days following receipt of the results from the test contractor. (Education Code 52164.1; 5 CCR 11511.5)

(cf. 5145.6 - Parental Notifications)

2. **Placement Notification:** At the beginning of each school year, parents/guardians shall be informed of the placement of their child in a structured English immersion program and shall be notified of an opportunity to apply for a parental exception waiver. (Education Code 310; 5 CCR 11309)
3. **Title III Notifications:** Each parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title III funds shall receive notification of the assessment of his/her child's English proficiency. Such notice shall be provided not later than 30 calendar days after the beginning of the school year or, if the student is identified for program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following: (Education Code 440; 20 USC 7012)
 - a. The reason for the student's classification as an English learner
 - b. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement
 - c. A description of the program for English language development instruction, including a description of all of the following:

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

- (1) The manner in which the program will meet the educational strengths and needs of the student
 - (2) The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards
 - (3) The specific exit requirements for the program, the expected rate of transition from the program into classes not tailored for English learners, and the expected rate of graduation from secondary school if applicable
 - (4) Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP
- d. Information regarding a parent/guardian's option to decline to allow the student to be enrolled in the program or to choose to allow the student to be enrolled in an alternative program
 - e. Information designed to assist a parent/guardian in selecting among available programs, if more than one program is offered
4. Annual Measurable Objectives Notification: If the district fails to make progress on the annual measurable achievement objectives for English learners established pursuant to 20 USC 6842, the Superintendent or designee shall, within 30 days after such failure occurs, send a notification regarding such failure to the parents/guardians of each student identified for participation in a language instruction educational program supported by Title III funds. (20 USC 7012)

Parental Exception Waivers

A parent/guardian may, by personally visiting the school, request that the district waive the requirements pertaining to the placement of his/her child in a structured English immersion program if one of the following circumstances exists: (Education Code 310-311)

1. The student already possesses sufficient English language skills, as measured by standardized tests of English vocabulary comprehension, reading, and writing, in which the student scores at or above the state average for his/her grade level or at or above the fifth-grade average, whichever is lower.
2. The student is age 10 years or older, and it is the informed belief of the principal and educational staff that an alternate course of study would be better suited to the student's rapid acquisition of basic English skills.

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

3. The student already has been placed, for a period of not less than 30 calendar days during that school year, in an English language classroom and it is subsequently the informed belief of the principal and educational staff that the student has special physical, emotional, psychological, or educational needs and that an alternate course of educational study would be better suited to the student's overall educational development.

Upon request for a waiver, the Superintendent or designee shall provide parents/guardians with a full written description and, upon request, a spoken description of the intent and content of the structured English immersion program, any alternative courses of study, all educational opportunities offered by the district and available to the student, and the educational materials to be used in the different educational program choices. For a request for waiver pursuant to item #3 above, the Superintendent or designee shall notify the parent/guardian that the student must be placed for a period of not less than 30 calendar days in an English language classroom and that the waiver must be approved by the Superintendent pursuant to any guidelines established by the Governing Board. (Education Code 310, 311; 5 CCR 11309)

The principal and educational staff may recommend a waiver to a parent/guardian pursuant to item #2 or #3 above. Parents/guardians shall be informed in writing of any recommendation for an alternative program made by the principal and staff and shall be given notice of their right to refuse to accept the recommendation. The notice shall include a full description of the recommended alternative program and the educational materials to be used for the alternative program as well as a description of all other programs available to the student. If the parent/guardian elects to request the alternative program recommended by the principal and educational staff, the parent/guardian shall comply with district procedures and requirements otherwise applicable to a parental exception waiver, including Education Code 310. (Education Code 311; 5 CCR 11309)

When evaluating waiver requests pursuant to item #1 above and other waiver requests for those students for whom standardized assessment data are not available, other equivalent assessment measures may be used. These equivalent measures may include district standards and assessment and teacher evaluations of such students.

Parental exception waivers pursuant to item #2 above shall be granted if it is the informed belief of the principal and educational staff that an alternate course of educational study would be better suited to the student's rapid acquisition of basic English language skills. (Education Code 311)

Parental exception waivers pursuant to item #3 above shall be granted by the Superintendent if it is the informed belief of the principal and educational staff that, due to the student's

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

special physical, emotional, psychological, or educational needs, an alternate course of educational study would be better suited to the student's overall educational development. (Education Code 311)

All parental exception waivers shall be acted upon within 20 instructional days of submission to the principal. However, parental waiver requests pursuant to item #3 above shall not be acted upon during the 30-day placement in an English language classroom. Such waivers shall be acted upon no later than 10 calendar days after the expiration of that 30-day English language classroom placement or within 20 instructional days of submission of the waiver to the principal, whichever is later. (5 CCR 11309)

Any individual school in which 20 or more students of a given grade level receive a waiver shall offer an alternative class where the students are taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. Otherwise, the students shall be allowed to transfer to a public school in which such a class is offered. (Education Code 310)

In cases where a parental exception waiver pursuant to item #2 or #3 above is denied, the parent/guardian shall be informed in writing of the reason(s) for the denial and advised that he/she may appeal the decision to the Board if the Board authorizes such an appeal, or to the court. (5 CCR 11309)

Waiver requests shall be renewed annually by the parent/guardian. (Education Code 310)

Reclassification/Redesignation

The district shall continue to provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers until they: (5 CCR 11302)

1. Demonstrate English language proficiency comparable to that of the district's average native English language speakers
2. Recoup any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read, and write English well enough to receive instruction in an English language mainstream classroom and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

The following measures shall be used to determine whether an English learner shall be reclassified as fluent English proficient: (Education Code 313; 5 CCR 11303)

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the state's English language proficiency assessment
2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student
3. Parent/guardian opinion and consultation

The Superintendent or designee shall provide the parent/guardian with notice and a description of the reclassification process and of his/her opportunity to participate in the process and shall encourage his/her involvement in the process.

4. Student performance on an objective assessment of basic skills in English that shows whether the student is performing at or near grade level

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

The Superintendent or designee shall monitor students for at least two years following their reclassification to determine whether the student needs any additional academic support to ensure his/her language and academic success.

Advisory Committee

A parent/guardian advisory committee shall be established at the district level when there are more than 50 English learners in the district and at the school level when there are more than 20 English learners at the school. Parents/guardians of English learners shall constitute committee membership in at least the same percentage as English learners represent of the total number of students in the school. (Education Code 52176; 5 CCR 11308)

The district's English language advisory committee shall advise the Board on at least the following tasks: (5 CCR 11308)

1. The development of a district master plan of education programs and services for English learners, taking into consideration the school site plans for English learners
2. The districtwide needs assessment on a school-by-school basis

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

3. Establishment of a district program, goals, and objectives for programs and services for English learners
4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census
6. Review of and comment on the district's reclassification procedures
7. Review of and comment on the written notification required to be sent to parents/guardians pursuant to 5 CCR 11300-11316

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

In order to assist the advisory committee in carrying out its responsibilities, the Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

LCAP Advisory Committee

When there are at least 15 percent English learners in the district, with at least 50 students who are English learners, a district-level English learner parent advisory committee shall be established to review and comment on the district's local control and accountability plan (LCAP) in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 15495)

(cf. 0460 - Local Control and Accountability Plan)

The advisory committee established pursuant to 5 CCR 11308, as described in the section "Advisory Committee" above, could serve as the LCAP English learner advisory committee if its composition includes a majority of parents/guardians of English learners.



TIPTON ELEMENTARY SCHOOL DISTRICT



Tipton Elementary Reclassification Criteria 2015-2016

All students must meet the following criteria in order to be reclassified as fluent English proficient (RFEP):

1. Score *Proficient* or *Advanced* in English on the CELDT – The overall score must be a 4 or 5 and scores of 3 or higher in each skill area.
2. Attain a 2.00 or better in all academic subjects.
3. ELA Achievement level of within 30 points from the *Standard Met* cut point on the CAASPP.
4. Parent consultation and notification.

Board Approved on:

4. ADMINISTRATIVE: Action items:

4.2 Setting Date for Annual Organizational Meeting

Tulare County
Office of Education
Committed to Students, Support and Service

Jim Vidak
County
Superintendent
of Schools

2637 W. Burrel Ave.
P.O. Box 5091
Visalia, California
93278-5091

(559) 733-6300
www.tcoe.org

Administration
(559) 733-6301
fax (559) 627-5219

Business Services
(559) 733-6474
fax (559) 737-4378

Human Resources
(559) 733-6306
fax (559) 627-4670

**Instructional
Services**
(559) 733-6328
fax (559) 737-4378

Special Services
(559) 730-2910
fax (559) 730-2511

September 29, 2015

To: District Superintendents

From:  Jim Vidak, County Superintendent of Schools

SUBJECT: **SETTING DATE FOR ANNUAL ORGANIZATIONAL MEETING
BETWEEN DECEMBER 4 AND DECEMBER 18, 2015**
[ED. CODE §35143]

At its regular November meeting, the governing board should set the date for its annual organizational meeting, to be held this year between December 4 and December 18, 2015.

Pursuant to Education Code §35143, the organizational meeting **MUST** be held in the 15-day period beginning on the **first Friday in December**, the beginning of the term for newly elected board members and the end of term for departing board members.

At the organizational meeting a regular schedule of meetings for the coming year is adopted; new officers are elected for the following calendar year; and, if this is an election year for your district, new board members are sworn in pursuant to Education Code §5017 and 5328. Certificates and oaths of office will be provided for this purpose by this office.

Section 35143 also requires districts to notify all board members and members-elect in writing, at least 15 days prior to the meeting, of the date and time of the annual meeting, and also to notify the county superintendent. The attached form is provided for your convenience in meeting these requirements. **Please send the form to my office, attn: Shelly DiCenzo, immediately following the November meeting.** The form may also be used to notify board members and members-elect in writing.

JV/sd

Attachment: Notification of Annual Organizational Meeting

NOTIFICATION OF ANNUAL ORGANIZATIONAL MEETING

TO: (1) Tulare County Superintendent of Schools, Attn: Shelly DiCenzo
(2) Governing Board Members and Members-Elect of this District

FROM: Superintendent
_____ School District

RE: **NOTIFICATION OF DAY AND TIME OF ANNUAL ORGANIZATIONAL MEETING, HELD PURSUANT TO EDUCATION CODE §35143**

At a regular meeting of the governing board of the _____
School District, held on the ____ day of November, 2015, this board determined that the annual
organizational meeting will take place as follows:

Date: December _____, 2015

Time: ____:____ a.m./p.m. *(circle one)*

Place: _____

Location Name, Room Number and Address

4. ADMINISTRATIVE: Action items:

4.3 Approval of BP/AR 4121 – Temporary/Substitute
Personnel

Board Policy

Temporary/Substitute Personnel

BP 4121

Personnel

The Governing Board recognizes that substitute and temporary personnel perform an essential role in promoting student achievement and desires to employ highly qualified, appropriately credentialed employees to fill such positions.

(cf. 4112.2 - Certification)

Hiring

The Superintendent or designee shall recommend candidates for substitute or temporary positions for Board approval, and shall ensure that all substitute and temporary employees are assigned in accordance with law and the authorizations specified in their credential.

(cf. 4113 - Assignment)

Substitute personnel may be employed on an on-call, day-to-day basis.

In addition, after September 1 of any school year, the Board may employ substitute personnel for the remainder of the school year for positions for which no regular employee is available. The district shall first demonstrate to the Commission on Teacher Credentialing the inability to acquire the services of a qualified regular employee. (Education Code 44917)

(cf. 4117.14/4317.14 - Postretirement Employment)

Permanent or probationary certificated employees who were laid off pursuant to Education Code 44955 and who have a preferred right of reappointment shall be given priority for substitute service in the order of their original employment. (Education Code 44956, 44957)

(cf. 4117.3 - Personnel Reduction)

Classification

At the time of initial employment and each July thereafter, the Board shall classify substitute and temporary employees as such. (Education Code 44915, 44916)

The Board may classify as substitute personnel a teacher hired to fill the position of a regularly employed person who is absent from service. (Education Code 44917)

To address the need for additional certificated employees when regular district employees are absent due to leaves or long-term illness, the Board may classify a teacher who is employed for at

least one semester and up to one complete school year as a temporary employee. Any person whose service begins in the second semester and before March 15 may be classified as a temporary employee even if employed for less than a semester. The Board shall determine the number of persons who shall be so employed, which shall not exceed the identified need based on the absence of regular employees. (Education Code 44920)

The Board also shall classify as temporary employees those certificated persons, other than substitute employees, who are employed to:

1. Serve from day to day during the first three months of any school term to teach temporary classes which shall not exist after that time, or perform any other duties which do not last longer than the first three months of any school term (Education Code 44919)
2. Teach in special day and evening classes for adults or in schools of migratory population for not more than four months of any school term (Education Code 44919)

(cf. 6175 - Migrant Education Program)
(cf. 6200 - Adult Education)

3. Serve in a limited assignment supervising student athletic activities provided such assignments have first been made available to teachers presently employed in the district (Education Code 44919)

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

4. Serve in a position for a period not to exceed 20 working days in order to prevent the stoppage of district business during an emergency when persons are not immediately available for probationary classification (Education Code 44919)

5. Serve only for the first semester because the district expects a reduction in student enrollment during the second semester due to mid-year graduations (Education Code 44921)

For purposes of classifying employees pursuant to item #1 or #2 above, the school year shall not be divided into more than two school terms. (Education Code 44919)

Any employee hired to provide services in a categorically funded program or project may be employed for a period less than a full school year. He/she may be classified as a temporary employee if the period of employment will end at the expiration of that program or project. (Education Code 44909)

Salary and Benefits

The Board shall adopt and make public a salary schedule setting the daily or pay period rate(s) for substitute employees for all categories or classes of certificated employees of the district.

(Education Code 44977, 45030)

Temporary employees shall not participate in the health and welfare plans or other fringe benefits of the district.

Paid Sick Leave

Any temporary or substitute employee who works for 30 or more days within a year of his/her employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Such employee may begin to use accrued paid sick days on the 90th day of his/her employment, after which he/she may use the sick days as they are accrued. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

A temporary or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

1. The diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or his/her family member as defined in Labor Code 245.5
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

No employee shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against any employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249. The Superintendent or designee shall display a poster containing required information, provide notice to eligible employees of their sick leave rights, keep of records of employees' use of sick leave for three years, and comply with other requirements specified in Labor Code 245-249 and in AR 4161.1/4361.1 - Personal Illness/Injury Leave.

Release from Employment/Dismissal

The Board may dismiss a substitute employee at any time at its discretion. (Education Code 44953)

The Board may release a temporary employee at its discretion if the employee has served less than 75 percent of the number of days the regular schools of the district are maintained during one school year. After serving 75 percent of the number of days that district schools are maintained during one school year, a temporary employee may be released as long as he/she is notified, before the last day of June, of the district's decision not to reelect him/her for the following school year. (Education Code 37200, 44954)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Reemployment as a Probationary Employee

Unless released from employment pursuant to Education Code 44954, any person employed for one complete school year as a temporary employee shall, if reemployed for the following school year in a vacant position requiring certification qualifications, be classified as a probationary employee. With the exception of on-call, day-to-day substitutes, if a temporary or substitute employee performs the duties normally required of certificated employees for at least 75 percent of the number of days the regular schools of the district were maintained in that school year and is then employed as a probationary employee for the following school year, his/her previous employment as a temporary or substitute employee shall be credited as one year's employment as a probationary employee for purposes of acquiring permanent status. (Education Code 44917, 44918, 44920)

(cf. 4116 - Probationary/Permanent Status)

Vacant position means a position in which the employee is qualified to serve and which is not filled by a permanent or probationary employee. It shall not include a position which would be filled by a permanent or probationary employee except for the fact that such employee is on leave. (Education Code 44920, 44921)

A temporary employee hired pursuant to item #1 or #2 in the section "Classification" above shall be classified as a probationary employee if the duties continue beyond the time limits of the assignment. (Education Code 44919)

A person employed pursuant to item #5 in the section "Classification" above who is then continued in employment beyond the first semester shall be classified as a probationary employee for the entire school year and shall be reemployed to fill any vacant positions in the district for which he/she is certified. Preference for available positions shall be determined by the Board as prescribed by Education Code 44845 and 44846. (Education Code 44921)

With the exception of on-call, day-to-day substitutes, any temporary or substitute employee who was released pursuant to Education Code 44954 but who has nevertheless served in a certificated position in the district for at least 75 percent of each of two consecutive school years shall receive first priority if the district fills a vacant position for the subsequent school year at the grade level at which the employee served during either year. In the case of a departmentalized program, the employee shall have taught the subject matter in which the vacant position occurs. (Education Code 44918)

Legal Reference:

EDUCATION CODE

- 22455.5 Provision of retirement plan information to potential members
- 22515 Irrevocable election to join retirement plan
- 37200 School calendar
- 44252.5 State basic skills assessment required for certificated personnel
- 44300 Emergency teaching or specialist permits
- 44830 Employment of certificated persons; requirements of proficiency in basic skills
- 44839.5 Employment of retirant
- 44845 Date of employment
- 44846 Criteria for reemployment preferences
- 44909 Employees providing services through categorically funded programs
- 44914 Substitute and probationary employment computation for classification as permanent employee
- 44915 Classification of probationary employees
- 44916 Time of classification; statement of employment status
- 44917 Classification of substitute employees
- 44918 Substitute or temporary employee deemed probationary employee; reemployment rights
- 44919 Classification of temporary employees
- 44920 Employment of certain temporary employees; classifications
- 44921 Employment of temporary employees; reemployment rights (unified and high school districts)
- 44953 Dismissal of substitute employees
- 44954 Release of temporary employees
- 44955 Layoff of permanent and probationary employees
- 44956 Rights of laid-off permanent employees to substitute positions
- 44957 Rights of laid-off probationary employees to substitute positions
- 44977 Salary schedule for substitute employees
- 45030 Substitutes
- 45041 Computation of salary
- 45042 Alternative method of computation for less than one school year
- 45043 Compensation for employment beginning in the second semester
- 56060-56063 Substitute teachers in special education

GOVERNMENT CODE

- 3540.1 Educational Employment Relations Act, definitions

LABOR CODE

- 220 Sections inapplicable to public employees
- 230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off
- 230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off
- 233 Illness of child, parent, spouse or domestic partner
- 234 Absence control policy
- 245-249 Healthy Workplaces, Healthy Families Act of 2014

CODE OF REGULATIONS, TITLE 5

5502 Filing of notice of physical examination for employment of retired person

5503 Physical examination for employment of retired persons

5590 Temporary athletic team coach

80025-80025.5 Emergency substitute teaching permits

COURT DECISIONS

McIntyre v. Sonoma Valley Unified School District (2012) 206 Cal.App.4th 170

Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 204 Cal.App.4th 446

Neily v. Manhattan Beach Unified School District, (2011) 192 Cal.App.4th 187

California Teachers Association v. Vallejo City Unified School District, (2007) 149 Cal.App.4th 135

Bakersfield Elementary Teachers Assn. v. Bakersfield City School District, (2006) 145 Cal.App.4th 1260, 1277

Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4th 911

Management Resources:

WEB SITES

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

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

(7/12) 12/14

Administrative Regulation

Temporary/Substitute Personnel

AR 4121

Personnel

Qualifications

Any candidate recommended by the Superintendent or designee for a substitute or temporary position requiring certification qualifications shall possess the appropriate credential or permit authorizing his/her employment in such position and shall meet all other requirements of law for certificated positions. (Education Code 44830)

(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)

(cf. 4112.2 - Certification)

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

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

The district shall not initially hire a certificated person on a substitute or temporary basis in a capacity designated in his/her credential unless he/she has demonstrated basic skills proficiency in reading, writing, and mathematics pursuant to Education Code 44252.5, unless exempted by law. (Education Code 44830)

A noncredentialed person shall not substitute for any special education certificated position. The Superintendent or designee shall recruit and maintain lists of appropriately credentialed substitute teachers for special education positions. He/she shall contact institutes of higher education with approved special education programs for possible recommendations of appropriately credentialed special education personnel. (Education Code 56060, 56063)

Notifications

At the time of initial employment during each school year, each new temporary employee shall receive a written statement indicating his/her employment status and salary. This statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed. (Education Code 44916)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Time of initial employment means before the employee starts work. (Kavanaugh v. West Sonoma County Union High School District)

The Superintendent or designee shall notify all substitute and part-time certificated employees, within 30 days of their hire, of their right to elect membership in a defined benefit program under a qualified retirement plan. The employee shall sign a form provided by the system to

acknowledge receipt of this notice and to indicate whether he/she elects or declines membership. Election of membership shall be irrevocable for all future employment to perform creditable service. (Education Code 22455.5, 22515)

Assignments

A person who holds an emergency 30-day substitute permit, emergency career substitute permit, emergency substitute permit for prospective teachers, or emergency substitute permit for career technical education shall be restricted in the number of days he/she may substitute for any one teacher in accordance with 5 CCR 80025-80025.5.

In placing substitute teachers in special education classrooms, the district shall give first priority to substitute teachers with the appropriate special education credential(s), second priority to substitute teachers with any other special education credential, and third priority to substitute teachers with a regular teaching credential. An inappropriately credentialed substitute teacher shall not serve as a substitute for a special education teacher for a period of more than 20 cumulative school days for each special education teacher absent during each school year. The district may apply to the Superintendent of Public Instruction for an extension of 20 school days, or for a longer period in extraordinary circumstances. (Education Code 56060-56062)

5. FINANCE: Action items:

- 5.1 Vendor Payments (A revised document will be available during the vendor payment presentation)**

APY Input List

53 Tipton Elementary School District

10/28/2015

Fiscal Year 2016

Items of Status: Finalized

Entered by: anthonyh

<u>Vendor</u>	<u>RefType</u>	<u>RefNo</u>	<u>InvoiceDate</u>	<u>InvoiceNo</u>	<u>AccountCode</u>	<u>Amount</u>
013971 ALMEIDA, VIRGINIA		PV-160371	10/08/2015	Sept. Travel	010-90336-0-11100-10000-52000-0	\$34.72
013036 AMERICAN FIDELITY		PV-160429	09/30/2015	SEPT 2015	010-00000-0-00000-00000-95024-0	\$364.92
014188 Anthony Hernandez		PV-160425	10/14/2015	10-7-15	010-00000-0-00000-72000-52000-0	\$264.50
12788 ARAMARK UNIFORM SERVICES INC	PV	160348	09/24/2015	503-0777034	010-00000-0-00000-81000-55000-0	\$204.71
12788 ARAMARK UNIFORM SERVICES INC		PV-160369	10/01/2015	503-0783282	010-00000-0-00000-81000-55000-0	\$207.07
12788 ARAMARK UNIFORM SERVICES INC		PV-160370	10/08/2015	503-0789590	010-00000-0-00000-81000-55000-0	\$208.84
014101 B&B PEST CONTROL SERVICE		PV-160372	10/14/2015	01-09-TIP	010-00000-0-00000-81000-55000-0	\$170.00
012360 BOARD OF EQUALIZATION		PV-160430	10/14/2015	JULY-SEPT2015	010-07230-0-00000-36000-43000-0	\$5.65
13309 CASBO	PV	160349	09/28/2015	573950	010-00000-0-00000-72000-52000-0	\$570.00
014166 CDI		PV-160379	10/02/2015	473798	010-60100-0-11100-10000-44000-0	\$1,497.00
013619 CDW GOVERNMENT, INC.		PV-160378	09/30/2015	ZK43243	010-07200-0-11100-10000-43000-0	\$163.30
012938 CENTRAL VALLEY LOCK & SAFE		PV-160374	10/07/2015	46928	010-81500-0-00000-81000-58000-0	\$353.38
13568 CLINE'S BUSINESS EQUIP., INC.	PV	160350	09/22/2015	120775	010-00000-0-11100-10000-43000-0	\$505.19
012602 COLSON AUTO PARTS		PV-160375	10/02/2015	787223	010-00000-0-00000-81000-43000-0	\$72.91
012603 COLSON AUTO PARTS		PV-160376	10/06/2015	787674	010-00000-0-00000-81000-43000-0	\$14.02
012604 COLSON AUTO PARTS		PV-160377	10/07/2015	787873	010-00000-0-00000-81000-43000-0	\$24.72
013219 DEPARTMENT OF JUSTICE		PV-160433	10/05/2015	124238	010-00000-0-11100-10000-58000-0	\$194.00
014153 Diamond Technologies Inc		PV-160380	09/25/2015	15347	010-07200-0-11100-10000-44000-0	\$1,649.97
014154 Diamond Technologies Inc		PV-160427	09/30/2015	15391	010-07200-0-11100-10000-58000-0	\$303.75
013953 EDUCATIONAL DATA SYS., INC.		PV-160381	10/08/2015	101517730	010-42030-0-11100-10000-43000-0	\$408.19
013829 F & M BANK VISA			10/02/2015	4330811040007877	010-00000-0-00000-72000-59000-0	\$916.30
013830 F & M BANK VISA		PV-160434	10/02/2015	4330811040007869	010-00000-0-00000-72000-59000-0	\$11.00
013831 F & M BANK VISA		PV-160432	10/02/2015	4330811040007877	010-07200-0-11100-10000-43000-0	\$5.99
013832 F & M BANK VISA			10/02/2015	4330811040007877	010-07200-0-11100-10000-58000-0	\$59.00
013833 F & M BANK VISA			10/02/2015	4330811040007869	010-60100-0-11100-10000-43000-0	\$496.68
013594 KINGSLEY BOGARD THOMPSON LLP		PV-160385	09/30/2015	23302	010-00000-0-00000-71000-58000-0	\$4,474.00
014112 KRISTINA WALTERS		PV-160441	10/14/2015	CERT. REIMB.	010-00000-0-11100-10000-58000-0	\$100.00
013961 LOWE'S		PV-160386	08/26/2015	992756	010-00000-0-00000-81000-43000-0	\$294.06
014146 Manfredi, Gina		PV-160424	10/14/2015	LOTTERY REIMB	010-11000-0-11100-10000-43000-0	\$47.43
014208 MARISA WRIGHT		PV-160442	06/15/2015	PEABODY EXAMS	010-90336-0-11100-10000-58000-0	\$90.00
003676 MC ELMOYL REFRIGERATION		PV-160387	09/23/2015	31658	010-00000-0-00000-81000-56000-0	\$117.00
014092 MEDICAL BILLING TECH, INC.		PV-160437	09/28/2015	AR-17135	010-56400-0-11100-10000-58000-0	\$98.41
012836 OFFICE DEPOT, INC.		PV-160388	09/14/2015	792672436001	010-00000-0-11100-10000-43000-0	\$1,200.96
12836 OFFICE DEPOT, INC.	PV	160368	09/15/2015	792300028001	010-07200-0-11100-10000-43000-0	\$55.10
12836 OFFICE DEPOT, INC.		PV-160389	10/14/2015	MULIT-INVOICES	010-07200-0-11100-10000-43000-0	\$1,184.26
014094 PROFESSIONAL PRINT & MAIL		PV-160390	09/28/2015	81309	010-00000-0-00000-81000-43000-0	\$265.41
012434 SCHOLASTIC INC		PV-160426	10/14/2015	M5682877	010-07200-0-11100-10000-43000-0	\$296.67
012435 SCHOLASTIC INC		PV-160440	08/04/2015	M5617308	010-63000-0-11100-10000-42000-0	\$478.50
014005 SCHOOLCITY INC.		PV-160412	07/01/2015	34827	010-07200-0-11100-10000-58000-0	\$5,814.00

014111	SISC		PV-160443	10/14/2015	OCTOBER HW	010-00000-0-00000-00000-95024-0	\$60,238.34
014111	SISC		PV-160406	10/14/2015	OCTOBER HW	010-00000-0-00000-00000-95028-0	\$4,398.20
014111	SISC		PV-160407	10/14/2015	OCTOBER HW	010-00000-0-00000-71000-34020-0	\$6,567.40
5383	SOUTHERN CALIF EDISON CO	PV	160354	09/22/2015	2-01-784-2188 SEPT	010-00000-0-00000-81000-55000-0	\$102.33
5383	SOUTHERN CALIF EDISON CO	PV	160355	09/22/2015	2-01-784-2667 SEPT	010-00000-0-00000-81000-55000-0	\$947.11
5383	SOUTHERN CALIF EDISON CO	PV	160356	09/22/2015	2-13-851-6737 SEPT	010-00000-0-00000-81000-55000-0	\$675.66
5383	SOUTHERN CALIF EDISON CO	PV	160357	09/22/2015	2-01-784-2543 SEPT	010-00000-0-00000-81000-55000-0	\$499.16
5383	SOUTHERN CALIF EDISON CO	PV	160358	09/22/2015	2-01-784-2345	010-00000-0-00000-81000-55000-0	\$7,553.41
013902	SOUTHWEST SCH. & OFFICE SUPPLY		PV-160408	10/05/2015	PINV0070010	010-11000-0-11100-10000-43000-0	\$8.78
014197	Stanton Office Machine Company		PV-160409	09/28/2015	241062	010-00000-0-00000-72000-58000-0	\$69.81
014197	Stanton Office Machine Company		PV-160410	09/28/2015	241051	010-00000-0-00000-72000-58000-0	\$87.67
013267	Supplyworks		PV-160411	10/09/2015	5151404-00	010-00000-0-00000-81000-43000-0	\$1,510.20
13130	SYSCO FOOD SERVICES	PV	160359	09/22/2015	509220144	010-60100-0-00000-37000-47000-0	\$93.86
13130	SYSCO FOOD SERVICES		PV-160403	09/29/2015	509290119	010-60100-0-00000-37000-47000-0	\$187.69
13130	SYSCO FOOD SERVICES		PV-160404	10/06/2015	510060160	010-60100-0-00000-37000-47000-0	\$541.48
011541	TF TIRE & SERVICE		PV-160416	09/30/2015	775869	010-00000-0-00000-81000-56000-0	\$284.30
12264	TIPTON AUTO PARTS	PV	160364	08/28/2015	6431	010-81500-0-00000-81100-43000-0	\$34.56
12264	TIPTON AUTO PARTS	PV	160365	08/31/2015	6518	010-81500-0-00000-81100-43000-0	\$4.75
005760	TIPTON COMMUNITY SERVICES DIST		PV-160415	09/30/2015	SEPT 100-400-02	010-00000-0-00000-81000-55000-0	\$536.82
005763	TIPTON SCH REV CASH FUND		PV-160439	10/14/2015	REVOLVING FUND	010-07200-0-11100-10000-52000-0	\$70.00
14075	TROY'S GLASS	PV	160366	09/16/2015	59077	010-00000-0-00000-81000-56000-0	\$296.68
013463	TULARE COUNTY OFFICE OF EDUCAT		PV-160417	09/17/2015	160407	010-07200-0-11100-10000-52000-0	\$125.00
013463	TULARE COUNTY OFFICE OF EDUCAT		PV-160418	09/17/2015	160407	010-07200-0-11100-10000-52000-0	\$125.00
012324	TULE TRASH COMPANY		PV-160414	09/29/2015	OCT 2677	010-00000-0-00000-81000-55000-0	\$985.90
012770	UPSTART		PV-160419	09/24/2015	5698009	010-07200-0-11100-24203-43000-0	\$36.01
013496	VALLEY PACIFIC PET. SERV., INC		PV-160421	09/22/2015	INV-394662	010-07230-0-00000-36000-43000-0	\$1,216.77
013496	VALLEY PACIFIC PET. SERV., INC		PV-160422	10/06/2015	INV-396922	010-07230-0-00000-36000-43000-0	\$638.00
013333	VERIZON WIRELESS		PV-160420	09/19/2015	9752579650	010-00000-0-00000-81000-59000-0	\$643.35
GENERAL FUND TOTAL EXPENDITURES FOR APY OCTOBER 2015							\$111,699.85
012907	FOCUS PACKAGING		PV-160382	09/30/2015	200762	130-53100-0-00000-37000-43000-0	\$695.30
012908	FOCUS PACKAGING		PV-160383	10/07/2015	200853	130-53100-0-00000-37000-43000-0	\$532.13
12921	GOLD STAR FOODS INC.		160351	09/24/2015	1431811	130-53100-0-00000-37000-47000-0	\$1,377.00
012921	GOLD STAR FOODS INC.		PV-160384	10/08/2015	1458322	130-53100-0-00000-37000-47000-0	\$3,281.11
013763	LIDIA ROCHA		PV-160438	10/14/2015	CAFE REIMB.	130-53100-0-00000-37000-47000-0	\$158.52
13191	PRODUCERS		160352	09/21/2015	49715738	130-53100-0-00000-37000-47000-0	\$563.83
13191	PRODUCERS		160353	09/24/2015	49746350	130-53100-0-00000-37000-47000-0	\$392.17
13191	PRODUCERS		PV-160391	09/07/2015	49624038	130-53100-0-00000-37000-47000-0	\$315.60
13191	PRODUCERS		PV-160392	09/10/2015	49646939	130-53100-0-00000-37000-47000-0	\$662.25
13191	PRODUCERS		PV-160393	09/14/2015	49669939	130-53100-0-00000-37000-47000-0	\$315.39
13191	PRODUCERS		PV-160394	09/17/2015	49692938	130-53100-0-00000-37000-47000-0	\$328.44
13191	PRODUCERS		PV-160395	09/28/2015	49761738	130-53100-0-00000-37000-47000-0	\$449.89
13191	PRODUCERS		PV-160396	10/01/2015	49784539	130-53100-0-00000-37000-47000-0	\$334.63
13191	PRODUCERS		PV-160397	10/05/2015	49807439	130-53100-0-00000-37000-47000-0	\$537.78
13191	PRODUCERS		PV-160398	10/08/2015	49830239	130-53100-0-00000-37000-47000-0	\$358.36
13130	SYSCO FOOD SERVICES		160361	09/22/2015	509220143	130-53100-0-00000-37000-47000-0	\$391.72
13130	SYSCO FOOD SERVICES		160362	09/22/2015	509220141	130-53100-0-00000-37000-47000-0	\$1,453.24

13130	SYSCO FOOD SERVICES	160363	09/22/2015	509220145	130-53100-0-00000-37000-47000-0	\$195.79
13130	SYSCO FOOD SERVICES	PV-160399	09/29/2015	509290120	130-53100-0-00000-37000-47000-0	\$3,310.09
13130	SYSCO FOOD SERVICES	PV-160400	10/06/2015	510060161	130-53100-0-00000-37000-47000-0	\$213.86
13130	SYSCO FOOD SERVICES	PV-160401	09/29/2015	509290118	130-53100-0-00000-37000-47000-0	\$447.39
12650	VALLEY FOOD SERVICE	160367	09/14/2015	312375	130-53100-0-00000-37000-47000-0	\$924.52
012650	VALLEY FOOD SERVICE	PV-160423	09/28/2015	312940	130-53100-0-00000-37000-47000-0	\$2,369.61
014101	B&B PEST CONTROL SERVICE	PV-160373	10/14/2015	01-09-TIP	130-53100-0-00000-81000-55000-0	\$40.00
012324	TULE TRASH COMPANY	PV-160413	09/29/2015	OCT 4585	130-53100-0-00000-81000-55000-0	\$702.12
13130	SYSCO FOOD SERVICES	160360	09/22/2015	509220142	130-90100-0-00000-37000-47000-0	\$266.01
13130	SYSCO FOOD SERVICES	PV-160402	10/06/2015	510060159	130-90100-0-00000-37000-47000-0	\$140.00
CAFETERIA FUND TOTAL EXPENDITURES FOR APY OCTOBER 2015						\$20,756.75
013847	CTL-SEE'S, INC.	PV-160431	09/21/2015	10044	210-99900-0-00000-85000-62000-0	\$12,865.00
012971	LANE ENGINEERS INC.	PV-160435	09/01/2015	39550	210-99900-0-00000-85000-62000-0	\$20,850.00
012971	LANE ENGINEERS INC.	PV-160436	10/01/2015	39627	210-99900-0-00000-85000-62000-0	\$4,475.00
013607	MANGINI ASSOCIATES, INC.	PV-160428	09/30/2015	7527	210-99900-0-00000-85000-62000-0	\$23,396.66
BUILDING FUND TOTAL EXPENDITURES FOR OCTOBER 2015						\$63,608.75

Total Entered on 10/14/2015 9:28:00AM:

\$196,065.35

Total Entered by UserId: anthonyh

\$196,065.35

Report Total for Payment Status: Finalized

\$196,065.35

Report Total:

\$196,065.35

5. FINANCE: Action items:

5.2 Budget Revisions (A revised document will be available during the budget revision presentation)

Budget Revision Report

Control Number: 102844738

Account Classification		Approved / Revised	Change Amount	Proposed Budget
Fund: 0100	General Fund			
Revenues				
	010-00000-0-00000-00000-80110-0	\$4,581,945.00	(\$61,985.00)	\$4,519,960.00
	010-14000-0-00000-00000-80120-0	\$686,018.00	\$61,985.00	\$748,003.00
Revenue Limit		\$5,267,963.00	\$0.00	\$5,267,963.00
	010-30100-0-00000-00000-82900-0	\$144,377.00	\$330.00	\$144,707.00
	010-40350-0-00000-00000-82900-0	\$31,149.00	(\$205.00)	\$30,944.00
	010-42030-0-00000-00000-82900-0	\$36,286.00	(\$260.00)	\$36,026.00
Federal Revenues		\$211,812.00	(\$135.00)	\$211,677.00
	010-00000-0-00000-00000-85500-0	\$327,007.00	(\$311,490.00)	\$15,517.00
	010-11000-0-00000-00000-85600-0	\$76,000.00	(\$6,112.00)	\$69,888.00
	010-62640-0-00000-00000-85900-0	\$0.00	\$48,395.00	\$48,395.00
	010-63000-0-00000-00000-85600-0	\$20,200.00	\$2,186.00	\$22,386.00
Other State Revenues		\$423,207.00	(\$267,021.00)	\$156,186.00
	010-00000-0-00000-00000-86620-0	\$0.00	(\$5,000.00)	(\$5,000.00)
	010-00000-0-00000-00000-86990-0	\$10,000.00	\$15,000.00	\$25,000.00
	010-00008-0-00000-00000-86990-0	\$0.00	\$19,068.48	\$19,068.48
	010-90100-0-00000-00000-86990-0	\$103,687.06	(\$16,912.29)	\$86,774.77
	010-90293-0-00000-00000-86990-0	\$0.00	\$5,424.00	\$5,424.00
	010-90336-0-00000-00000-86990-0	\$62,070.00	\$1,812.00	\$63,882.00
Other Local Revenues		\$175,757.06	\$19,392.19	\$195,149.25
Total Revenues		\$6,078,739.06	(\$247,763.81)	\$5,830,975.25
Expenditures				
	010-40350-0-11100-24900-19000-0	\$0.00	\$11,799.98	\$11,799.98

Budget Revision Report

Control Number: 102844738

Account Classification	Approved / Revised	Change Amount	Proposed Budget
010-42030-0-11100-24900-19000-0	\$0.00	\$11,799.98	\$11,799.98
010-60100-0-11100-10000-11000-0	\$39,170.00	(\$32,170.00)	\$7,000.00
Certificated Salaries	\$39,170.00	(\$8,570.04)	\$30,599.96
010-00000-0-11100-24203-22000-0	\$0.00	\$33,594.13	\$33,594.13
010-07230-0-00000-36000-22000-0	\$43,470.00	(\$6,165.20)	\$37,304.80
010-07230-0-00000-36000-23000-0	\$24,770.00	\$2,478.52	\$27,248.52
010-42030-0-11100-10000-21000-0	\$19,480.00	(\$14,554.48)	\$4,925.52
010-56400-0-11100-31400-22000-0	\$10,420.00	\$1,455.51	\$11,875.51
010-60100-0-11100-10000-21000-0	\$59,060.00	\$25,444.94	\$84,504.94
010-81500-0-00000-81100-23000-0	\$24,770.00	\$2,478.52	\$27,248.52
010-90336-0-11100-10000-29000-0	\$37,670.00	\$2,203.60	\$39,873.60
Classified Salaries	\$219,640.00	\$46,935.54	\$266,575.54
010-07230-0-00000-36000-32020-0	\$8,090.00	(\$442.37)	\$7,647.63
010-07230-0-00000-36000-33022-0	\$4,240.00	(\$237.69)	\$4,002.31
010-07230-0-00000-36000-33023-0	\$990.00	(\$53.98)	\$936.02
010-07230-0-00000-36000-34020-0	\$27,820.00	(\$4,065.76)	\$23,754.24
010-07230-0-00000-36000-35020-0	\$40.00	(\$7.72)	\$32.28
010-07230-0-00000-36000-36020-0	\$1,830.00	\$171.80	\$2,001.80
010-07230-0-00000-36000-37020-0	\$70.00	\$0.32	\$70.32
010-40350-0-11100-10000-31010-0	\$190.00	(\$7.59)	\$182.41
010-40350-0-11100-10000-33013-0	\$30.00	(\$5.35)	\$24.65
010-40350-0-11100-10000-35010-0	\$10.00	(\$9.15)	\$0.85
010-40350-0-11100-10000-36010-0	\$50.00	\$3.75	\$53.75
010-40350-0-11100-10000-37010-0	\$10.00	(\$10.00)	\$0.00
010-40350-0-11100-24900-31010-0	\$0.00	\$1,266.14	\$1,266.14
010-40350-0-11100-24900-33013-0	\$0.00	\$171.10	\$171.10
010-40350-0-11100-24900-34010-0	\$0.00	\$2,364.26	\$2,364.26
010-40350-0-11100-24900-35010-0	\$0.00	\$5.90	\$5.90
010-40350-0-11100-24900-36010-0	\$0.00	\$373.05	\$373.05
010-40350-0-11100-24900-37010-0	\$0.00	\$5.00	\$5.00
010-40350-0-11100-24900-37510-0	\$0.00	\$5.56	\$5.56

Budget Revision Report

Control Number: 102844738

Account Classification	Approved / Revised	Change Amount	Proposed Budget
010-42030-0-11100-10000-32020-0	\$2,310.00	(\$1,726.47)	\$583.53
010-42030-0-11100-10000-33022-0	\$1,210.00	(\$904.61)	\$305.39
010-42030-0-11100-10000-33023-0	\$290.00	(\$218.57)	\$71.43
010-42030-0-11100-10000-34020-0	\$1,670.00	(\$1,288.95)	\$381.05
010-42030-0-11100-10000-35020-0	\$10.00	(\$7.54)	\$2.46
010-42030-0-11100-10000-36020-0	\$530.00	(\$374.27)	\$155.73
010-42030-0-11100-10000-37020-0	\$20.00	(\$15.56)	\$4.44
010-42030-0-11100-10000-37520-0	\$70.00	(\$58.36)	\$11.64
010-42030-0-11100-24900-31010-0	\$0.00	\$1,266.14	\$1,266.14
010-42030-0-11100-24900-33013-0	\$0.00	\$171.10	\$171.10
010-42030-0-11100-24900-34010-0	\$0.00	\$2,364.26	\$2,364.26
010-42030-0-11100-24900-35010-0	\$0.00	\$5.90	\$5.90
010-42030-0-11100-24900-36010-0	\$0.00	\$373.05	\$373.05
010-42030-0-11100-24900-37010-0	\$0.00	\$5.56	\$5.56
010-42030-0-11100-24900-37510-0	\$0.00	\$5.00	\$5.00
010-56400-0-11100-31400-32020-0	\$1,240.00	\$166.89	\$1,406.89
010-56400-0-11100-31400-33022-0	\$650.00	\$86.28	\$736.28
010-56400-0-11100-31400-33023-0	\$160.00	\$12.20	\$172.20
010-56400-0-11100-31400-34020-0	\$0.00	\$1,179.54	\$1,179.54
010-56400-0-11100-31400-35020-0	\$10.00	(\$4.06)	\$5.94
010-56400-0-11100-31400-36020-0	\$280.00	\$88.26	\$368.26
010-56400-0-11100-31400-37020-0	\$10.00	(\$4.49)	\$5.51
010-56400-0-11100-31400-37520-0	\$60.00	(\$50.00)	\$10.00
010-60100-0-11100-10000-31010-0	\$4,070.00	(\$3,318.90)	\$751.10
010-60100-0-11100-10000-32020-0	\$2,750.00	\$5,060.93	\$7,810.93
010-60100-0-11100-10000-33013-0	\$570.00	(\$468.50)	\$101.50
010-60100-0-11100-10000-33022-0	\$3,670.00	\$1,569.31	\$5,239.31
010-60100-0-11100-10000-33023-0	\$860.00	\$365.32	\$1,225.32
010-60100-0-11100-10000-35010-0	\$20.00	(\$16.50)	\$3.50
010-60100-0-11100-10000-35020-0	\$30.00	\$12.25	\$42.25
010-60100-0-11100-10000-36010-0	\$1,050.00	(\$828.73)	\$221.27
010-60100-0-11100-10000-36020-0	\$1,590.00	\$1,030.50	\$2,620.50
010-81500-0-00000-81100-32020-0	\$2,940.00	\$288.13	\$3,228.13
010-81500-0-00000-81100-33022-0	\$1,540.00	\$149.41	\$1,689.41
010-81500-0-00000-81100-33023-0	\$360.00	\$35.10	\$395.10

Budget Revision Report

Control Number: 102844738

Account Classification	Approved / Revised	Change Amount	Proposed Budget
010-81500-0-00000-81100-34020-0	\$3,980.00	\$3,900.88	\$7,880.88
010-81500-0-00000-81100-35020-0	\$20.00	(\$6.38)	\$13.62
010-81500-0-00000-81100-36020-0	\$670.00	\$174.98	\$844.98
010-81500-0-00000-81100-37020-0	\$30.00	(\$25.00)	\$5.00
010-81500-0-00000-81100-37520-0	\$0.00	\$7.24	\$7.24
010-90336-0-11100-10000-32020-0	\$4,470.00	\$253.83	\$4,723.83
010-90336-0-11100-10000-33022-0	\$2,340.00	\$132.16	\$2,472.16
010-90336-0-11100-10000-33023-0	\$550.00	\$28.17	\$578.17
010-90336-0-11100-10000-34020-0	\$15,900.00	(\$138.24)	\$15,761.76
010-90336-0-11100-10000-35020-0	\$20.00	(\$0.06)	\$19.94
010-90336-0-11100-10000-36020-0	\$1,010.00	\$250.58	\$1,260.58
Employee Benefits	\$100,330.00	\$9,055.05	\$109,385.05
010-00000-0-00000-71000-44000-0	\$1,700.00	(\$1,000.00)	\$700.00
010-07230-0-00000-36000-43000-0	\$40,000.00	(\$5,000.00)	\$35,000.00
010-30100-0-11100-10000-43000-0	\$5,000.00	\$2,500.00	\$7,500.00
010-40350-0-11100-10000-43000-0	\$3,814.00	\$186.00	\$4,000.00
010-42030-0-11100-10000-43000-0	\$1,996.00	\$891.43	\$2,887.43
010-60100-0-00000-37000-47000-0	\$3,000.00	\$2,000.00	\$5,000.00
010-60100-0-11100-10000-43000-0	\$7,000.00	\$3,000.00	\$10,000.00
010-63000-0-11100-10000-41000-0	\$19,200.00	(\$4,200.00)	\$15,000.00
010-63000-0-11100-10000-42000-0	\$1,000.00	\$6,386.00	\$7,386.00
010-81500-0-00000-81100-43000-0	\$152,690.00	(\$40,650.32)	\$112,039.68
010-90336-0-11100-10000-42000-0	\$0.00	\$200.00	\$200.00
010-90336-0-11100-10000-43000-0	\$350.00	\$271.96	\$621.96
010-90336-0-11100-10000-44000-0	\$0.00	\$800.00	\$800.00
010-90340-0-11100-10000-43000-0	\$0.00	\$201.47	\$201.47
010-90358-0-00000-24950-43000-0	\$1,249.10	(\$24.13)	\$1,224.97
Books and Supplies	\$236,999.10	(\$34,437.59)	\$202,561.51
010-00000-0-00000-71000-53000-0	\$7,000.00	(\$4,000.00)	\$3,000.00
010-00000-0-00000-71000-58000-0	\$10,000.00	\$5,000.00	\$15,000.00
010-07230-0-00000-36000-56000-0	\$10,000.00	(\$5,000.00)	\$5,000.00

Budget Revision Report

Control Number: 102844738

Account Classification	Approved / Revised	Change Amount	Proposed Budget
010-30100-0-11100-10000-52000-0	\$20,000.00	(\$5,000.00)	\$15,000.00
010-30100-0-11100-10000-58000-0	\$33,792.00	(\$7,802.31)	\$25,989.69
010-40350-0-11100-10000-58000-0	\$14,500.00	(\$8,422.32)	\$6,077.68
010-42030-0-11100-10000-58000-0	\$0.00	\$2,000.00	\$2,000.00
010-56400-0-11100-10000-58000-0	\$1,670.00	(\$857.30)	\$812.70
010-60100-0-11100-10000-58000-0	\$13,990.00	(\$1,823.48)	\$12,166.52
010-62640-0-11100-24900-58000-0	\$0.00	\$44,620.14	\$44,620.14
010-81500-0-00000-81000-58000-0	\$0.00	\$33,647.44	\$33,647.44
010-90336-0-11100-10000-58000-0	\$0.00	\$210.00	\$210.00
Services, Other Operating Expenses	\$110,952.00	\$52,572.17	\$163,524.17
010-30100-0-00000-72100-73100-0	\$10,000.00	\$1,287.31	\$11,287.31
010-40350-0-00000-72100-73100-0	\$1,000.00	\$1,413.67	\$2,413.67
010-42030-0-00000-72100-73100-0	\$700.00	\$6.39	\$706.39
010-56400-0-00000-72100-73100-0	\$0.00	\$1,170.02	\$1,170.02
010-60100-0-00000-72100-73100-0	\$7,000.00	\$142.86	\$7,142.86
010-62640-0-00000-72100-73100-0	\$0.00	\$3,774.86	\$3,774.86
010-90100-0-00000-72100-73100-0	\$0.00	\$6,768.53	\$6,768.53
010-90358-0-00000-72100-73100-0	\$0.00	\$24.13	\$24.13
Direct Support/Indirect Costs	\$18,700.00	\$14,587.77	\$33,287.77
Total Expenditures	\$725,791.10	\$80,142.90	\$805,934.00
Other Financing Sources/Uses			
010-07200-0-00000-00000-89800-0	\$1,043,879.00	\$212,478.00	\$1,256,357.00
010-07230-0-00000-00000-89800-0	\$169,940.00	(\$18,322.08)	\$151,617.92
010-30100-0-00000-00000-89900-0	\$9,345.00	(\$9,345.00)	\$0.00
010-40350-0-00000-00000-89900-0	(\$9,345.00)	\$9,345.00	\$0.00
010-90100-0-00000-00000-89800-0	\$0.00	\$23,680.82	\$23,680.82
010-90336-0-00000-00000-89800-0	\$0.00	\$3,500.00	\$3,500.00
Contributions	\$1,213,819.00	\$221,336.74	\$1,435,155.74

Budget Revision Report

Control Number: 102844738

Account Classification	Approved / Revised	Change Amount	Proposed Budget
Budgeted Unappropriated Fund Balance before this adjustment:		\$2,254,440.21	
Total Adjustment to Unappropriated Fund Balance:		(\$106,569.97)	
Budgeted Unappropriated Fund Balance after this adjustment:		\$2,147,870.24	

Budget Revision Report

Control Number: 102844738

Account Classification

Approved / Revised

Change Amount

Proposed Budget

At a meeting of the school board on _____, the board approved the above budget account lines change to those amounts indicated in the proposed budget column.

Authorized by: _____

(County Office Use Only)

Updated at County Office on ___/___/___ by _____

6. INFORMATION: (Verbal Reports & presentations)

**6.1 MOT--FOOD SERVICE—PROJECTS.
CBEDS Count**

1.17 - FRPM/English Learner/Foster Youth - Count

Academic Year: 2015-2016	Gender: ALL	User ID: jmunoz
View: SNAPSHOT	School Type: ALL	Create Date: 10/22/2015 3:00:59 AM
LEA: Tipton Elementary	School: ALL	Print Date: 10/27/2015 9:29:33 AM

Non-Charter School(s)										
Free/Reduced Meal Eligibility Counts Based On:										
School Code	School Name	Total Enrollment	Free & Reduced Meal Program: 181/182	Foster	Homeless (1)	Migrant Program: 135	Direct Certification	Unduplicated Eligible Free/Reduced Meal Counts	EL Funding Eligible (2)	Total Unduplicated FRPM/EL Eligible Count (3)
6054431	Tipton Elementary	563	426	6	0	20	243	485	358	521
TOTAL - Selected Schools		563	426	6	0	20	243	485	358	521

Charter School(s)										
Free/Reduced Meal Eligibility Counts Based On:										
School Code	School Name	Total Enrollment	Free & Reduced Meal Program: 181/182	Foster	Homeless (1)	Migrant Program: 135	Direct Certification	Unduplicated Eligible Free/Reduced Meal Counts	EL Funding Eligible (2)	Total Unduplicated FRPM/EL Eligible Count (3)
TOTAL - Selected Schools										
TOTAL LEA		563	426	6	0	20	243	485	358	521

This report includes students with Primary and Short Term enrollment in grade levels K-12, UE and US only. Students enrolled in Adult Education Schools are not included in this report.

Students with multiple qualifying records as of Fall 1 Census Day are counted only once. A student with qualifying enrollments in more than one LEA on Census Day is counted in each LEA.

(1) Homeless counts are based on Education Program record with an Education Program Membership Code 191 (Homeless).

(2) For Funding, Eligible English Learners are students with an English Language Acquisition Status of 'EL' on Fall 1 Census Day.

(3) Total Unduplicated FRPM/EL Eligibility Count will always equal enrollment count for Juvenile Court schools

This report is confidential and use is restricted to authorized individuals.

The data on this report is filtered by the user selections that appear on the last page of this report.

6. INFORMATION: (Verbal Reports & presentations)

6.1 MOT--FOOD SERVICE—PROJECTS.
Multi-Purpose Building

**NEW MULTI-PURPOSE /
GYMNASIUM BUILDING AT
TIPTON ELEMENTARY SCHOOL**
TIPTON ELEMENTARY SCHOOL DISTRICT
370 N. EVANS ROAD, TIPTON, CA 95372

APPROVALS
IDENTIFICATION STAMP
DIV. OF THE STATE ARCHITECT
FILE # XX-XX
APPL. # XX-XXXXXX
AC _____ F/LS _____ SS _____
DATE _____

LICENSED ARCHITECT
CHRISTOPHER D. MCGINLEY
No. C-29566
REN. 10-31-15
STATE OF CALIFORNIA
DATE: PROJECT DATE

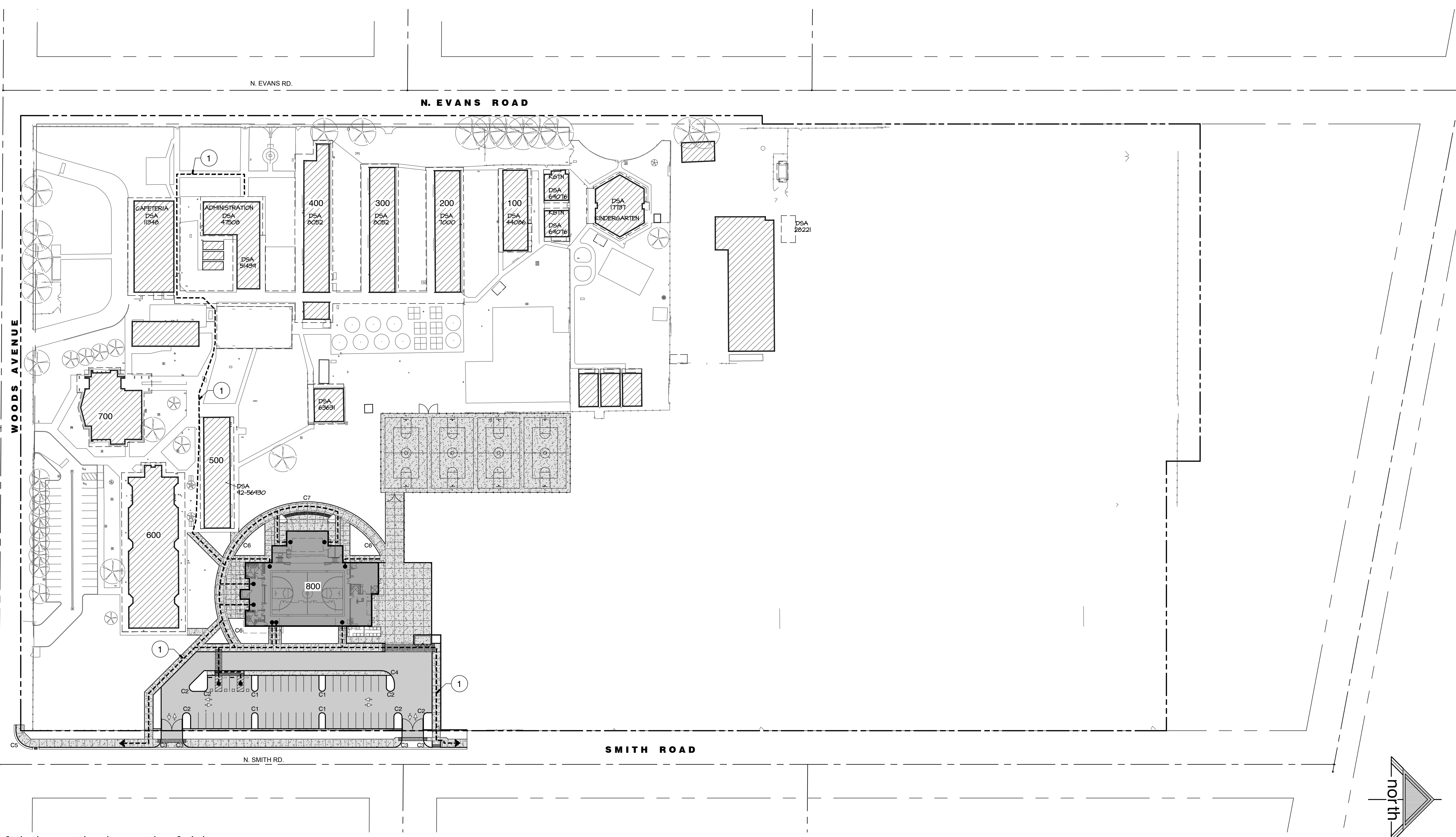
REVISIONS

ARCHITECTURE
INGENUITY
MANGINI
PARISH MCLAIN BARENG
www.mangini.com
Office: (951) 627-0550
4320 West Mineral King Avenue
Van Nuys, CA 91411
Fax: (951) 627-3516

TITLE
OVERALL SITE PLAN

SD1

PROJECT **1473**



OVERALL SITE PLAN
SCALE: 1" = 60'-0"

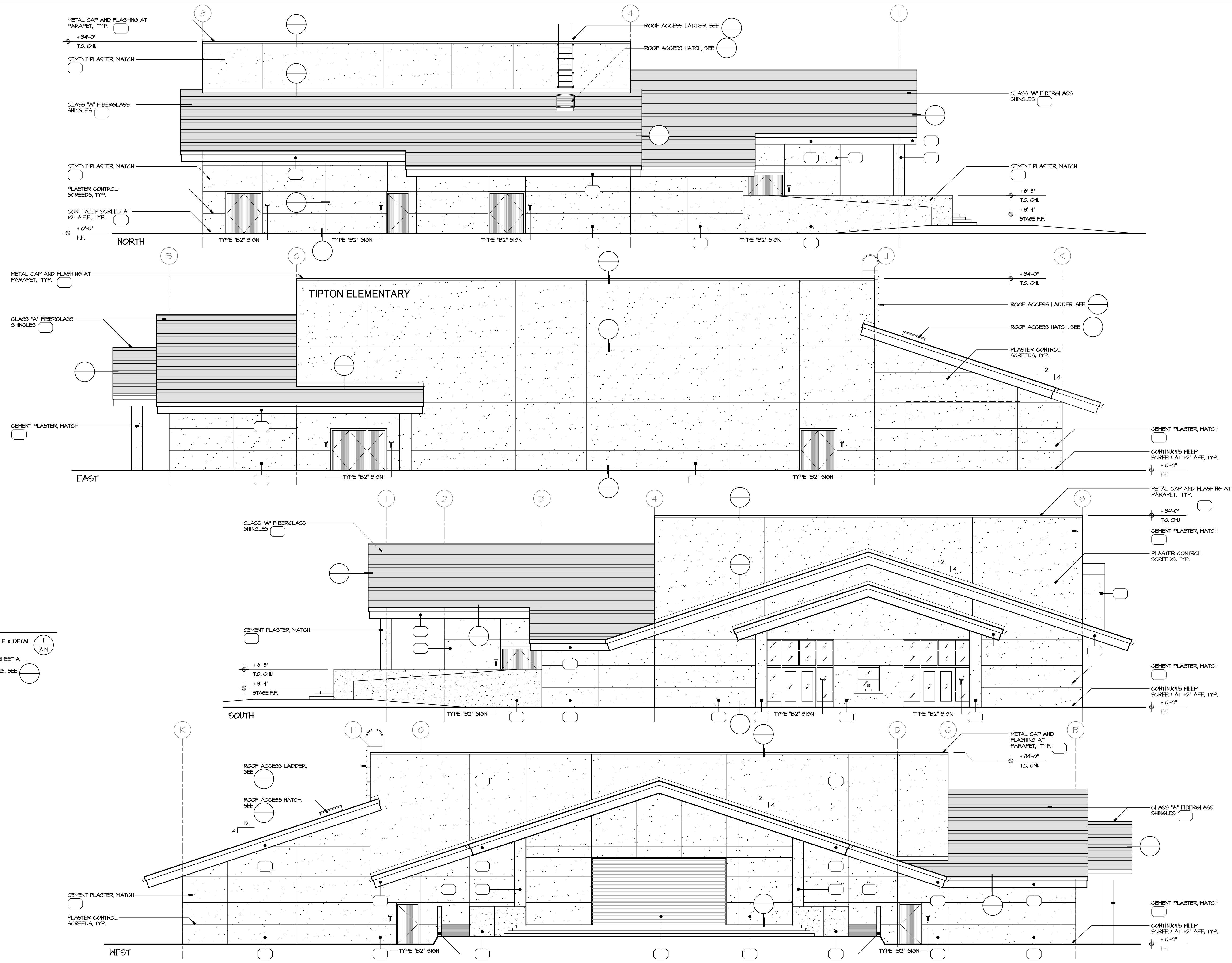
CURVE TABLE	
CURVE	RADIUS
C1	4' - 0"
C2	5' - 0"
C3	10' - 0"
C4	16' - 6"
C5	20' - 0"
C6	98' - 0"
C7	110' - 0"

NOTES
RADIJ ARE TO FACE OF CURB, FACE OF MOWSTRIP OR EDGE OF AC, UNLESS OTHERWISE INDICATED.

NOTES AND LEGEND :

- NEW BUILDING
 - EXIST. BUILDING
 - EXIST. COVERED WALK
 - NEW ASPHALT PAVING
 - NEW 4' CONCRETE PAVING
 - NEW 6' CONCRETE PAVING
 - PROPERTY LINE
 - ACCESSIBLE PATH OF TRAVEL
 - ACCESSIBLE RESTROOMS, SEE FLOOR PLANS FOR GENDER
- 1 ACCESSIBLE PATH OF TRAVEL :**
PATH OF TRAVEL (P.O.T.) AS VERIFIED BY THE ARCHITECT IS:
- A COMMON BARRIER FREE ACCESSIBLE ROUTE AT LEAST 48" WIDE WITHOUT ANY ABRUPT VERTICAL CHANGES EXCEEDING 1/2" BEVELED AT 1:2 MAXIMUM SLOPE. EXCEPT THAT LEVEL CHANGES DO NOT EXCEED 1/4" VERTICAL.
- THE PATH SURFACE IS SLIP RESISTANT, STABLE, FIRM, AND SMOOTH.
- PASSING SPACES AT LEAST 60" x 60" ARE LOCATED NOT MORE THAN 200' APART (11B-403.5.3).
- CONTINUOUS GRADIENTS HAVE 60" LEVEL AREAS NOT MORE THAN 400' APART (11B-403.7).
- CROSS-SLOPE DOES NOT EXCEED 2%.
- SLOPE IN THE DIRECTION OF TRAVEL IS 5% OR LESS UNLESS OTHERWISE INDICATED AS A RAMP.
- MAINTAIN P.O.T. FREE OF OVERHANGING OBSTRUCTIONS TO 80" MINIMUM, PROTRUDING OBJECTS GREATER THAN 4" PROJECTION FROM WALL OR EDGE AND 27" ABOVE FINISH GRADE (11B-307.2).
- 2 GATE ACCESS NOTE :**
ALL C.L. 4'-0" WIDE GATES IN THE PATH OF TRAVEL SHALL HAVE LEVER-TYPE LATCH AND 10" HIGH KICK-PLATES SECURE TO C.L. MESH BOTH SIDES, SLBS MAX PRESSURE TO OPERATE AND STRIKE SIDE CLEARANCE PER. CBC 11B-404.2.9. SEE DETAIL 2/SD8 AND ENLARGED SITE PLAN SHEET SD3 FOR GATE LOCATIONS.

- 3 ACCESSIBLE PARKING :**
90 PUBLIC PARKING STALLS, 4 ACCESSIBLE STALLS REQUIRED.
2 ACCESSIBLE STALLS AND 2 ACCESSIBLE VAN STALLS PROVIDED.
1 EXISTING ACCESSIBLE STALL TO REMAIN.
5 > 4, THEREFORE OK
- 4 ORNAMENTAL IRON FENCING AND GATES**
16'-0" DOUBLE GATE, 4'-0" MAN GATE AND ORNAMENTAL IRON FENCING. SEE SHEET SDB. NOTE 4'-0" WIDE MAN GATES IN THE PATH OF TRAVEL SHALL HAVE LEVER-TYPE LATCH & 10" SMOOTH BOTTOM, SLBS MAX. PRESSURE TO OPERATE AND STRIKE SIDE CLEARANCE PER. CBC 11B-404.2.9. SEE DETAIL 12/SD8 AND ENLARGED SITE PLAN SHEET SD3 FOR GATE LOCATIONS
- 5 SITE SIGNAGE**
ENTRANCE SIGN. SEE DETAIL 18/SD4
- 6 NEW 10'-0" WIDE ORNAMENTAL DOUBLE LEAF GATE.**



- ELEVATION NOTES:**
- REFER TO THE DOOR SCHEDULE & DETAIL FOR SIGNAGE INFORMATION.
 - FOR WALL ASSEMBLIES, SEE SHEET A.
 - FOR HORIZONTAL LATH NAILING, SEE

APPROVALS

IDENTIFICATION STAMP
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LICENSED ARCHITECT
 CHRISTOPHER D. BUCKLEY
 No. C-29566
 REN. 10-31-15
 STATE OF CALIFORNIA

DATE: PROJECT DATE

REVISIONS

MANGINI ARCHITECTURE
 INGENUITY

PARISH MCLAIN BARENG
 MANGINI ASSOCIATES INC.
 4320 West Mineral King Avenue
 Visalia, CA 95251

www.mangini.com
 Office: (559) 627-0550
 Fax: (559) 627-2526

TITLE
 EXTERIOR ELEVATIONS

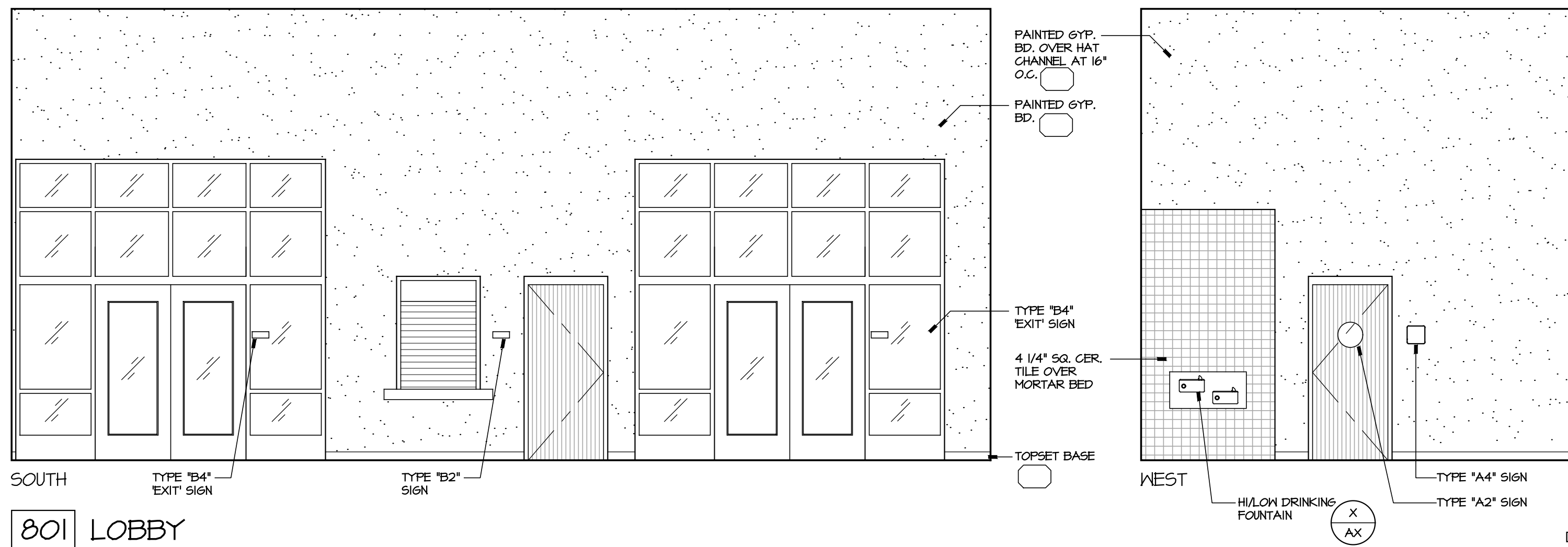
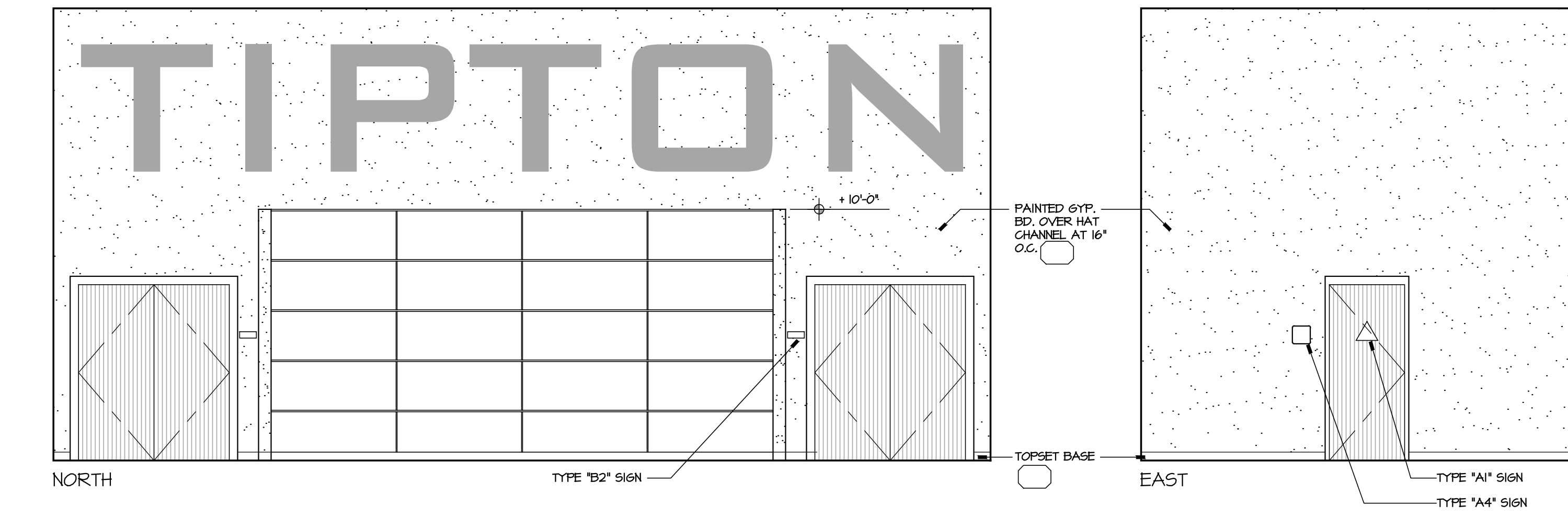
A5

PROJECT 1473

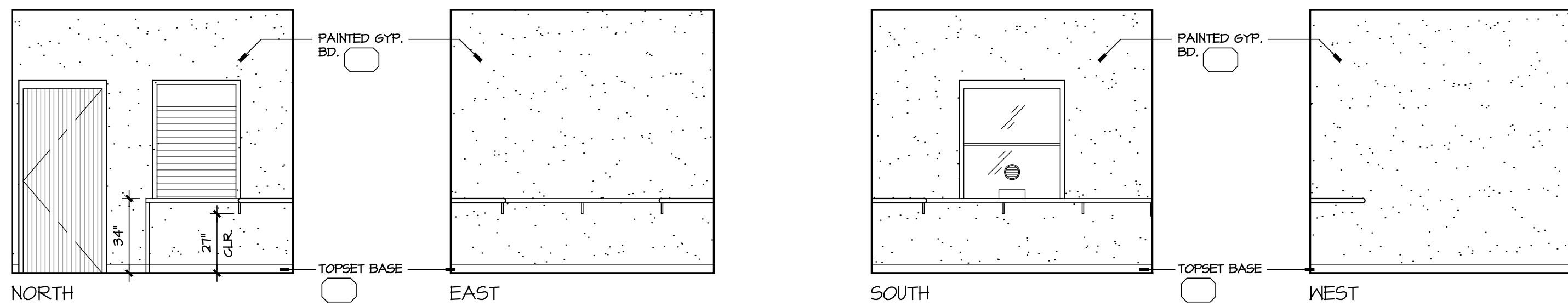
EXTERIOR ELEVATIONS - BUILDING 800

SCALE: 1/8" = 1'-0"

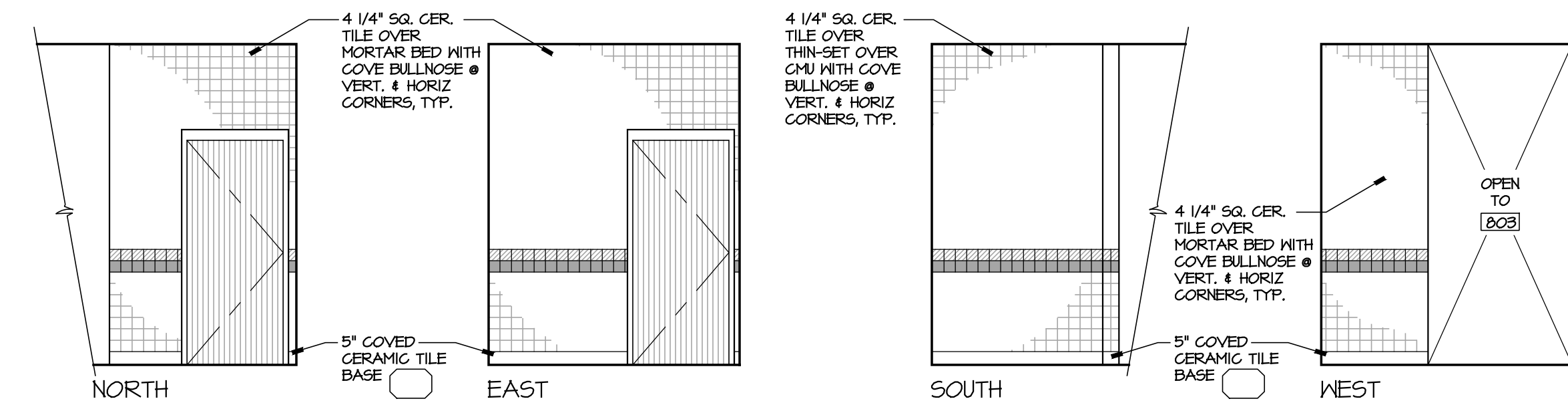
TIPTON



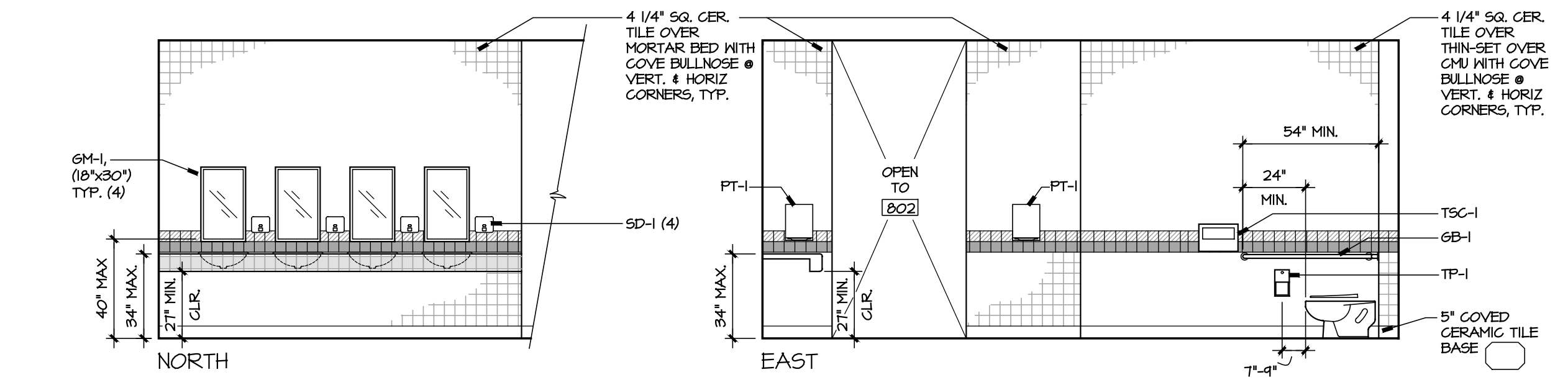
801 LOBBY



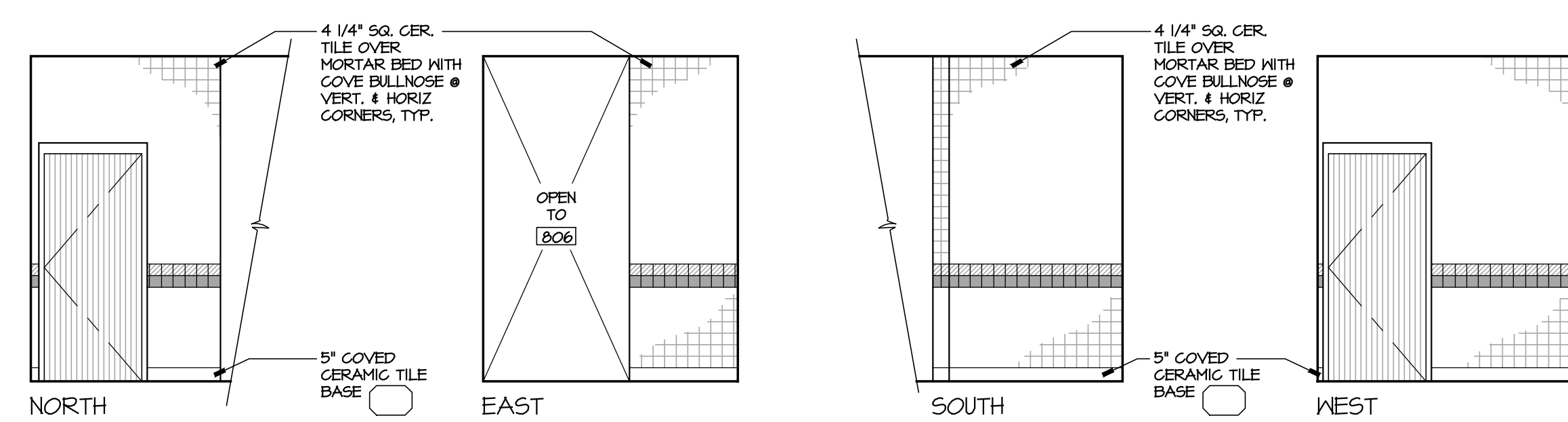
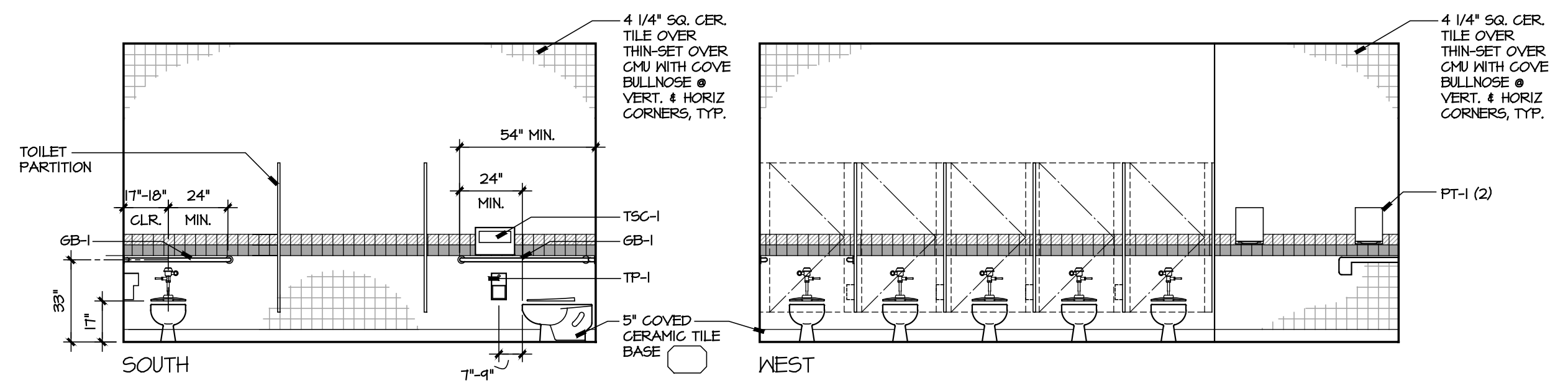
804 SNACK BAR



802 VESTIBULE



803 WOMEN



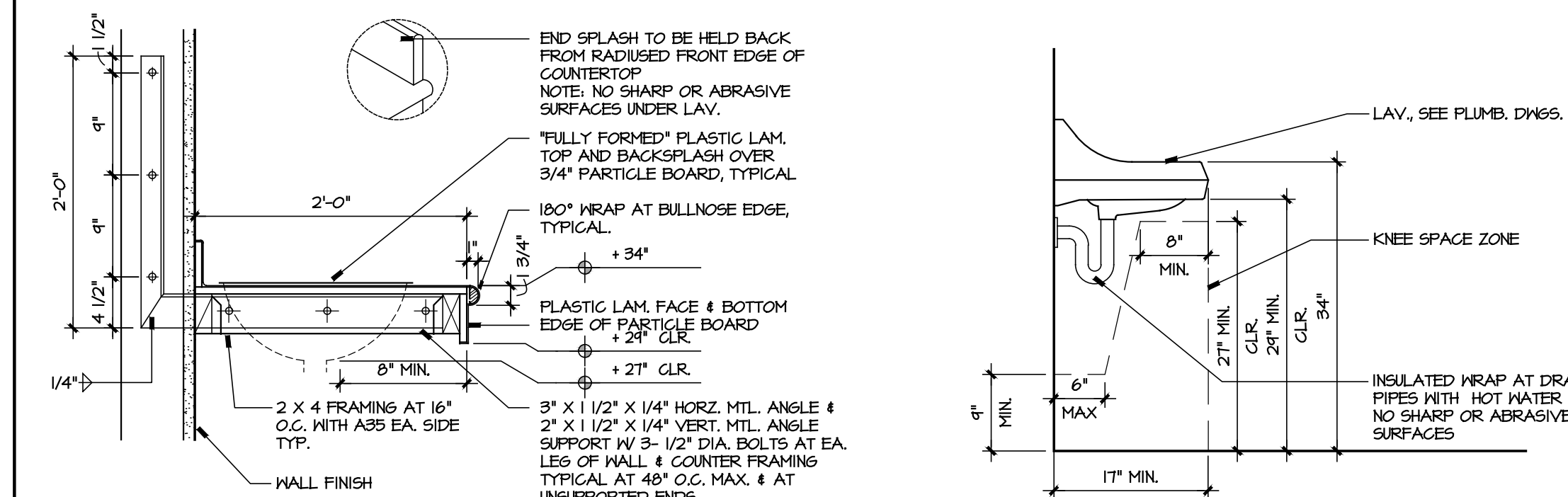
805 VESTIBULE

INTERIOR ELEVATIONS - BUILDING 800

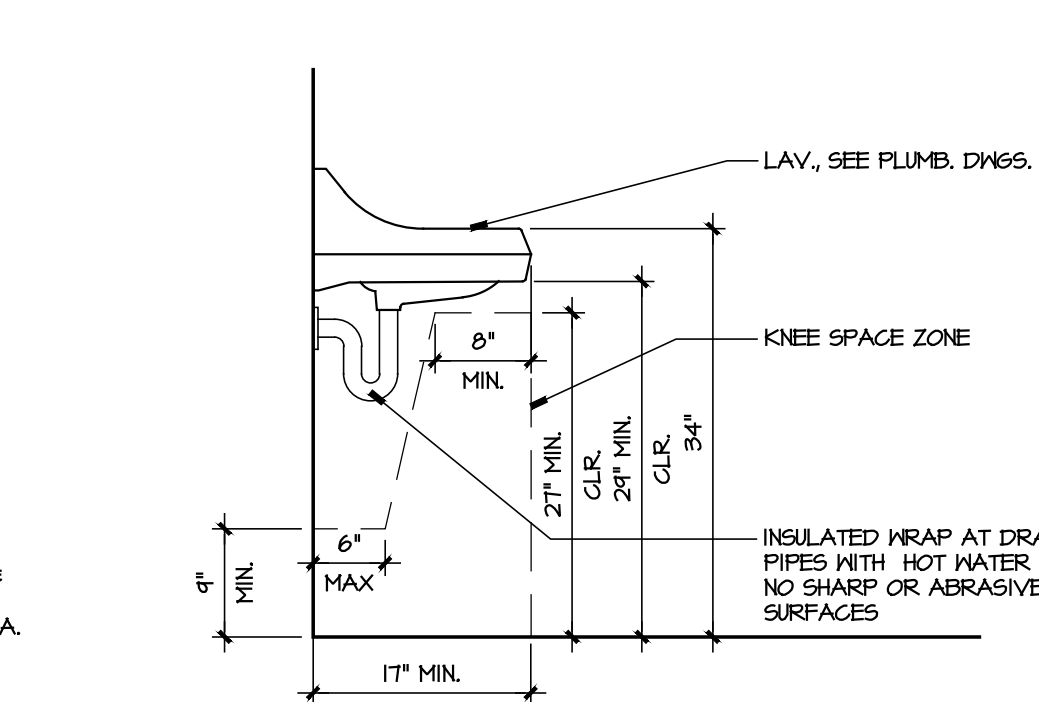
SCALE: 1/4" = 1'-0"

INTERIOR ELEVATION NOTES

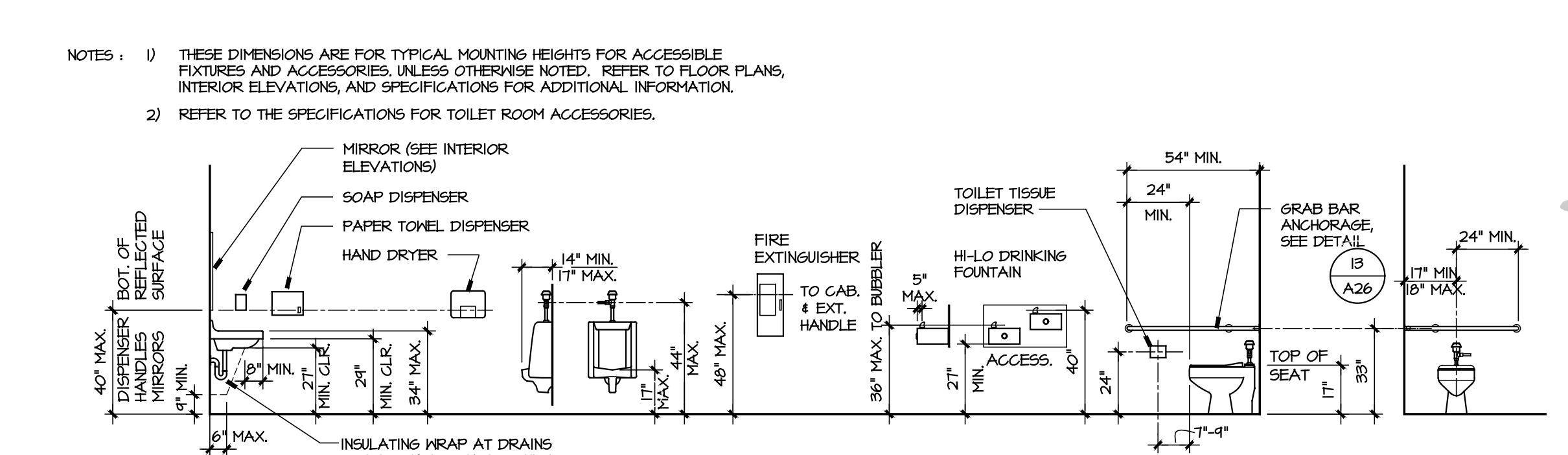
- REFER TO 3 / A11 FOR TYPICAL COUNTERTOP AND BACK SPLASH DETAILS U.O.N.
- REFER TO 1 / A11 FOR TYPICAL ACCESSIBLE MOUNTING HEIGHTS AND REQUIREMENTS, U.O.N.
- REFER TO X / AX FOR TYPICAL CABINET ANCHORAGE.
- REFER TO SPECIFICATION SECTION 10 2810 FOR TOILET ACCESSORY ABBREVIATIONS.
- REFER TO FINISH SCHEDULE SHEET A11 FOR DESIGNATION OF FINISHES.
- REFER TO X / AX FOR TYPICAL GYPSUM BOARD EDGE DETAILS.
- ANY DISCREPANCY BETWEEN THE LOCATION OF DEVICES, FIXTURES, ETC., SHOWN HERE AND ON ANY PLUMBING, ELECTRICAL, MECHANICAL, OR SANITARY SEWER SHEETS ARE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO LAYOUT.
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- = ANY ACCESSORIES SHOWN N.G. SHALL BE PROVIDED BY THE OWNER. CONTRACTOR TO PROVIDE SOLID BLOCKING AT LOCATION SHOWN AND INSTALLATION OF ACCESSORIES.
- SEE 1 / A11 AND DOOR SCHEDULE FOR TYPICAL DOOR SIGNAGE.
- SEE X / AX FOR TYPICAL GRAB BAR ANCHORAGE.
- SEE X / AX FOR RECESSED FIRE EXTINGUISHER CABINET INFORMATION.
- = KITCHEN EQUIPMENT ITEM. SEE SCHEDULE ON SHEET AX.



3 PLASTIC LAMINATE TOP
SCALE: 1" = 1'-0"



2 ACCESS LAV.
SCALE: 3/4" = 1'-0"



1 TYPICAL ACCESSIBLE MOUNTING HEIGHTS
N.T.S.

NEW MULTI-PURPOSE / GYMNASIUM BUILDING AT TIPTON ELEMENTARY SCHOOL
TIPTON ELEMENTARY SCHOOL DISTRICT
370 N. EVANS ROAD, TIPTON, CA 95272

APPROVALS

IDENTIFICATION STAMP
DIV. OF THE STATE ARCHITECT

FILE # XX-XX
APPL. # XX-XXXXXX

AC: F/LS SS

DATE

LICENSED ARCHITECT
CAMPBELL R. BROWN
No. C-29566
REN. 10-31-15
STATE OF CALIFORNIA

DATE: PROJECT DATE

REVISIONS

ARCHITECTURE
INGENUITY
MANGINI
PARISH MCLAIN BARENG
MANGINI ASSOCIATES INC.
4320 West Mineral King Avenue
Visalia, CA 95211
www.mangini.com
Office: (559) 627-0550
Fax: (559) 627-3526

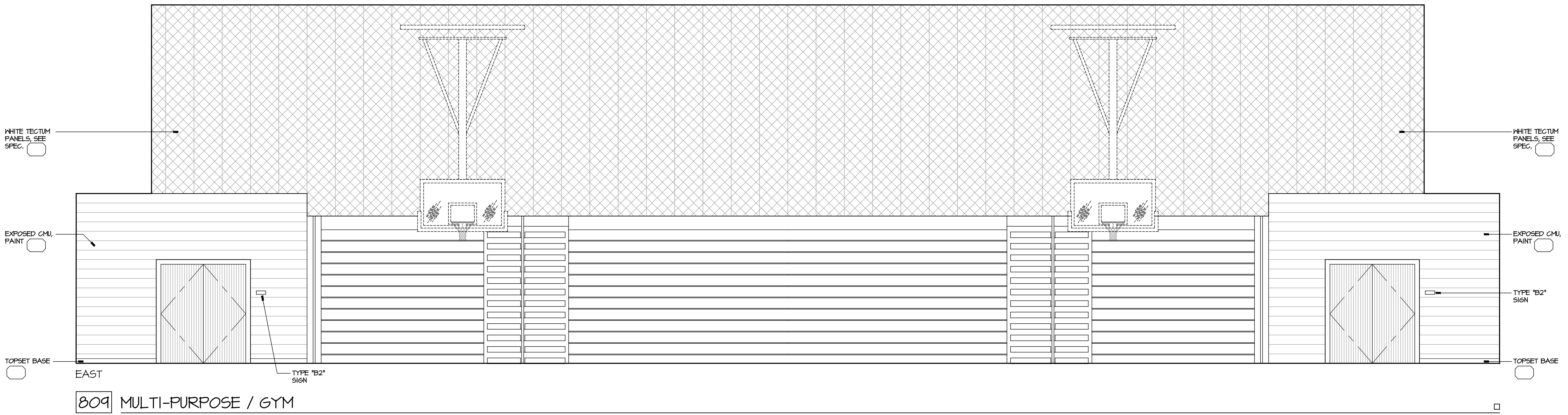
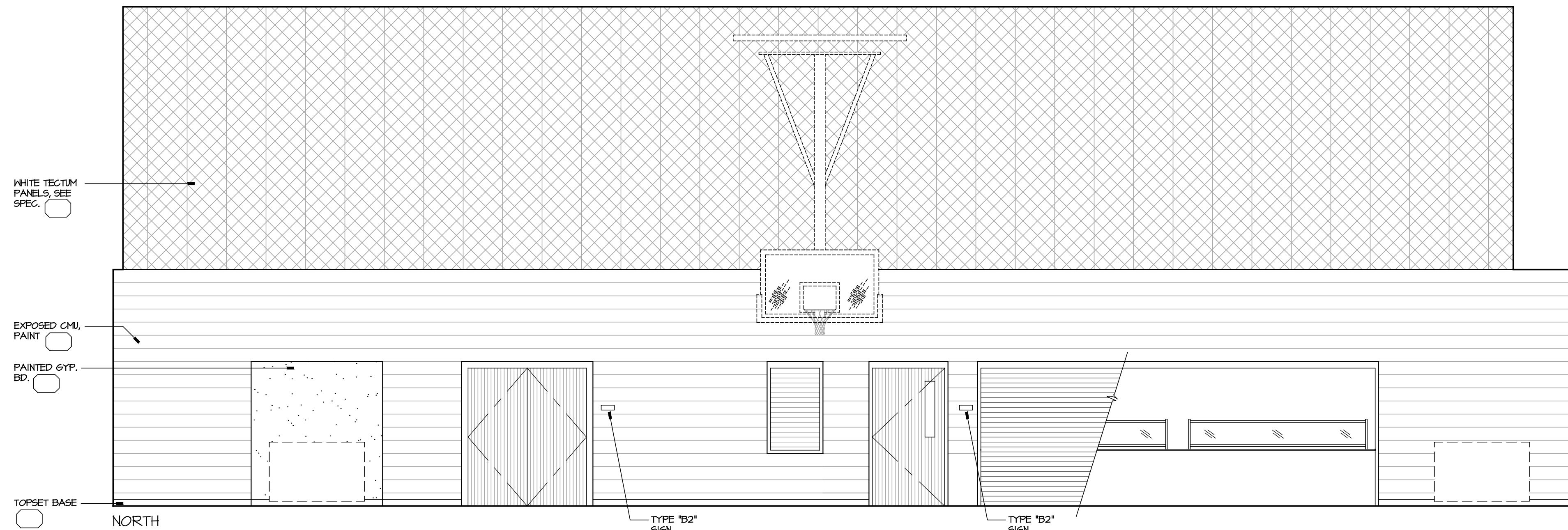
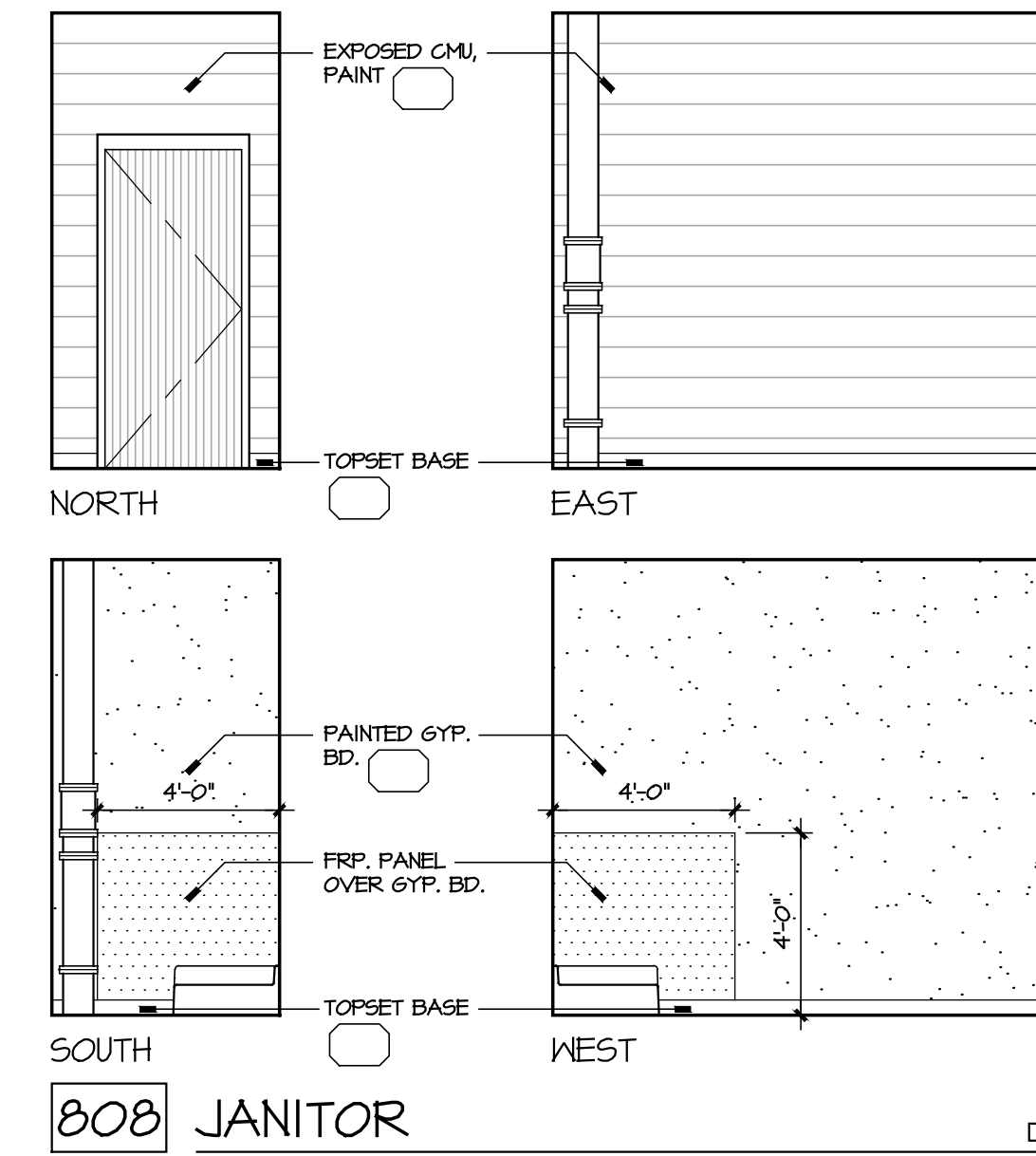
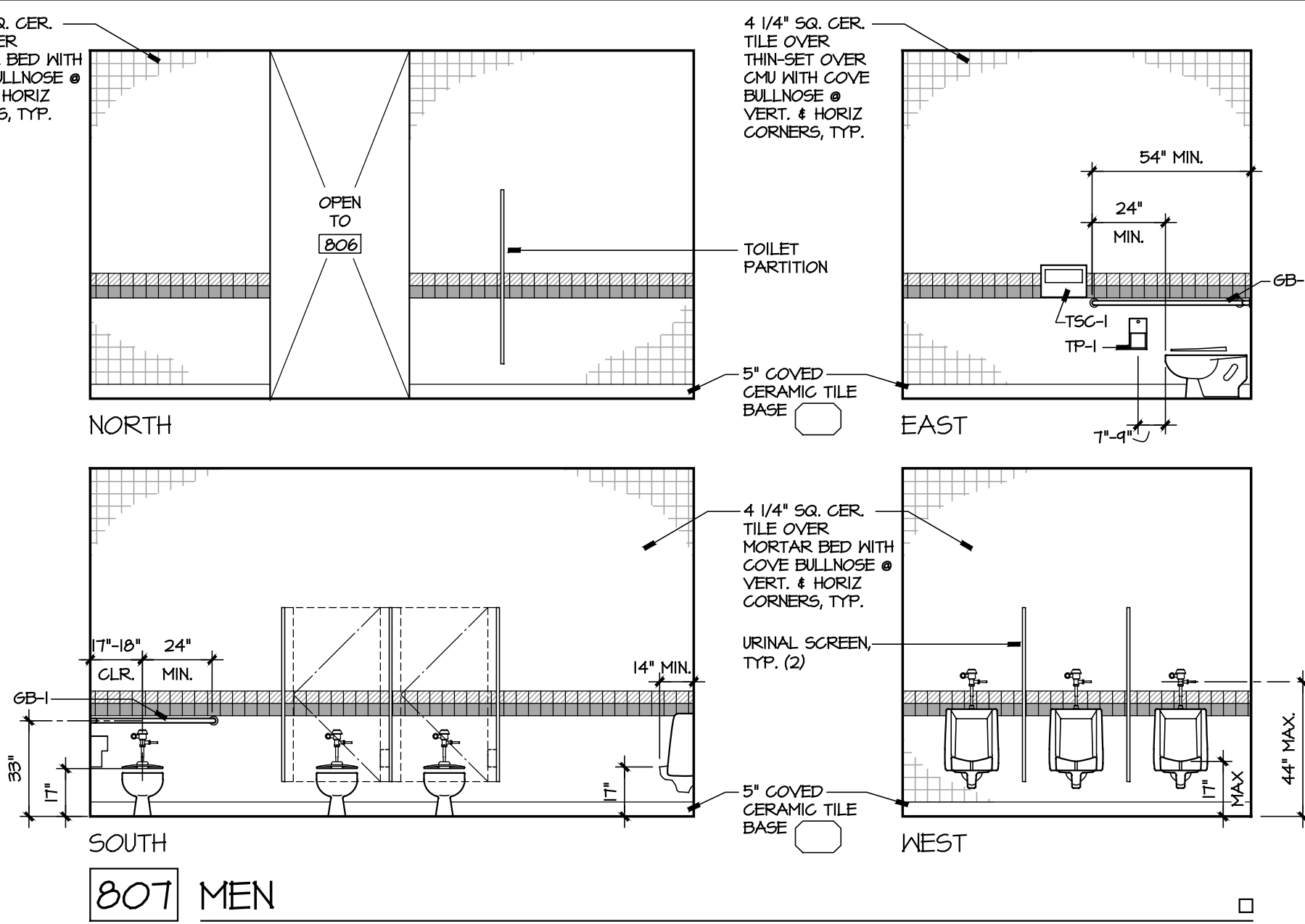
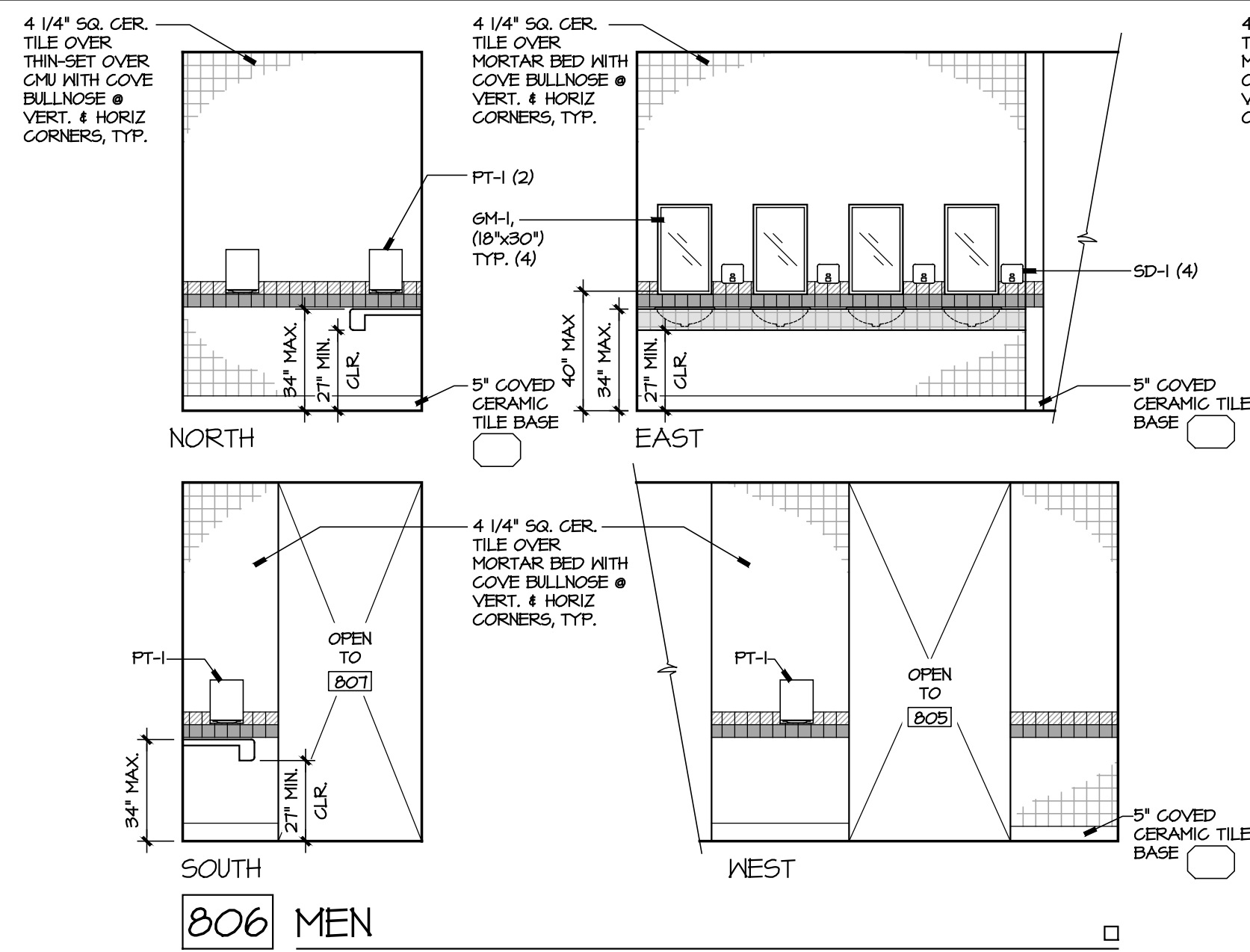
TITLE
INTERIOR ELEVATIONS
ROOMS 801-805

A11

PROJECT 1473

INTERIOR ELEVATION NOTES

- REFER TO 3 / A11 FOR TYPICAL COUNTERTOP AND BACK SPLASH DETAILS U.O.N.
- REFER TO 1 / A11 FOR TYPICAL ACCESSIBLE MOUNTING HEIGHTS AND REQUIREMENTS, U.O.N.
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- SEE 5 / A26 FOR RECESSED FIRE EXTINGUISHER CABINET INFORMATION.
- = KITCHEN EQUIPMENT ITEM. SEE SCHEDULE ON SHEET A2.



NEW MULTI-PURPOSE / GYMNASIUM BUILDING AT TIPTON ELEMENTARY SCHOOL
 TIPTON ELEMENTARY SCHOOL DISTRICT
 370 N. EVANS ROAD, TIPTON, CA 95322

APPROVALS

IDENTIFICATION STAMP
 DIV. OF THE STATE ARCHITECT

FILE # XX-XX
 APPL. # XX-XXXXXX

AC _____ F/LS _____ SS _____

DATE _____

DATE: PROJECT DATE

REVISIONS

MANGINI ARCHITECTURE
 INGENUITY

PARISH MCLAIN BARENG
 MANGINI ASSOCIATES INC.
 4320 West Mineral King Avenue
 Visalia, CA 93251

www.mangini.com
 Office: (559) 627-0550
 Fax: (559) 627-1516

TITLE
 INTERIOR ELEVATIONS
 ROOMS 806-809



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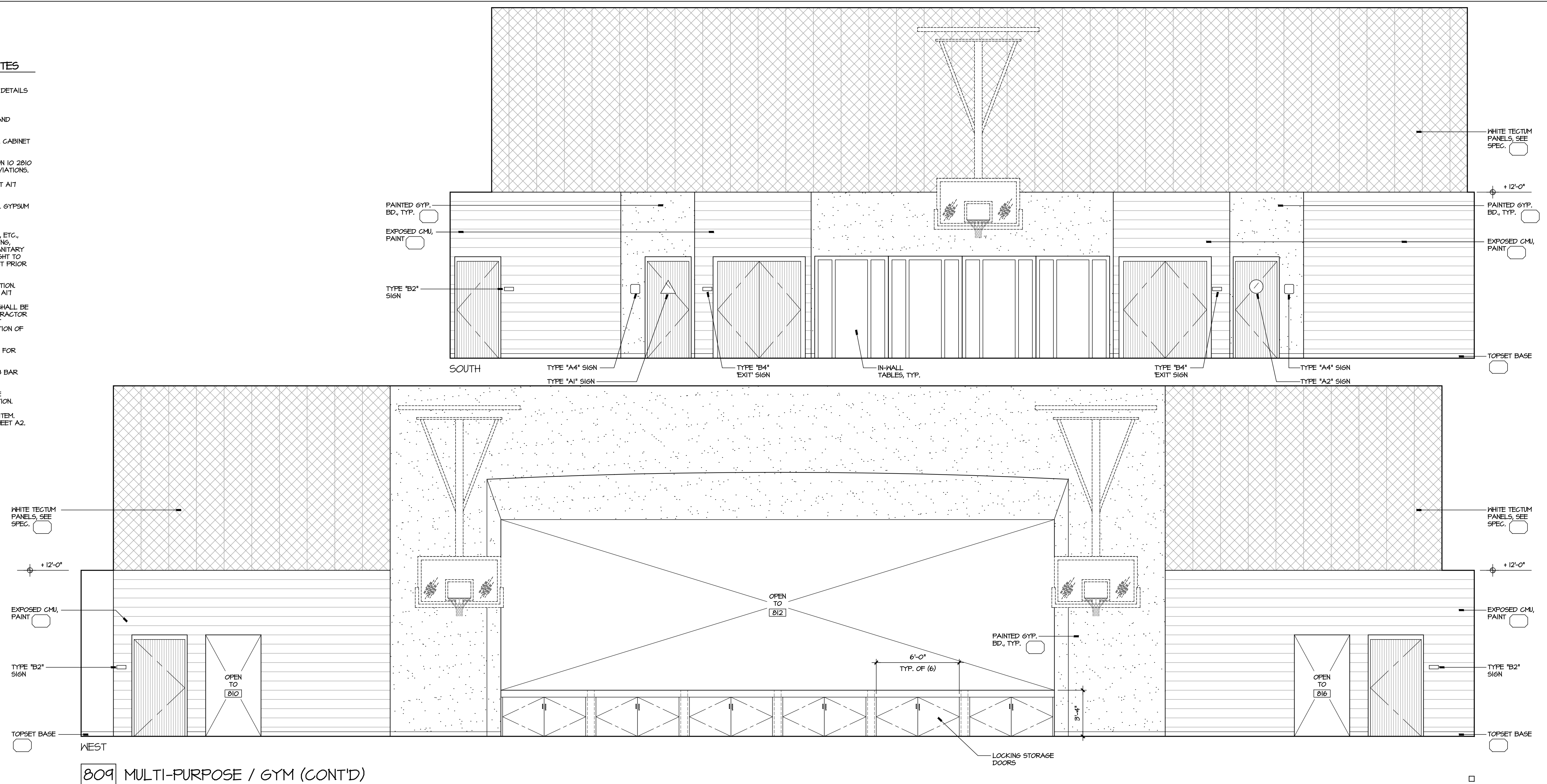
PROJECT **1473**

INTERIOR ELEVATIONS - BUILDING 800

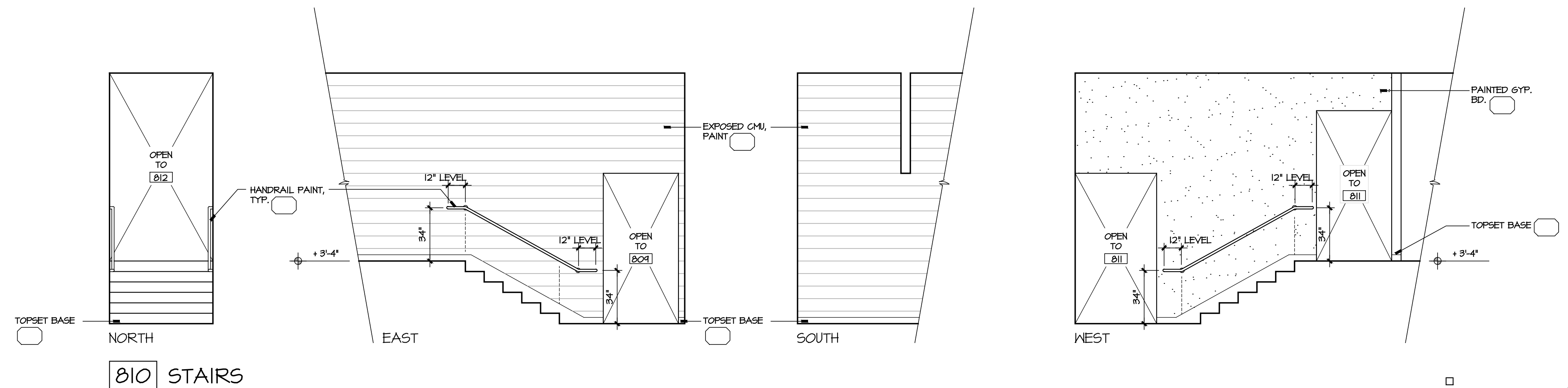
SCALE: 1/4" = 1'-0"

INTERIOR ELEVATION NOTES

1. REFER TO 3 / A11 FOR TYPICAL COUNTERTOP AND BACK SPLASH DETAILS U.O.N.
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11. SEE 13 / A26 FOR TYPICAL GRAB BAR ANCHORAGE.
12. SEE 5 / A26 FOR RECESSED FIRE EXTINGUISHER CABINET INFORMATION.
13.  = KITCHEN EQUIPMENT ITEM, SEE SCHEDULE ON SHEET A2.



809 MULTI-PURPOSE / GYM (CONT'D)



810 STAIRS

INTERIOR ELEVATIONS - BUILDING 800

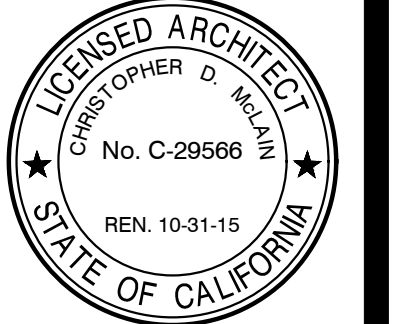
SCALE: 1/4" = 1'-0"

NEW MULTI-PURPOSE / GYMNASIUM BUILDING AT TIPTON ELEMENTARY SCHOOL
 TIPTON ELEMENTARY SCHOOL DISTRICT
 370 N. EVANS ROAD, TIPTON, CA 95372

APPROVALS

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 DIV. OF THE STATE ARCHITECT

FILE # XX-XX
 APPL. # XX-XXXXXX
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DATE: PROJECT DATE

REVISIONS

MANGINI ARCHITECTURE
 INGENUITY



PARISH MCLAIN BARENG
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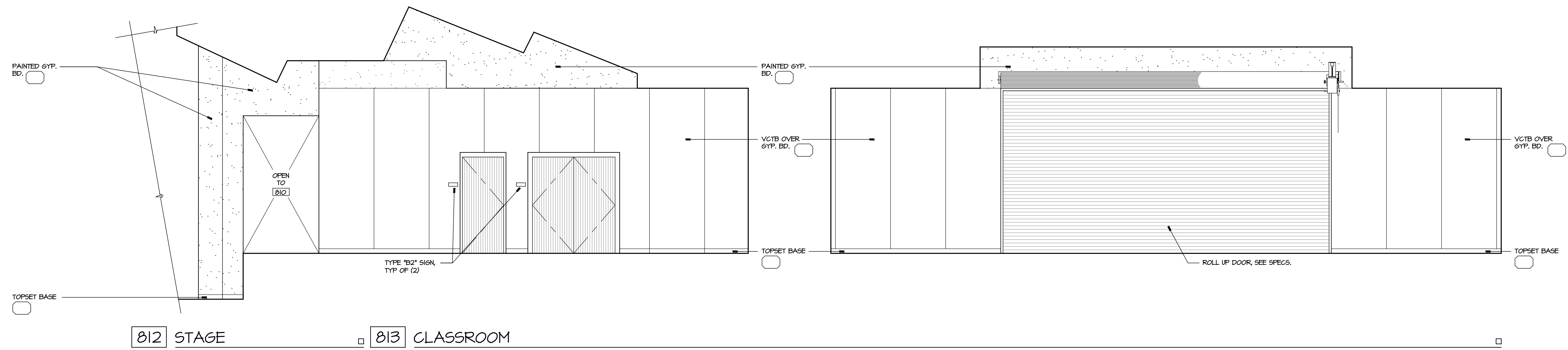
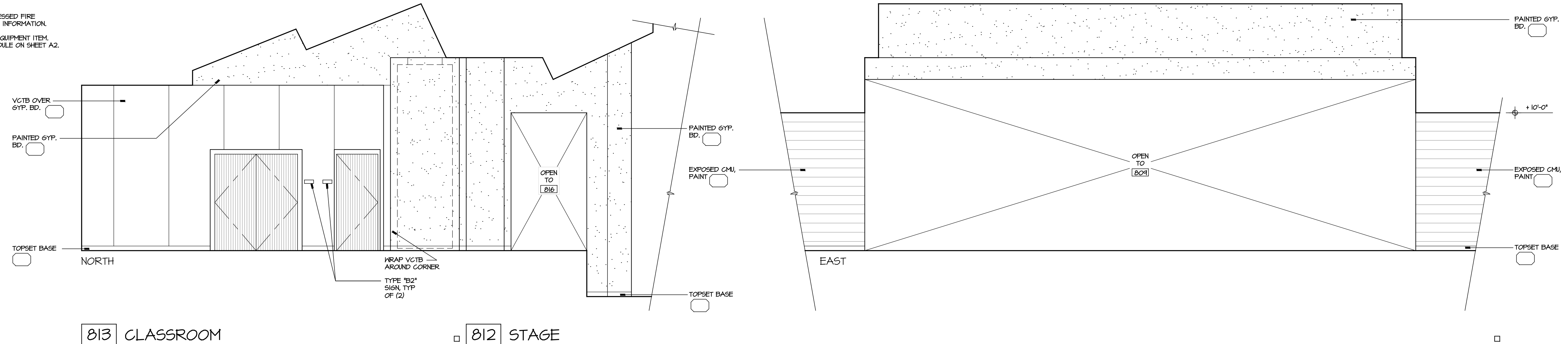
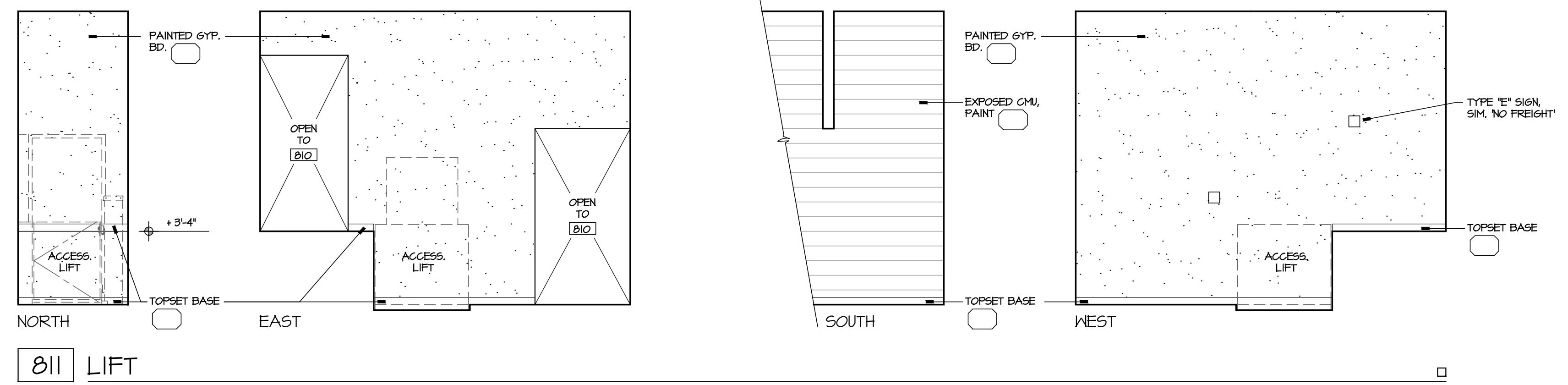
TITLE
 INTERIOR ELEVATIONS
 ROOMS 809-810

A13

PROJECT **1473**

INTERIOR ELEVATION NOTES

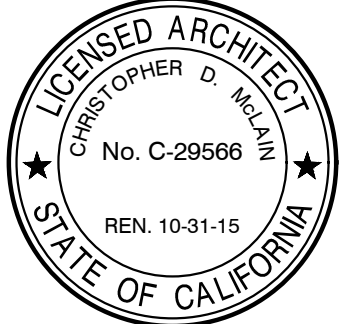
1. REFER TO 3 / A11 FOR TYPICAL COUNTERTOP AND BACK SPLASH DETAILS U.O.N.
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13.  = KITCHEN EQUIPMENT ITEM, SEE SCHEDULE ON SHEET A2.



INTERIOR ELEVATIONS - BUILDING 800

SCALE: 1/4" = 1'-0"

NEW MULTI-PURPOSE / GYMNASIUM BUILDING AT TIPTON ELEMENTARY SCHOOL
 TIPTON ELEMENTARY SCHOOL DISTRICT
 370 N. EVANS ROAD, TIPTON, CA 95322

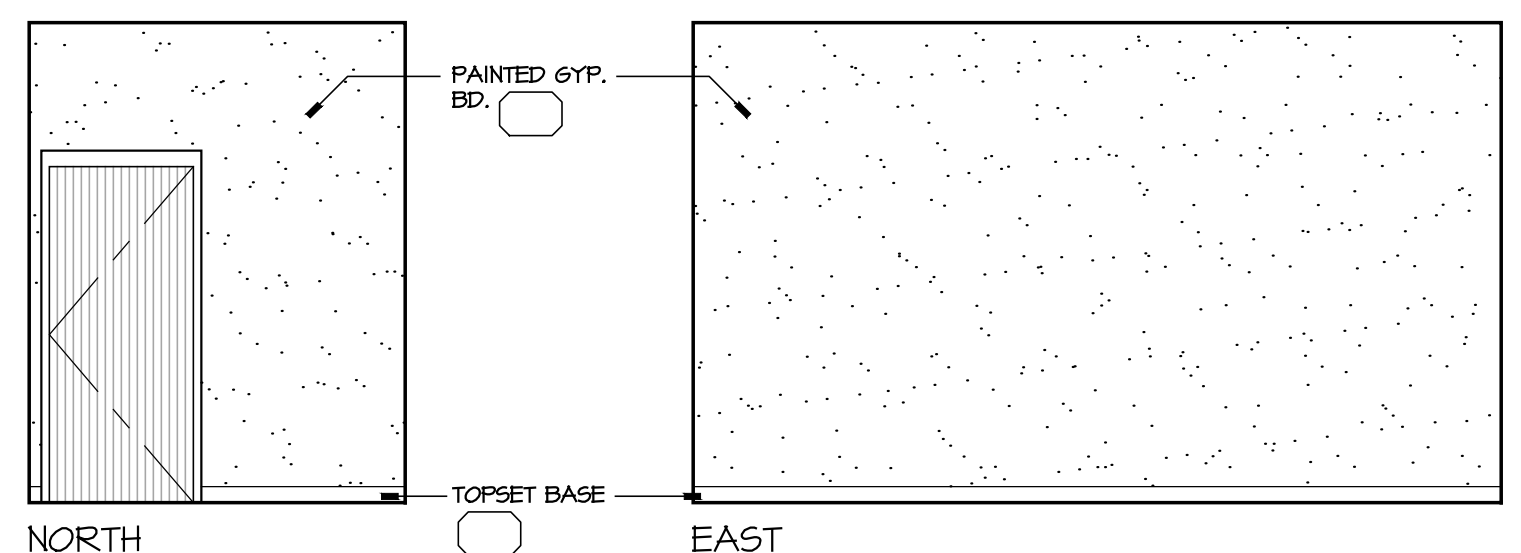
APPROVALS
 IDENTIFICATION STAMP
 DIV. OF THE STATE ARCHITECT
 FILE # XX-XX
 APPL. # XX-XXXXXX
 AC. F/LS SS
 DATE

 DATE: PROJECT DATE

REVISIONS

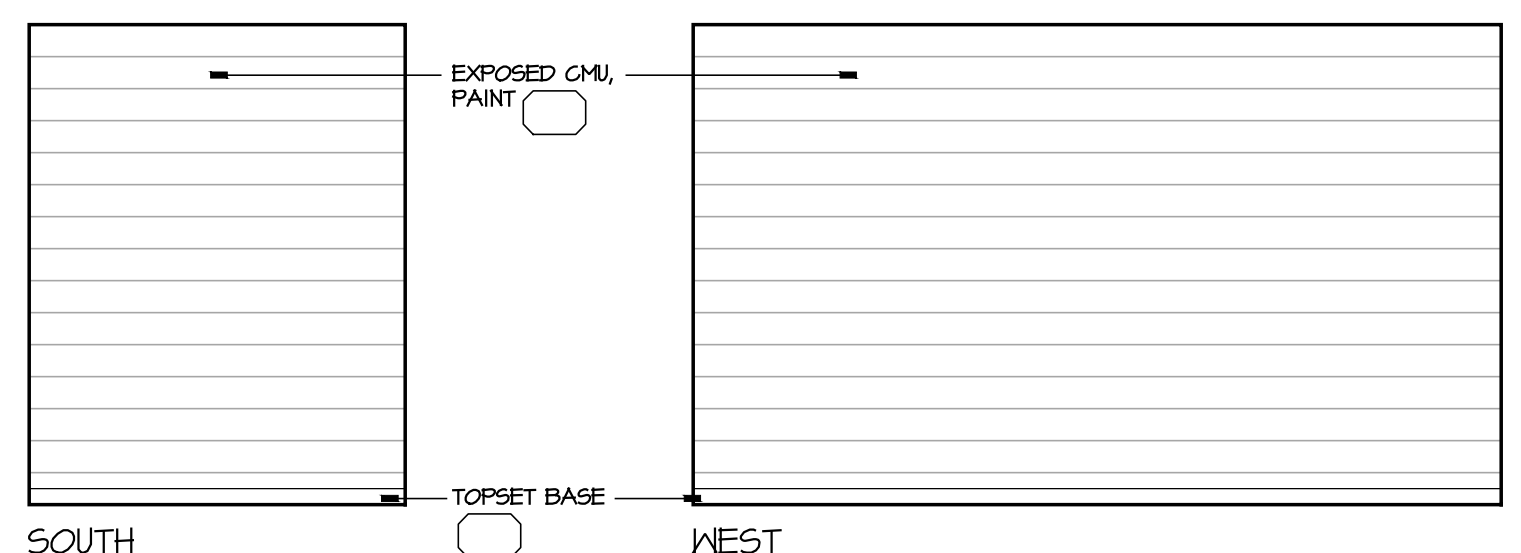
MANGINI ARCHITECTURE
 INGENUITY
 PARISH MCLAIN BARENG
 MANGINI ASSOCIATES INC.
 4320 West Mineral King Avenue
 Visalia, CA 93271
 www.mangini.com
 Office: (559) 627-0550
 Fax: (559) 627-2526

TITLE
 INTERIOR ELEVATIONS
 ROOMS 811-813

A14
 PROJECT 1473

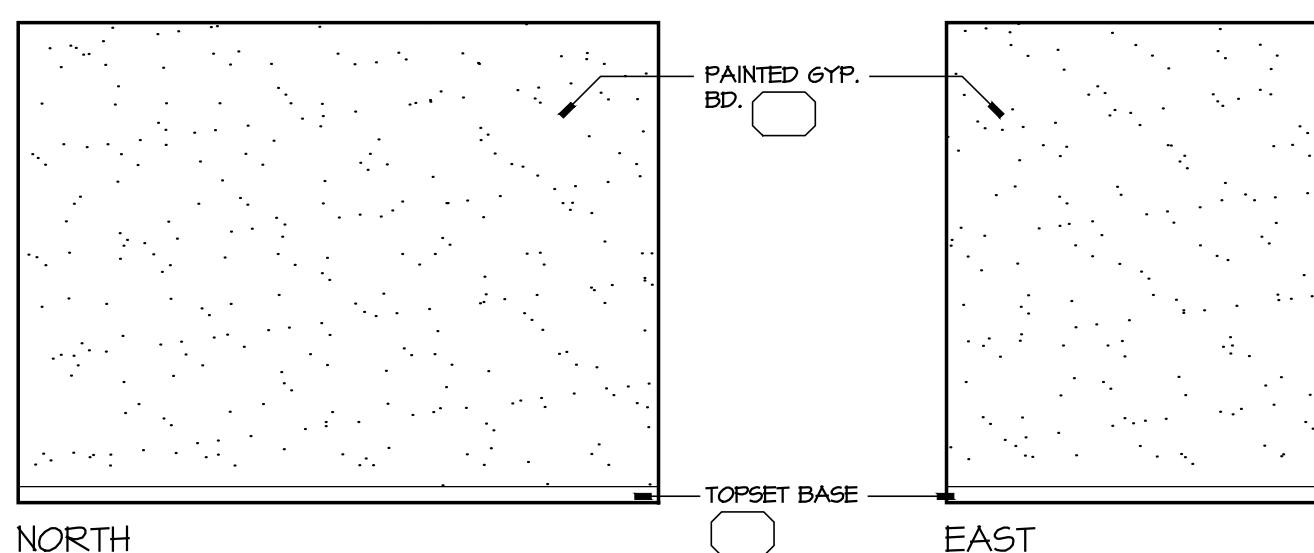


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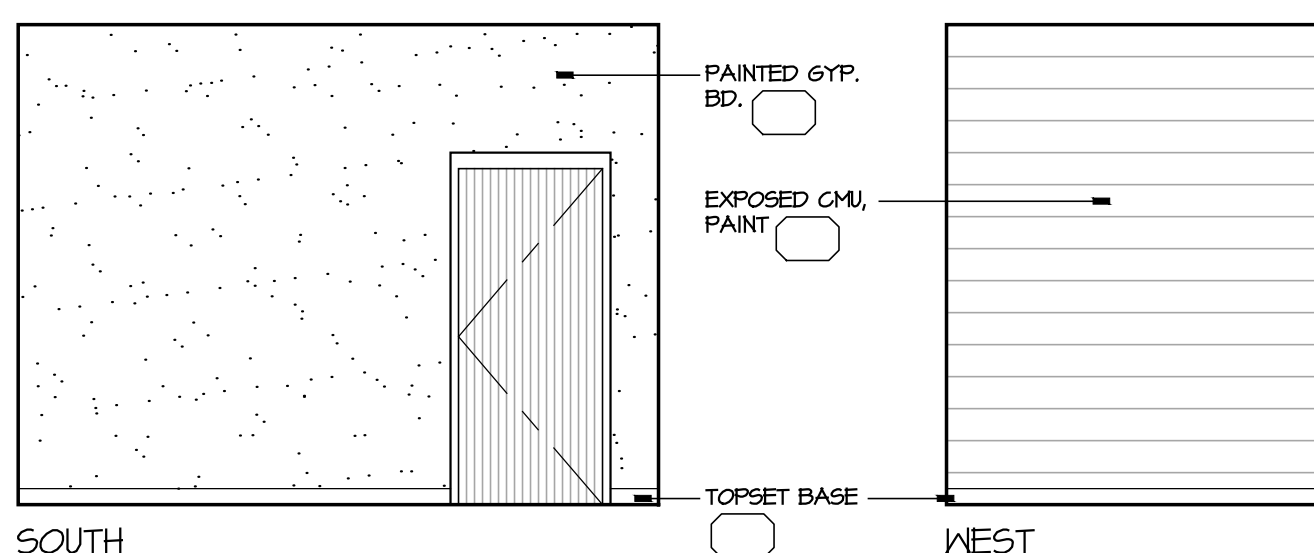


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814 STORAGE

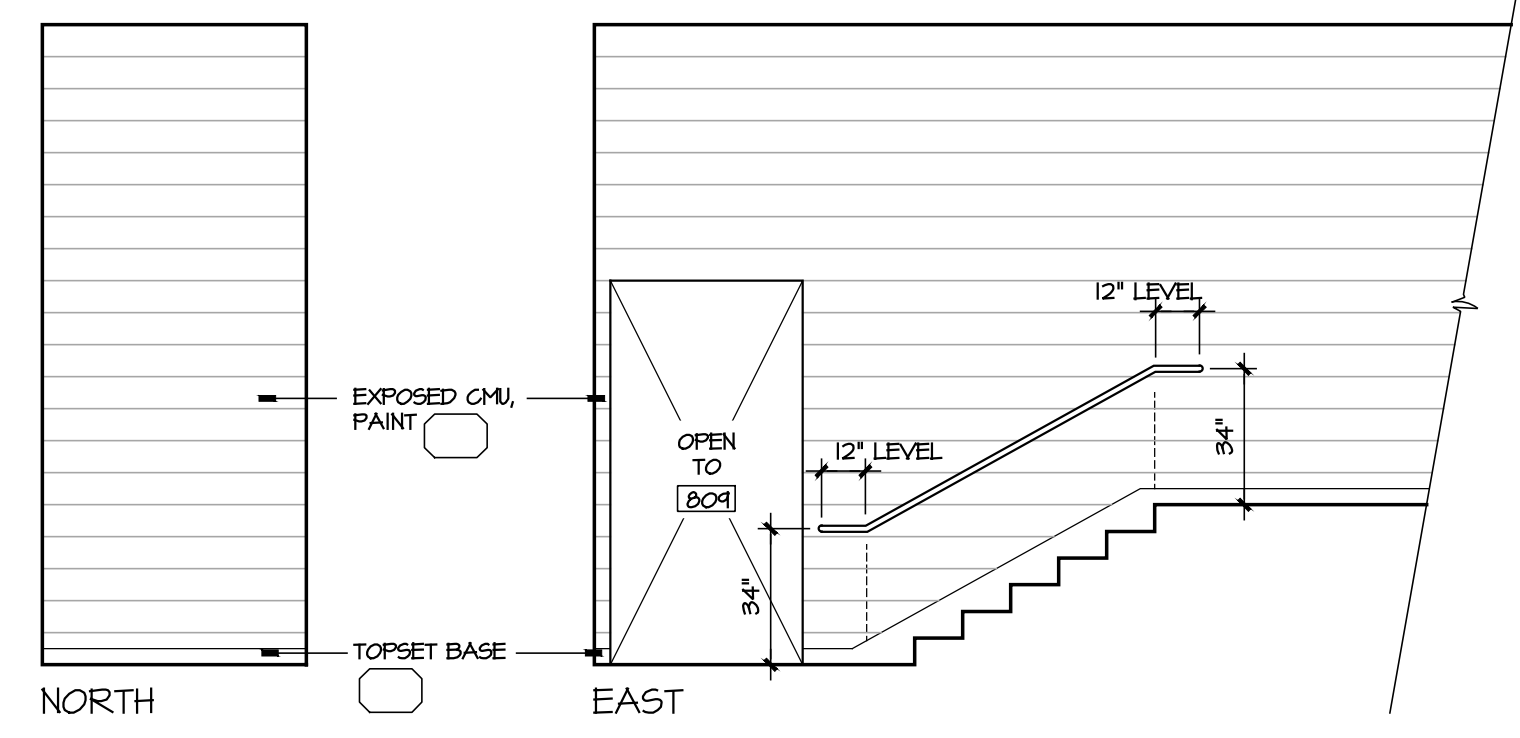


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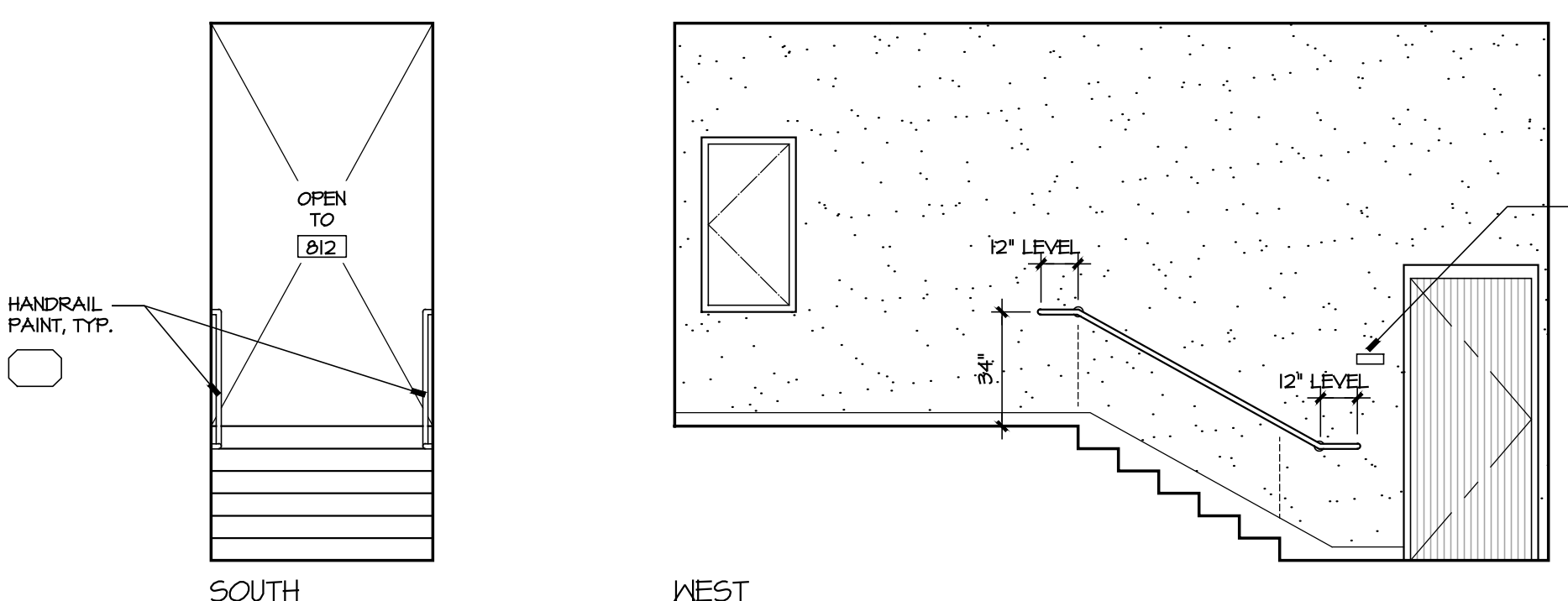


SOUTH WEST

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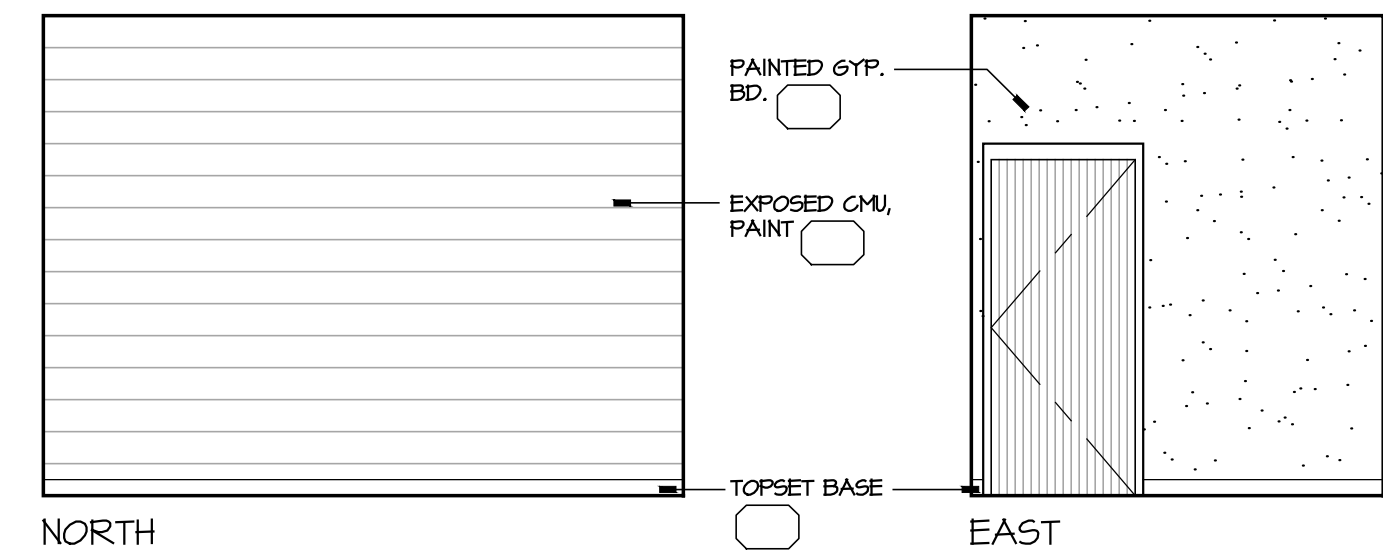


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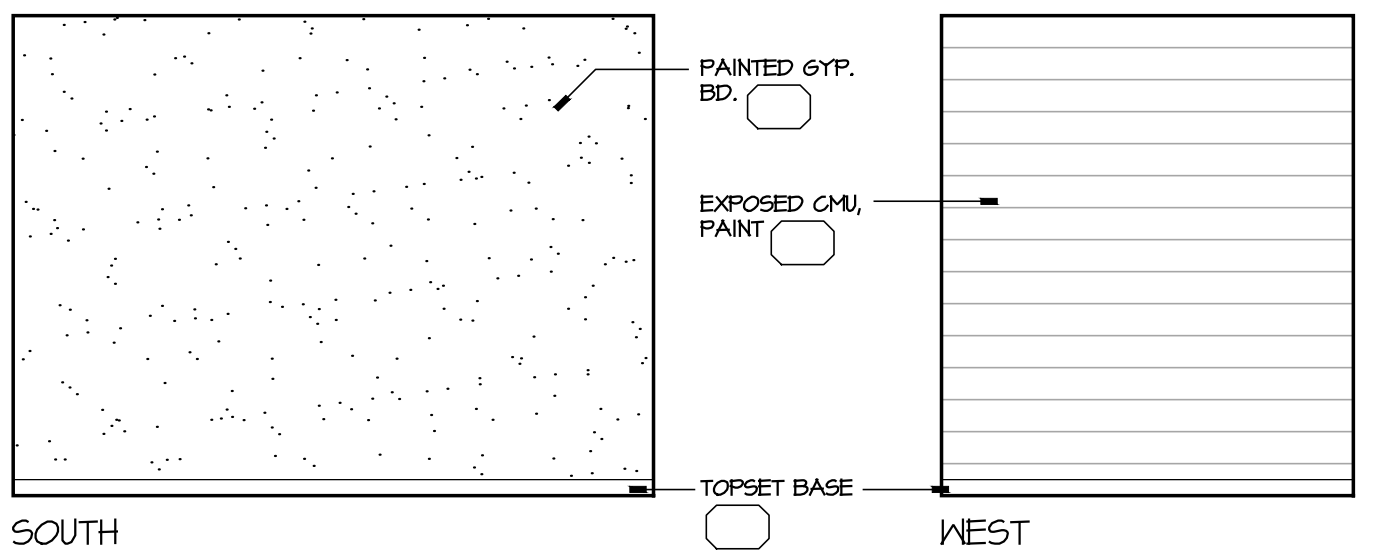
SOUTH WEST

816 STAIRS

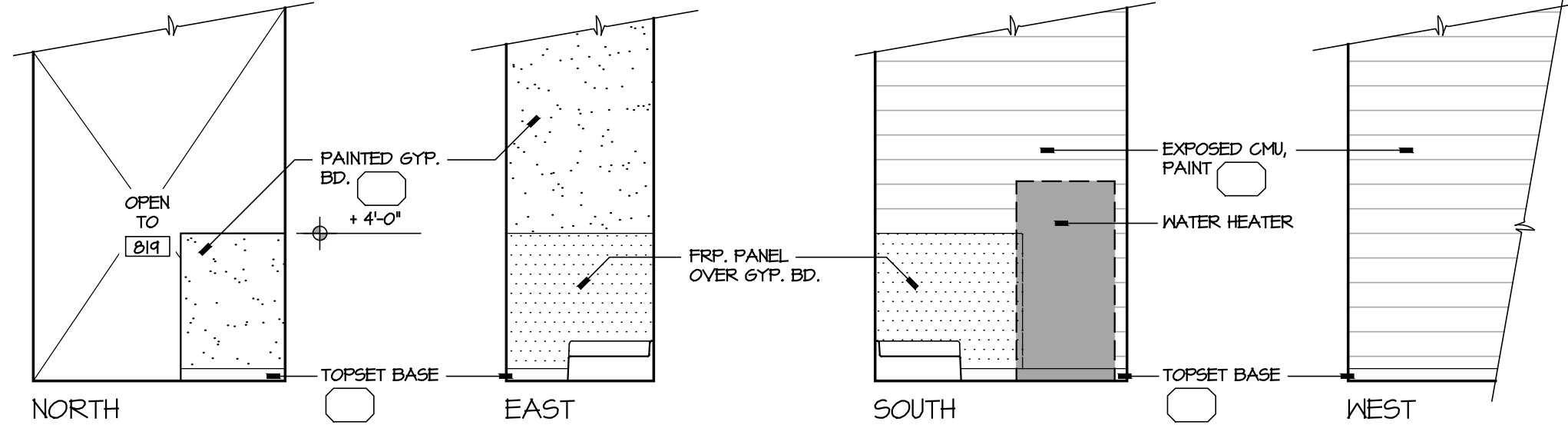


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SOUTH WEST

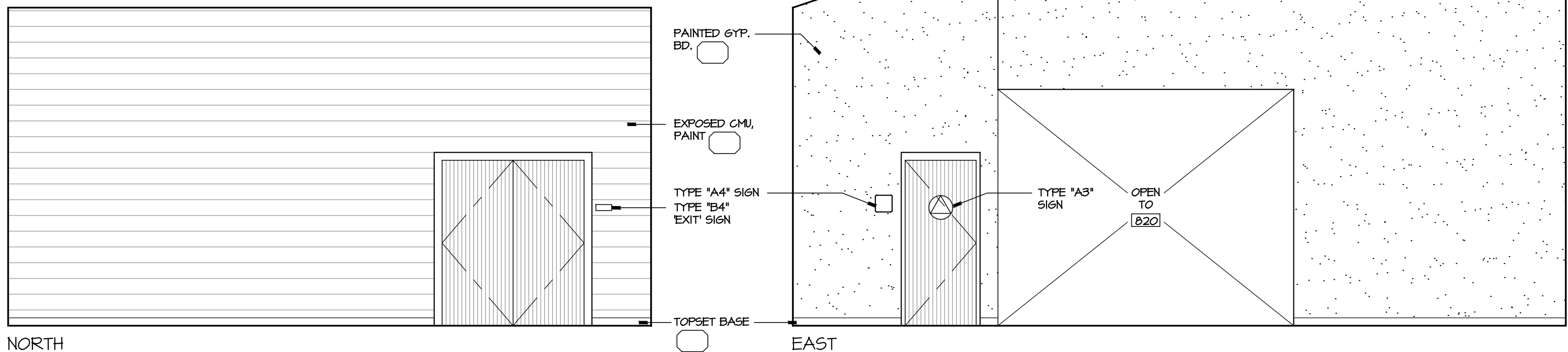


NORTH EAST SOUTH WEST

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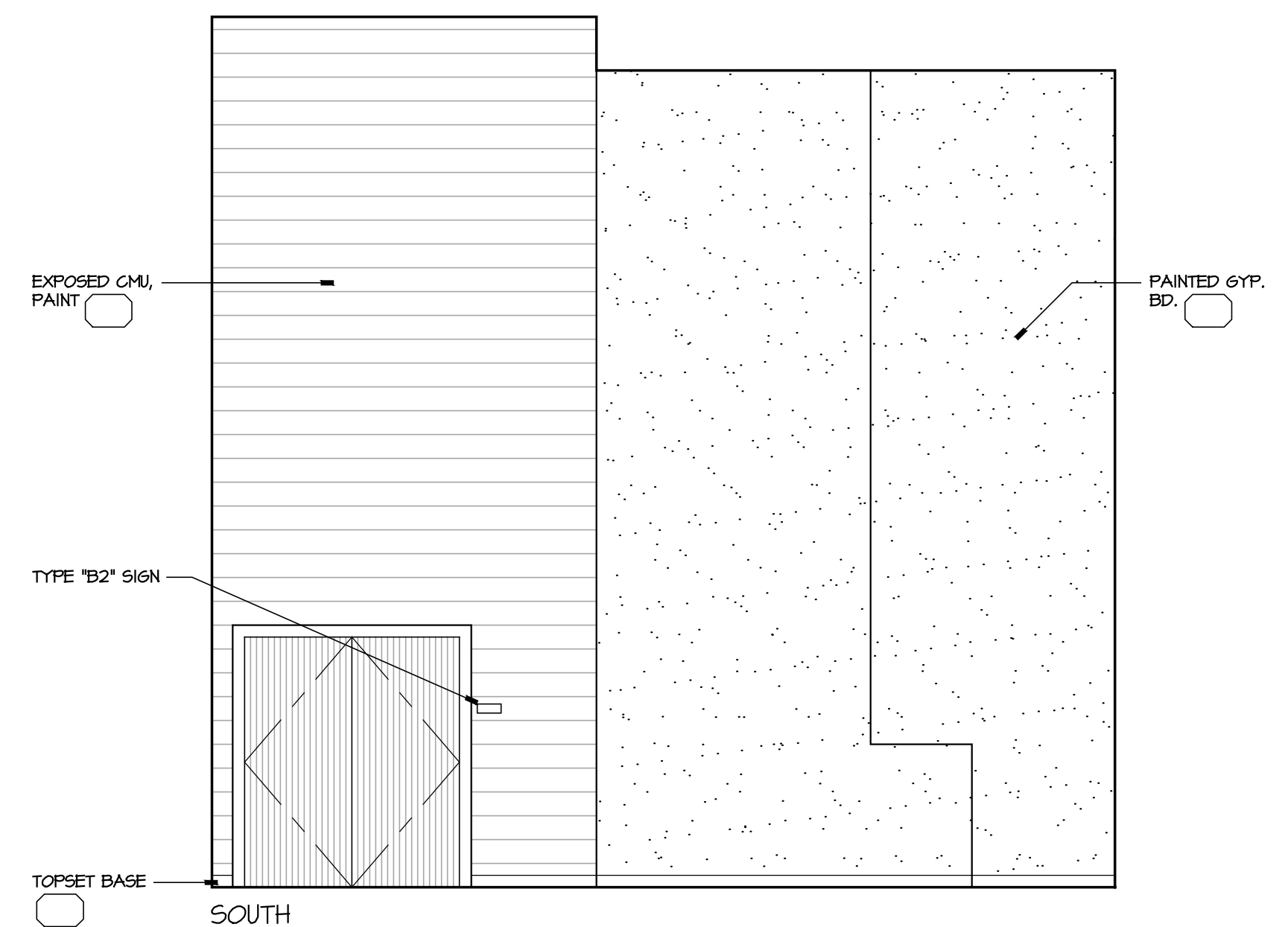
INTERIOR ELEVATION NOTES

- REFER TO 3 / A11 FOR TYPICAL COUNTERTOP AND BACK SPLASH DETAILS U.O.N.
- REFER TO 1 / A11 FOR TYPICAL ACCESSIBLE MOUNTING HEIGHTS AND REQUIREMENTS, U.O.N.
- REFER TO 16 / A26 FOR TYPICAL CABINET ANCHORAGE.
- REFER TO SPECIFICATION SECTION 10 2810 FOR TOILET ACCESSORY ABBREVIATIONS.
- REFER TO FINISH SCHEDULE SHEET A11 FOR DESIGNATION OF FINISHES.
- REFER TO 10 / A26 FOR TYPICAL GYPSUM BOARD EDGE DETAILS.
- ANY DISCREPANCY BETWEEN THE LOCATION OF DEVICES, FIXTURES, ETC., SHOWN HERE AND ON ANY PLUMBING, ELECTRICAL, MECHANICAL, OR SANITARY SEWER SHEETS ARE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO LAYOUT.
- = MATERIAL DEFINITION REFER TO SHEET A11
- ANY ACCESSORIES SHOWN N.L.C. SHALL BE PROVIDED BY THE OWNER. CONTRACTOR TO PROVIDE SOLID BLOCKING AT LOCATION SHOWN AND INSTALLATION OF ACCESSORIES.
- SEE 1 / A11 AND DOOR SCHEDULE FOR TYPICAL DOOR SIGNAGE.
- SEE 13 / A26 FOR TYPICAL GRAB BAR ANCHORAGE.
- SEE 5 / A26 FOR RECESSED FIRE EXTINGUISHER CABINET INFORMATION.
- = KITCHEN EQUIPMENT ITEM. SEE SCHEDULE ON SHEET A2.



NORTH EAST

819 STORAGE



SOUTH

819 STORAGE

APPROVALS
 IDENTIFICATION STAMP
 DIV. OF THE STATE ARCHITECT
 FILE # XX-XX
 APPL. # XX-XXXXXX
 AC _____ F/LS _____ SS _____
 DATE _____

LICENSED ARCHITECT
 CARLOS O. PHER, D. ARCH.
 No. C-29566
 REN. 10-31-15
 STATE OF CALIFORNIA
 DATE: PROJECT DATE

NO.	REVISIONS

ARCHITECTURE
 INGENUITY
MANGINI
 PARISH MCLAIN BARENG
 MANGINI ASSOCIATES INC.
 4320 West Mineral King Avenue
 Visalia, CA 93271
 www.mangini.com
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 Fax: (559) 627-2526

TITLE
 INTERIOR ELEVATIONS
 ROOMS 814-819

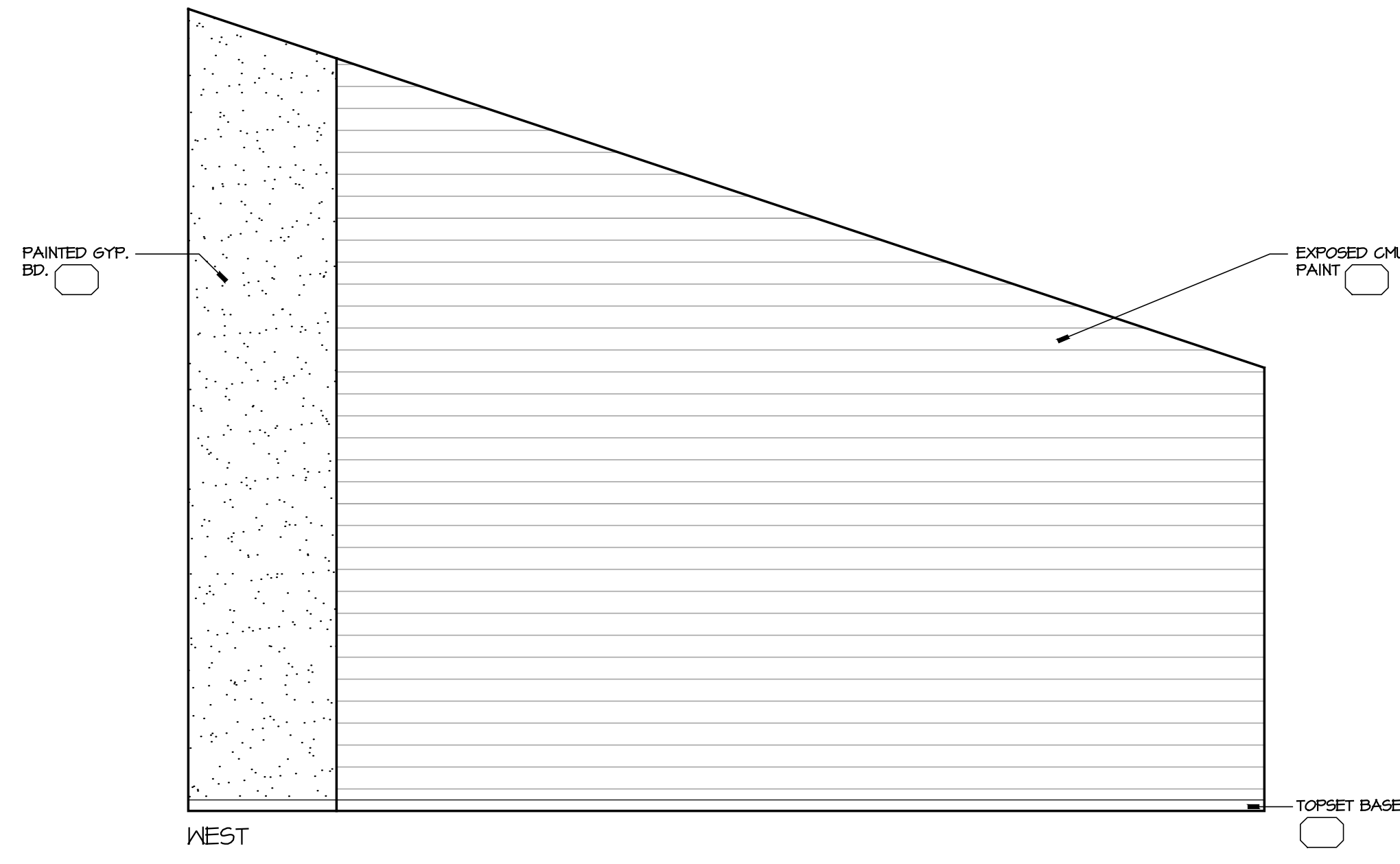
A15
 PROJECT 1473

INTERIOR ELEVATIONS - BUILDING 800

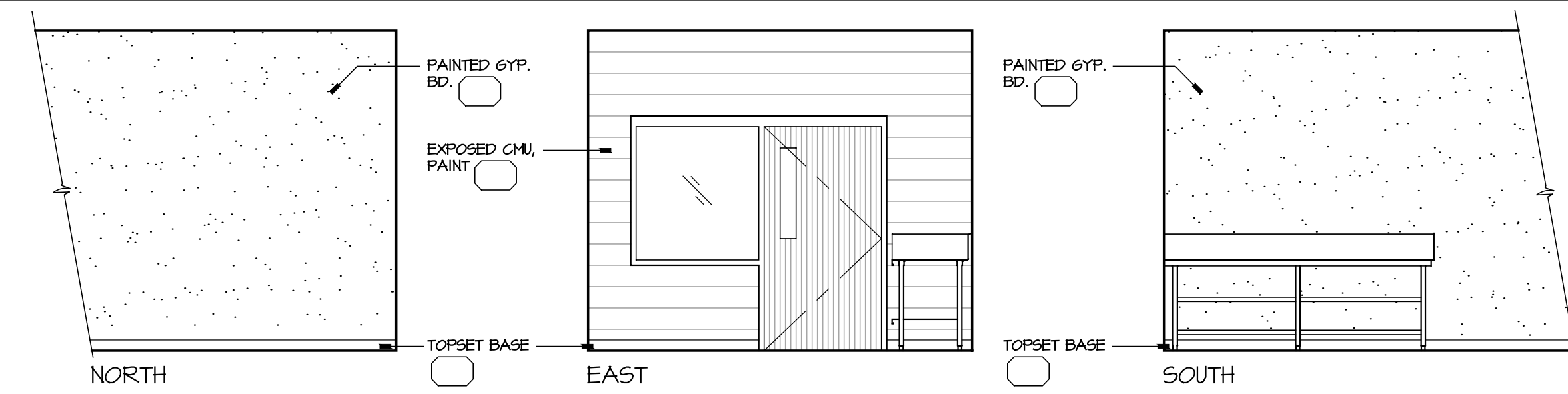
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INTERIOR ELEVATION NOTES

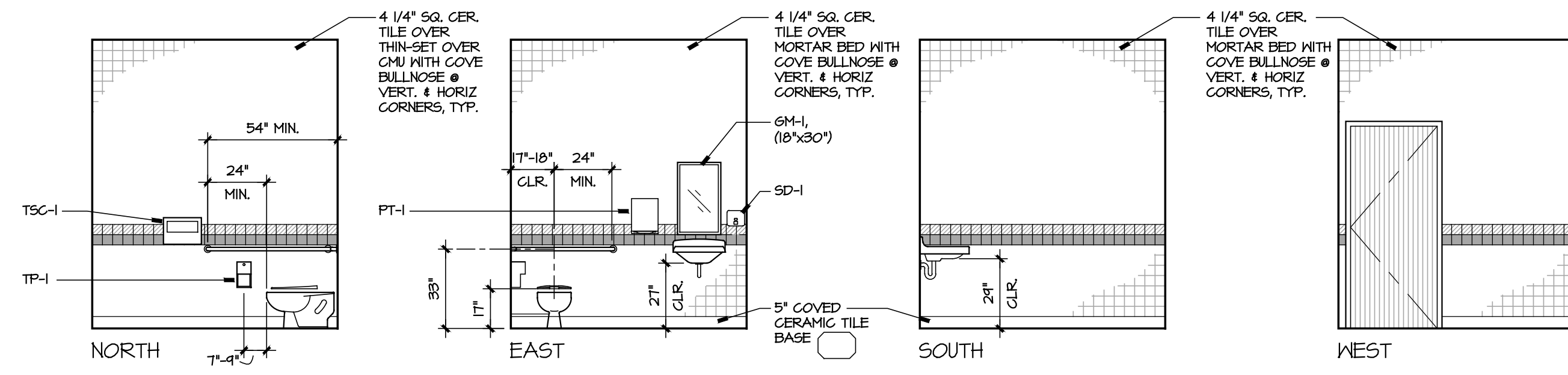
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3. REFER TO 16 / A26 FOR TYPICAL CABINET ANCHORAGE.
4. REFER TO SPECIFICATION SECTION 10 2810 FOR TOILET ACCESSORY ABBREVIATIONS.
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8. ○ = MATERIAL DEFINITION REFER TO SHEET A11
9. ANY ACCESSORIES SHOWN N.I.C. SHALL BE PROVIDED BY THE OWNER. CONTRACTOR TO PROVIDE SOLID BLOCKING AT LOCATION SHOWN AND INSTALLATION OF ACCESSORIES.
10. SEE 1 / A14 AND DOOR SCHEDULE FOR TYPICAL DOOR SIGNAGE.
11. SEE 13 / A26 FOR TYPICAL GRAB BAR ANCHORAGE.
12. SEE 5 / A26 FOR RECESSED FIRE EXTINGUISHER CABINET INFORMATION.
13. ○ = KITCHEN EQUIPMENT ITEM, SEE SCHEDULE ON SHEET A2.



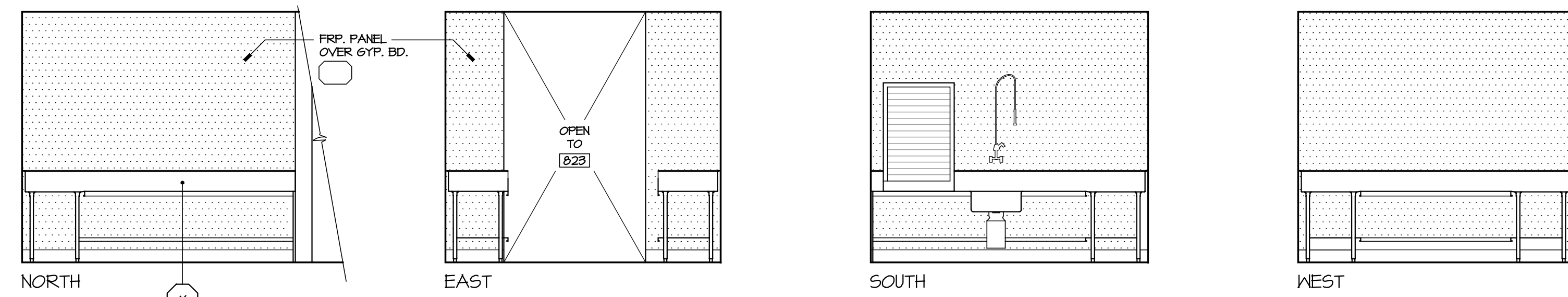
819 STORAGE (CONT.)



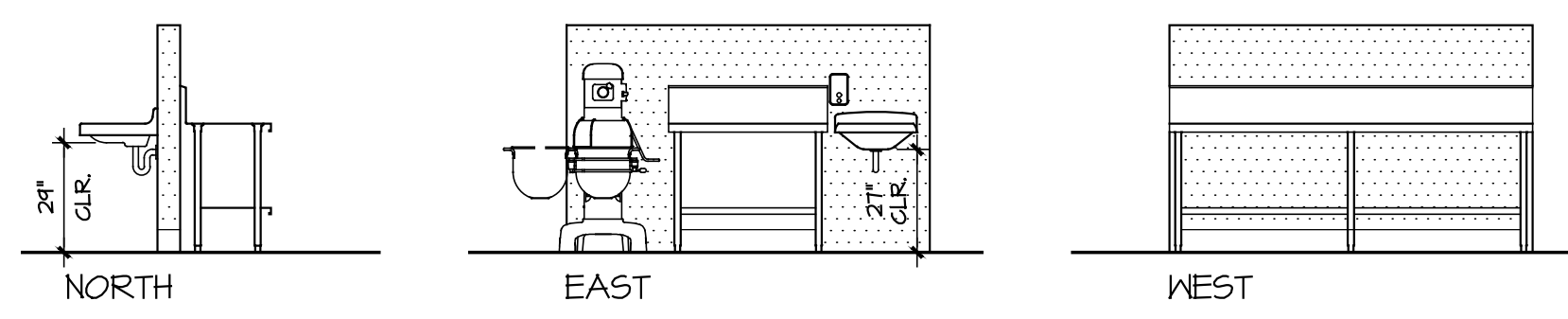
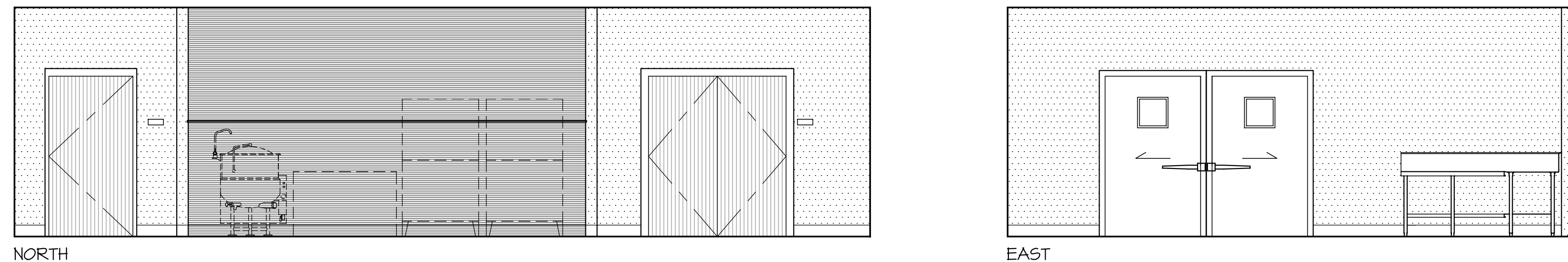
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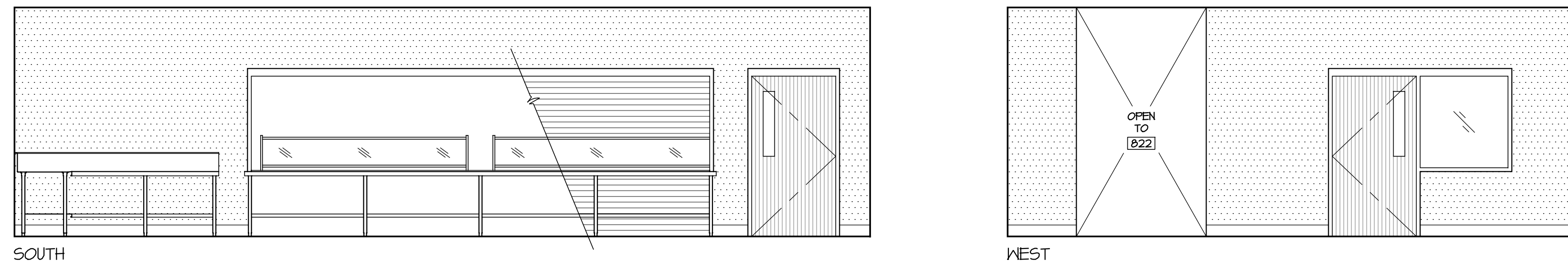
821 UNI-SEX



822 CLEAN-UP



KITCHEN ISLAND



823 KITCHEN

INTERIOR ELEVATIONS - BUILDING 800

SCALE: 1/4" = 1'-0"

NEW MULTI-PURPOSE / GYMNASIUM BUILDING AT TIPTON ELEMENTARY SCHOOL
 TIPTON ELEMENTARY SCHOOL DISTRICT
 370 N. EVANS ROAD, TIPTON, CA 95272

APPROVALS

IDENTIFICATION STAMP
 DIV. OF THE STATE ARCHITECT

FILE # XX-XX
 APPL. # XX-XXXXXX

AC F/LS SS

DATE

LICENSED ARCHITECT
 CHRISTOPHER D. HICKIN
 No. C-29566
 REN. 10-31-15
 STATE OF CALIFORNIA

DATE: PROJECT DATE

REVISIONS

MANGINI ARCHITECTURE
 INGENUITY

PARISH MCLAIN BARENG
 MANGINI ASSOCIATES INC.
 4320 West Mineral King Avenue
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www.mangini.com
 Office: (559) 627-0550
 Fax: (559) 627-1516

TITLE
 INTERIOR ELEVATIONS
 ROOMS 819-823

A16

PROJECT **1473**

7. Any Other Business-

7.1 Quarterly Board Policy Updates – Informational

POLICY GUIDE SHEET

November 2015

BP/AR 0420 - School Plans/Site Councils

(BP/AR revised)

Policy and regulation updated to reflect requirements to align the district's local control and accountability plan with the strategies in each school's single plan for student achievement (SPSA) and the repeal of certain categorical programs that had been included in the state's consolidated application. Policy clarifies the continuing need for schools participating in specified state or federal categorical programs to develop the SPSA.

BP/AR 1312.3 - Uniform Complaint Procedures

(BP/AR revised)

Policy and regulation updated to reflect California Department of Education (CDE) compliance requirements for 2015-16 school year. Regulation also clarifies timeline for filing complaints regarding student fees and reflects **NEW OFFICE FOR CIVIL RIGHTS GUIDANCE** recommending that districts use web sites and social media to post nondiscrimination notices, policies, and procedures and contact information for compliance officer(s).

BP/AR/E 4040 - Employee Use of Technology

(BP revised; AR deleted; E added)

Policy updated to delete outdated section on use of cell phone or mobile communications device, clarify that use of a password does not give an employee a reasonable expectation of privacy, and add material formerly in AR re: accessing/posting harmful matter and employees' responsibility to report security problems or misuse of district technology. Regulation deleted and replaced by new Exhibit presenting a sample Acceptable Use Agreement.

BP 4131 - Staff Development

(BP revised)

Policy updated to reflect **NEW LAW** (SB 1060, 2014) which requires any district that offers a program of professional growth for certificated employees to evaluate professional learning opportunities offered by the district based on specified criteria.

AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave

(AR revised)

Regulation updated to reflect **NEW TITLE 2 REGULATIONS** (Register 2015, No. 17) which retitle, renumber, and amend certain provisions implementing the California Family Rights Act, including the definition of "serious health condition," medical certification of the need for the leave, and refusal to reinstate an employee if the leave was fraudulently obtained by the employee. Renumbered Title 2 regulations related to pregnancy disability leave and other legal cites updated throughout the AR. Regulation also reflects **NEW LAW** (SB 1306, 2014) which revises the definition of marriage and thus affects the definition of "spouse."

BP 4231 - Staff Development

(BP revised)

Policy updated to reflect **NEW LAW** (SB 1060, 2014) which requires any district that offers a program of professional growth for classified employees involved in the direct instruction of students to evaluate professional learning based on specified criteria.

BP/AR/E 6163.4 - Student Use of Technology

(BP revised; AR deleted; E added)

Policy updated to clarify circumstances under which districts may lawfully search students' personally owned devices, delete outdated prohibition against use of district technology to access social networking sites, and include material formerly in AR re: appropriate student conduct when using the Internet or other electronic communications. Regulation deleted and replaced by new Exhibit presenting a sample Acceptable Use Agreement.

BB 9100 - Organization

(BB revised)

Bylaw updated to clarify the time periods during which the annual organizational meeting must be held pursuant to law and to expand items to be addressed during the meeting to include a review of resources on board governance and leadership roles and responsibilities.

SCHOOL PLANS/SITE COUNCILS

The Governing Board believes that comprehensive planning that is aligned with the district's local control and accountability plan (LCAP) is necessary at each school, in order to focus school improvement efforts on student academic achievement and facilitate the effective use of available resources. The Superintendent or designee shall ensure that school plans provide clear direction and identify cohesive strategies aligned with school and district goals.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 0400 - Comprehensive Plans)
(cf. 0460 - Local Control and Accountability Plan)

Each district school shall establish a school site council in accordance with Education Code 52852 and the accompanying administrative regulation to develop, review, and approve school plans.

For any school that participates in specified state and/or federal categorical programs, the school site council or other schoolwide advisory committee shall consolidate the plans required for those categorical programs into a single plan for student achievement (SPSA). (Education Code 64001)

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 1220 - Citizen Advisory Committees)
(cf. 1431 - Waivers)
(cf. 6020 - Parent Involvement)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Language Learners)
(cf. 6190 - Evaluation of the Instructional Program)

As appropriate, a school may incorporate any other school program into the SPSA. (Education Code 64001)

The Superintendent or designee shall review each school's SPSA to ensure that it meets the content requirements for all programs included, is based on an analysis of current practices and student academic performance, and reasonably links improvement strategies to identified needs of the school and its students. He/she shall also ensure that specific actions included in the district's LCAP are consistent with the strategies identified in each school's SPSA.

The Board shall, at a regularly scheduled Board meeting, review and approve each school's SPSA and any subsequent material revisions affecting the academic programs for students participating in the categorical programs addressed in the SPSA. The Board shall certify that, to the extent allowable under federal law, the SPSA is consistent with district local improvement plans required as a condition of receiving federal funding. (Education Code 64001)

SCHOOL PLANS/SITE COUNCILS (continued)

Whenever the Board does not approve a school's SPSA, it shall communicate its specific reasons for disapproval of the plan to the school site council or committee. The school site council or committee shall then revise and resubmit the SPSA to the Board for its approval. (Education Code 52855)

The Superintendent or designee shall ensure that school administrators and school site council members receive training on the roles and responsibilities of the site council.

*Legal Reference:*EDUCATION CODE52-53 *Designation of schools*33133 *Information guide for school site councils*35147 *Open meeting laws exceptions*41540-41544 *Targeted instructional improvement block grants*52060-52077 *Local control and accountability plan*52176 *Advisory committees*52852 *School site councils*54000-54028 *Educationally Disadvantaged Youth Programs*54425 *Advisory committees (compensatory education)*56000-56867 *Special education*64000 *Categorical programs included in consolidated application*64001 *Single school plan for student achievement, consolidated application programs*CODE OF REGULATIONS, TITLE 53930-3937 *Compliance plans*UNITED STATES CODE, TITLE 206311 *Accountability, adequate yearly progress*6312-6319 *Title I programs; plans*6421-6472 *Programs for neglected, delinquent, and at-risk children and youth*6601-6651 *Teacher and Principal Training and Recruitment program*6801-7014 *Limited English proficient and immigrant students*7101-7165 *Safe and Drug-Free Schools and Communities*7341-7355c *Rural Education Initiative**Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*A Guide for Developing the Single Plan for Student Achievement: A Resource for the School Site Council, February 2014*WEST ED PUBLICATIONS*California Healthy Kids Survey**California School Climate Survey*WEB SITES*California Department of Education, Single Plan for Student Achievement:**<http://www.cde.ca.gov/nclb/sr/le/singleplan.asp>**U.S. Department of Education: <http://www.ed.gov>**WestEd: <http://www.wested.org>*

SCHOOL PLANS/SITE COUNCILS

School Site Councils

Each school shall have a school site council composed of the following: (Education Code 52852)

1. The principal
2. Teachers selected by the school's teachers
3. Other school personnel selected by the school's other personnel
4. Parent/guardian representatives, who may include parents/guardians of students attending the school and/or community members, selected by parents/guardians of students attending the school
5. If the school is a secondary school, students attending the school selected by other such students

Half of the school site council membership shall consist of school staff, the majority of whom shall be classroom teachers. For an elementary school site council, the remaining half shall be parent/guardian representatives. For a secondary school site council, the remaining half shall be equal numbers of parent/guardian representatives and students. (Education Code 52852)

A district employee may serve as a parent/guardian representative on the school site council of the school his/her child attends, provided the employee does not work at that school. (Education Code 52852)

The bylaws of each school site council shall include the method of selecting members and officers, terms of office, responsibilities of council members, time commitment, and a policy of nondiscrimination.

School site councils may function on behalf of other committees in accordance with law. (Education Code 52176, 54425; 5 CCR 3932)

School site councils shall operate in accordance with procedural meeting requirements established in Education Code 35147.

(cf. 1220 - Citizen Advisory Committees)

Single Plan for Student Achievement

Any district school that shall participate in any state or federal categorical program specified in Education Code 64000 on an ongoing basis shall have a school site council which shall

SCHOOL PLANS/SITE COUNCILS (continued)

approve and annually review and update a single plan for student achievement (SPSA). If the school does not have a school site council, these responsibilities shall be fulfilled by a schoolwide advisory group or school support group conforming to the composition requirements of the school site council listed in the section "School Site Councils" above. (Education Code 64001)

(cf. 1431 - Waivers)
(cf. 6020 - Parent Involvement)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Language Learners)
(cf. 6184 - Continuation Education)

The SPSA shall be developed with the review, advice, and certification of any applicable school advisory committees. (Education Code 64001)

Such groups may include, but are not limited to, a parent advisory committee established to review and comment on the district's local control and accountability plan (LCAP); advisory committees established for English learner and special education programs; Western Association of Schools and Colleges leadership teams; district or school liaison teams for schools identified for program improvement; and other committees established by the school or district.

(cf. 0460 - Local Control and Accountability Plan)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 6190 - Evaluation of the Instructional Program)

The SPSA shall be aligned with the district's LCAP and school goals for improving student achievement. School goals shall be based on an analysis of verifiable state data identified pursuant to law, and may consider any other data developed by the district to measure student achievement. (Education Code 52062, 64001)

(cf. 0500 - Accountability)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6162.52 - High School Exit Examination)

The SPSA shall, at a minimum: (Education Code 64001)

1. Address how funds provided to the school through specified categorical programs will be used to improve the academic performance of all students to the level of the performance goals established by law
2. Identify the means of evaluating the school's progress toward accomplishing those goals

SCHOOL PLANS/SITE COUNCILS (continued)

3. Identify how state and federal law governing the categorical programs will be implemented

In addition to meeting the requirements common to all applicable school plans, the SPSA shall address any content required by law for each individual categorical program in which the school participates.

In developing or revising the SPSA, the school site council or other schoolwide advisory group or school support group shall:

1. Analyze student achievement data. Using measures of student academic performance, the school shall identify significant patterns of low performance in particular content areas, student groups, and/or individual students and determine which data summaries to include in the plan as most informative and relevant to school goals.
2. Assess the effectiveness of the school's instructional program in relation to the analysis of student data.
3. Identify a limited number of achievement goals and key improvement strategies to achieve the goals. School goals shall reflect the needs identified at the school site while aligning with goals identified in federally required district plans. The school shall specify the student group(s) on which each goal is focused, the methods or practices that will be used to reach the goal, and the criteria that will be used to determine if the goal is achieved.
4. Define timelines, personnel responsible, proposed expenditures, and funding sources to implement the SPSA.

The school site council or other schoolwide group shall approve the proposed SPSA at a meeting for which public notice has been posted and then submit the SPSA to the Governing Board for approval. (Education Code 35147, 64001)

The school site council or other schoolwide group shall regularly monitor the implementation and effectiveness of the SPSA and modify any activities that prove ineffective. At least once per year, the principal or designee shall evaluate results of improvement efforts and report to the Board, school site council, advisory committees, and other interested parties regarding progress toward school goals.

The school site council or other schoolwide group may amend the SPSA at any time. Any revisions that would substantively change the academic programs funded through the consolidated application shall be submitted to the Board for approval.

UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Board shall adopt the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs (5 CCR 4610)

(cf. 3553 - Free and Reduced Price Meals)
(cf. 3555 - Nutrition Program Compliance)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5148 - Child Care and Development)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work-Based Learning)
(cf. 6178.2 - Regional Occupational Center/Program)
(cf. 6200 - Adult Education)

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any person, based on his/her actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics, in district programs and activities, including, but not limited to, those funded directly by or that receive or benefit from any state financial assistance (5 CCR 4610)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

UNIFORM COMPLAINT PROCEDURES (continued)

3. Any complaint alleging district violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 - Fees and Charges)

(cf. 3320 - Claims and Actions Against the District)

4. Any complaint alleging that the district has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

5. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

6. Any other complaint as specified in a district policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is agreeable to all parties. One type of ADR is mediation, which shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint, if he/she is different from the complainant, as long as the integrity of the complaint process is maintained.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

UNIFORM COMPLAINT PROCEDURES (continued)

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

(cf. 3580 - District Records)

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination*
8200-8498 *Child care and development programs*
8500-8538 *Adult basic education*
18100-18203 *School libraries*
32289 *School safety plan, uniform complaint procedures*
35186 *Williams uniform complaint procedures*
48985 *Notices in language other than English*
49010-49013 *Student fees*
49060-49079 *Student records*
49490-49590 *Child nutrition programs*
52060-52077 *Local control and accountability plan, especially*
52075 *Complaint for lack of compliance with local control and accountability plan requirements*
52160-52178 *Bilingual education programs*
52300-52490 *Career technical education*
52500-52616.24 *Adult schools*
52800-52870 *School-based program coordination*
54400-54425 *Compensatory education programs*
54440-54445 *Migrant education*
54460-54529 *Compensatory education programs*
56000-56867 *Special education programs*
59000-59300 *Special schools and centers*
64000-64001 *Consolidated application process*

GOVERNMENT CODE

11135 *Nondiscrimination in programs or activities funded by state*
12900-12996 *Fair Employment and Housing Act*

PENAL CODE

422.55 *Hate crime; definition*
422.6 *Interference with constitutional right or privilege*

CODE OF REGULATIONS, TITLE 5

3080 *Application of section*
4600-4687 *Uniform complaint procedures*
4900-4965 *Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

1221 *Application of laws*
1232g *Family Educational Rights and Privacy Act*
1681-1688 *Title IX of the Education Amendments of 1972*
6301-6577 *Title I basic programs*
6801-6871 *Title III language instruction for limited English proficient and immigrant students*
7101-7184 *Safe and Drug-Free Schools and Communities Act*
7201-7283g *Title V promoting informed parental choice and innovative programs*
7301-7372 *Title V rural and low-income school programs*
12101-12213 *Title II equal opportunity for individuals with disabilities*

UNITED STATES CODE, TITLE 29

794 *Section 504 of Rehabilitation Act of 1973*

UNITED STATES CODE, TITLE 42

2000d-2000e-17 *Title VI and Title VII Civil Rights Act of 1964, as amended*
2000h-2-2000h-6 *Title IX of the Civil Rights Act of 1964*
6101-6107 *Age Discrimination Act of 1975*

Legal Reference continued: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

Management Resources:

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Sexual Violence, April 2011

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

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

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

Family Policy Compliance Office: <http://familypolicy.ed.gov>

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

U.S. Department of Justice: <http://www.justice.gov>

UNIFORM COMPLAINT PROCEDURES

Except as the Governing Board may otherwise specifically provide in other district policies, these general uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

- (cf. 1312.1 - Complaints Concerning District Employees)*
- (cf. 1312.2 - Complaints Concerning Instructional Materials)*
- (cf. 1312.4 - Williams Uniform Complaint Procedures)*
- (cf. 4031 - Complaints Concerning Discrimination in Employment)*

Compliance Officers

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding sex discrimination. The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

- (cf. 5145.3 - Nondiscrimination/Harassment)*
- (cf. 5145.7 - Sexual Harassment)*

Superintendent
(title or position)
370 N. Evans Road, Tipton CA., 93272
(address)
559-752-4213
(telephone number)
mguerrero@tipton.k12.ca.us
(email)

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against or implicating a compliance officer may be filed with the Superintendent or designee.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such designated employees shall include current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints including those involving alleged unlawful discrimination (such as discriminatory harassment, intimidation,

UNIFORM COMPLAINT PROCEDURES (continued)

or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the results of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement, if possible, one or more of the interim measures. The interim measures may remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees and local control and accountability plan (LCAP) requirements, to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 49013, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 1220 - Citizen Advisory Committees)

(cf. 3260 - Fees and Charges)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

The annual notification and complete contact information of the compliance officer(s) may be posted on the district web site and, if available, provided through district-supported social media.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

UNIFORM COMPLAINT PROCEDURES (continued)

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
 - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
 - d. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

UNIFORM COMPLAINT PROCEDURES (continued)

- e. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
- f. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.
- g. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
- h. Copies of the district's UCP are available free of charge.

District Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in accordance with the following:

1. A written complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)

UNIFORM COMPLAINT PROCEDURES (continued)

2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
5. When the complainant or alleged victim of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.
6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Mediation

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However,

UNIFORM COMPLAINT PROCEDURES (continued)

mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

UNIFORM COMPLAINT PROCEDURES (continued)

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

Report of Findings

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

UNIFORM COMPLAINT PROCEDURES (continued)

Final Written Decision

The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant. (5 CCR 4631)

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties that may be involved in implementing the decision or affected by the complaint, as long as the privacy of the parties is protected.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
 - a. Statements made by any witnesses
 - b. The relative credibility of the individuals involved
 - c. How the complaining individual reacted to the incident
 - d. Any documentary or other evidence relating to the alleged conduct
 - e. Past instances of similar conduct by any alleged offenders
 - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

UNIFORM COMPLAINT PROCEDURES (continued)

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
 - b. The type, frequency, and duration of the misconduct
 - c. The relationship between the alleged victim(s) and offender(s)
 - d. The number of persons engaged in the conduct and at whom the conduct was directed
 - e. The size of the school, location of the incidents, and context in which they occurred
 - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the notice may, as required by law, include:

- a. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint
 - b. Individual remedies offered or provided to the subject of the complaint
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

UNIFORM COMPLAINT PROCEDURES (continued)

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on the victim may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

UNIFORM COMPLAINT PROCEDURES (continued)

9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 49013, 52075; 5 CCR 4632)

UNIFORM COMPLAINT PROCEDURES (continued)

The complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

EMPLOYEE USE OF TECHNOLOGY

The Governing Board recognizes that technological resources enhance employee performance by offering effective tools to assist in providing a quality instructional program; facilitating communications with parents/guardians, students, and the community; supporting district and school operations; and improving access to and exchange of information. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive professional development in the appropriate use of these resources.

(cf. 0440 - District Technology Plan)
(cf. 1100 - Communication with the Public)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 4032 - Reasonable Accommodation)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Employees shall be responsible for the appropriate use of technology and shall use district technology primarily for purposes related to their employment.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 6162.6 - Use of Copyrighted Materials)
(cf. 6163.4 - Student Use of Technology)

District technology includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

The Superintendent or designee shall establish an Acceptable Use Agreement which outlines employee obligations and responsibilities related to the use of district technology. Upon employment and whenever significant changes are made to the district's Acceptable Use Agreement, employees shall be required to acknowledge in writing that they have read and agreed to the Acceptable Use Agreement.

Employees shall not use district technology to access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, sexually explicit, or unethical or that promotes any activity prohibited by law, Board policy, or administrative regulations.

EMPLOYEE USE OF TECHNOLOGY (continued)

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 6777; 47 USC 254)

The Superintendent or designee shall annually notify employees in writing that they have no reasonable expectation of privacy in the use of any equipment or other technological resources provided by or maintained by the district, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, even when provided their own password. To ensure proper use, the Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent and for any reason allowed by law.

In addition, employees shall be notified that records maintained on any personal device or messages sent or received on a personal device that is being used to conduct district business may be subject to disclosure, pursuant to a subpoena or other lawful request.

Employees shall report any security problem or misuse of district technology to the Superintendent or designee.

Inappropriate use of district technology may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference: (see next page)

EMPLOYEE USE OF TECHNOLOGY (continued)

Legal Reference:

EDUCATION CODE

52295.10-52295.55 *Implementation of Enhancing Education Through Technology grant program*

GOVERNMENT CODE

3543.1 *Rights of employee organizations*

PENAL CODE

502 *Computer crimes, remedies*

632 *Eavesdropping on or recording confidential communications*

VEHICLE CODE

23123 *Wireless telephones in vehicles*

23123.5 *Mobile communication devices; text messaging while driving*

23125 *Wireless telephones in school buses*

UNITED STATES CODE, TITLE 20

6751-6777 *Enhancing Education Through Technology Act, Title II, Part D, especially:*

6777 *Internet safety*

UNITED STATES CODE, TITLE 47

254 *Universal service discounts (E-rate)*

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 *Internet safety policy and technology protection measures, E-rate discounts*

COURT DECISIONS

City of Ontario v. Quon et al. (2010) 000 U.S. 08-1332

Management Resources:

WEB SITES

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

American Library Association: <http://www.ala.org>

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

Federal Communications Commission: <http://www.fcc.gov>

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

STAFF DEVELOPMENT

The Governing Board believes that, in order to maximize student learning and achievement, certificated staff members must be continuously learning and improving their skills. The Superintendent or designee shall develop a program of ongoing professional development which includes opportunities for teachers to enhance their instructional and classroom management skills and become informed about changes in pedagogy and subject matter.

(cf. 6111 - School Calendar)

The Superintendent or designee shall involve teachers, site and district administrators, and others, as appropriate, in the development of the district's staff development program. He/she shall ensure that the district's staff development program is aligned with district priorities for student achievement, school improvement objectives, the local control and accountability plan, and other district and school plans.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

The district's staff development program shall assist certificated staff in developing knowledge and skills, including, but not limited to:

1. Mastery of subject-matter knowledge, including current state and district academic standards

(cf. 6011 - Academic Standards)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

(cf. 6142.2 - World/Foreign Language Instruction)

(cf. 6142.3 - Civic Education)

(cf. 6142.5 - Environmental Education)

(cf. 6142.6 - Visual and Performing Arts Education)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6142.93 - Science Instruction)

(cf. 6142.94 - History-Social Science Instruction)

2. Use of effective, subject-specific teaching methods, strategies, and skills

3. Use of technologies to enhance instruction

(cf. 0440 - District Technology Plan)

(cf. 4040 - Employee Use of Technology)

(cf. 6163.4 - Student Use of Technology)

STAFF DEVELOPMENT (continued)

4. Sensitivity to and ability to meet the needs of diverse student populations, including, but not limited to, students of various racial and ethnic groups, students with disabilities, English learners, economically disadvantaged students, foster youth, gifted and talented students, and at-risk students

(cf. 4112.22 - Staff Teaching English Language Learners)

(cf. 4112.23 - Special Education Staff)

(cf. 5147 - Dropout Prevention)

(cf. 6141.5 - Advanced Placement)

(cf. 6171 - Title I Programs)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Language Learners)

(cf. 6175 - Migrant Education Program)

5. Understanding of how academic and career technical instruction can be integrated and implemented to increase student learning

(cf. 6178 - Career Technical Education)

6. Knowledge of strategies that encourage parents/guardians to participate fully and effectively in their children's education

(cf. 1240 - Volunteer Assistance)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

7. Effective classroom management skills and strategies for establishing a climate that promotes respect, fairness, tolerance, and discipline, including conflict resolution and hatred prevention

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5145.9 - Hate-Motivated Behavior)

8. Ability to relate to students, understand their various stages of growth and development, and motivate them to learn

9. Ability to interpret and use data and assessment results to guide instruction

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

(cf. 6162.5 - Student Assessment)

STAFF DEVELOPMENT (continued)

10. Knowledge of topics related to student health, safety, and welfare

- (cf. 0450 - Comprehensive Safety Plan)*
- (cf. 5030 - Student Wellness)*
- (cf. 5131.6 - Alcohol and Other Drugs)*
- (cf. 5131.63 - Steroids)*
- (cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*
- (cf. 5141.4 - Child Abuse Prevention and Reporting)*
- (cf. 5141.52 - Suicide Prevention)*
- (cf. 5145.3 - Nondiscrimination/Harassment)*
- (cf. 5145.7 - Sexual Harassment)*

11. Knowledge of topics related to employee health, safety, and security

- (cf. 3514.1 - Hazardous Substances)*
- (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*
- (cf. 4119.42/4219.42/4319.42- Exposure Control Plan for Bloodborne Pathogens)*
- (cf. 4119.43/4219.43/4319.43 - Universal Precautions)*
- (cf. 4157/4257/4357 - Employee Safety)*
- (cf. 4158/4258/4358 - Employee Security)*

The Superintendent or designee shall, in conjunction with teachers, interns, and administrators, as appropriate, develop an individualized program of professional growth to increase competence, performance, and effectiveness in teaching and classroom management and, as necessary, to assist them in meeting state or federal requirements to be fully qualified for their positions.

- (cf. 4112.2 - Certification)*
- (cf. 4112.21 - Interns)*
- (cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*
- (cf. 4131.1 - Teacher Support and Guidance)*

Professional learning opportunities offered by the district shall be evaluated based on the criteria specified in Education Code 44277. Such opportunities may be part of a coherent plan that combines school activities within a school, including lesson study or co-teaching, and external learning opportunities that are related to academic subjects taught, provide time to meet and work with other teachers, and support instruction and student learning. Learning activities may include, but are not limited to, mentoring projects for new teachers, extra support for teachers to improve practice, and collaboration time for teachers to develop new instructional lessons, select or develop common formative assessments, or analyze student data. (Education Code 44277)

The district's staff evaluation process may be used to recommend additional individualized staff development for individual employees.

- (cf. 4115 - Evaluation/Supervision)*

STAFF DEVELOPMENT (continued)

The Board may budget funds for actual and reasonable expenses incurred by staff who participate in staff development activities.

(cf. 3100 - Budget)

(cf. 3350 - Travel Expenses)

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to both staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program. Based on the Superintendent's report, the Board may revise the program as necessary to ensure that the staff development program supports the district's priorities for student achievement.

(cf. 0500 - Accountability)

Legal Reference: (see next page)

STAFF DEVELOPMENT (continued)

Legal Reference:

EDUCATION CODE

44032 *Travel expense payment*
44259.5 *Standards for teacher preparation*
44277 *Professional growth programs for individual teachers*
44300 *Emergency permits*
44325-44328 *District interns*
44450-44468 *University internship program*
44570-44578 *Inservice training, secondary education*
44830.3 *District interns*
45028 *Salary schedule and exceptions*
48980 *Notification of parents/guardians; schedule of minimum days*
52060-52077 *Local control and accountability plan*
56240-56245 *Staff development; service to persons with disabilities*
99200-99206 *Subject matter projects*

GOVERNMENT CODE

3543.2 *Scope of representation of employee organization*
CODE OF REGULATIONS, TITLE 5
13025-13044 *Professional development and program improvement*
80021 *Short-term staff permit*
80021.1 *Provisional internship permit*
80023-80026.6 *Emergency permits*

UNITED STATES CODE, TITLE 20

6319 *Highly qualified teachers*
6601-6702 *Preparing, Training and Recruiting High Quality Teachers and Principals*

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085

Management Resources:

CSBA PUBLICATIONS

Governing to the Core: Professional Development for Common Core, Governance Brief, May 2013

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California Standards for the Teaching Profession, 2009

WEB SITES

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

California Department of Education, Professional Learning: <http://www.cde.ca.gov/pd>

California Subject Matter Projects: <http://csmp.ucop.edu>

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

All Personnel

AR 4161.8(a)
4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE

The district shall not deny any eligible employee his/her right to family care, medical, or pregnancy disability leave (PDL) pursuant to the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), or the Fair Employment and Housing Act (FEHA) or restrain or interfere with the employee's exercise of such right. In addition, the district shall not discharge an employee or discriminate or retaliate against him/her for taking such leave or for his/her opposition to or challenge of any unlawful district practice in relation to any of these laws or for his/her involvement in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4033 - Lactation Accommodation)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child (son or daughter) means a biological, adopted, or foster child; a stepchild; a legal ward; or a child to whom the employee stands in *loco parentis*, as long as the child is under 18 years of age or an adult dependent child. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Eligible employee for FMLA and CFRA purposes means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the previous 12-month period. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

Employee disabled by pregnancy means a woman who, in the opinion of her health care provider, is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of her job or to perform any of them without undue risk to herself, her pregnancy's successful completion, or to other persons
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

FAMILY CARE AND MEDICAL LEAVE (continued)

Parent means a biological, foster, or adoptive parent; a stepparent; a legal guardian; or another person who stood in *loco parentis* to the employee when the employee was a child. *Parent* does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or his/her child, parent, or spouse, including, but not limited to, treatment for substance abuse, that involves either of the following: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

A person is considered an inpatient when a health care facility formally admits him/her to the facility with the expectation that he/she will remain overnight and occupy a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
 - a. A period of incapacity of more than three consecutive full days
 - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
 - c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
 - d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
 - e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage, or a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

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4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

Eligibility

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (baby bonding)
2. To care for the employee's child, parent, or spouse with a serious health condition
3. The employee's own serious health condition that makes him/her unable to perform one or more essential functions of his/her position
4. Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)
5. To care for a covered servicemember with a serious injury or illness if the covered servicemember is the employee's spouse, child, parent, or next of kin, as defined

In addition, the district shall grant PDL to any female employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

This 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

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4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

In addition, for each pregnancy, any female employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of her child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

If both parents of a child work for the district, their family care and medical leave related to the birth or placement of the child shall be limited to a combined total of 12 work weeks. This restriction shall apply regardless of the legal status of both parents' relationship. (Government Code 12945.2; 2 CCR 11088; 29 USC 2612)

Use/Substitution of Paid Leave

During the period of PDL or any FMLA or CFRA leave, the employee may elect to use his/her accrued vacation leave, accrued sick leave, or any other paid time off negotiated with the district that he/she is eligible to use. (Government Code 12945, 12945.2; 2 CCR 11044; 2 CCR 11092; 29 USC 2612)

The district and employee may also negotiate for the employee's use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

FAMILY CARE AND MEDICAL LEAVE (continued)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or his/her child, parent, or spouse may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (2 CCR 11042, 11090; 29 USC 2612)

The basic minimum duration of leave for the birth or placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position if the employee is pregnant and provides medical certification from her health care provider of a medical need for intermittent leave or leave on a reduced work or leave schedule or if the employee's need for the intermittent leave or leave on a reduced work or leave schedule is foreseeable based on his/her planned medical treatment or that of a family member. This alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

Request for Leave

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, he/she must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

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4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

When an employee is able to foresee the need for the PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for his/her own or his/her child's, parent's, or spouse's serious health condition, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition
3. If the employee is requesting leave to care for a child, parent, or spouse with a serious health condition, both of the following:
 - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort,

FAMILY CARE AND MEDICAL LEAVE (continued)

arranging for third party care, or directly providing or participating in the medical care of the child, parent, or spouse during a period of the treatment or supervision

- b. Estimated amount of time the health care provider believes the employee needs to care for the child, parent, or spouse
4. If the employee is requesting leave because of his/her own serious health condition, a statement that due to the serious health condition, he/she is unable to work at all or is unable to perform one or more essential functions of his/her job
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee doubts the validity of a certification that accompanies a request for leave for the employee's own serious health condition, he/she may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

For PDL, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if he/she has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

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4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

For PDL that is foreseeable and for which at least 30 days notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because she is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011.

Release to Return to Work

Upon expiration of an employee's PDL or family care and medical leave taken for his/her own serious health condition, the employee shall present certification from the health care provider that he/she is able to resume work.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

The certification from the employee's health care provider shall address the employee's ability to perform the essential functions of his/her job.

Rights to Reinstatement

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

However, the district may refuse to reinstate an employee returning from FMLA or CFRA leave to the same or a comparable position if all of the following apply: (Government Code 12945.2; 2 CCR 11089; 29 USC 2614)

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FAMILY CARE AND MEDICAL LEAVE (continued)

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of district employees who are employed within 75 miles of the employee's worksite.
2. The refusal is necessary to prevent substantial and grievous economic injury to district operations.
3. The district informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service.

(cf. 4117.3 - Personnel Reduction)

(cf. 4217.3 - Layoff/Rehire)

The district may also refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, he/she shall maintain his/her status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before he/she took the leave. The employee shall reimburse the district for premiums paid during the leave if he/she fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond his/her control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

FAMILY CARE AND MEDICAL LEAVE (continued)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid FMLA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while his/her child, parent, or spouse who is a military member is on covered active duty or on call to covered active duty status. (29 USC 2612; 29 CFR 825.126)

Covered active duty means duty during the deployment of a member of the regular Armed Forces to a foreign country or duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. (29 USC 2611; 29 CFR 825.126)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider

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4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

6. Spend time (up to 15 days of leave per instance) with a military member who is on short-term, temporary, Rest and Recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the district's rule regarding an employee's use of his/her accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember. This 26-week period is not in addition to, but rather is inclusive of, the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

FAMILY CARE AND MEDICAL LEAVE (continued)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Son or daughter of a covered servicemember means the biological, adopted, or foster child, stepchild, legal ward, or a child of any age for whom the covered servicemember stood in *loco parentis*. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in *loco parentis* to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, or as designated in writing by the covered servicemember. (29 USC 2611, 2612)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:

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4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

- a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered him/her unable to perform the duties of his/her office, grade, rank, or rating
- b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition
- c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to his/her military service or that would do so but for treatment received by the veteran
- d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the district's rule regarding an employee's use of his/her accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

FAMILY CARE AND MEDICAL LEAVE (continued)

1. **General Notice:** Information explaining the provisions of the FEHA/PDL and FMLA/CFRA and employee rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11050, 11091)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

2. **Eligibility Notice:** When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of his/her eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
3. **Rights and Responsibilities Notice:** Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)
 - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying
 - b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
 - c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave
 - d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

FAMILY CARE AND MEDICAL LEAVE (continued)

- e. The employee's status as a "key employee" if applicable, potential consequence that restoration may be denied following the FMLA leave, and explanation of the conditions required for such denial
- f. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
- g. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of his/her receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

4. **Designation Notice:** When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, he/she shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

FAMILY CARE AND MEDICAL LEAVE (continued)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of family care and medical leave in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

Legal Reference:

EDUCATION CODE

44965 *Granting of leaves of absence for pregnancy and childbirth*

FAMILY CODE

297-297.5 *Rights, protections, and benefits under law; registered domestic partners*

300 *Validity of marriage*

GOVERNMENT CODE

12926 *Fair employment and housing act, definitions*

12940 *Unlawful employment practices*

12945 *Pregnancy; childbirth or related medical condition; unlawful practice*

12945.1-12945.2 *California Family Rights Act*

12946 *Fair Employment and Housing Act: discrimination prohibited*

CODE OF REGULATIONS, TITLE 2

11035-11051 *Sex discrimination: pregnancy, childbirth and related medical conditions*

11087-11098 *California Family Rights Act*

UNITED STATES CODE, TITLE 1

7 *Definition of marriage*

UNITED STATES CODE, TITLE 29

2601-2654 *Family and Medical Leave Act of 1993, as amended*

UNITED STATES CODE, TITLE 42

2000ff-1-2000ff-11 *Genetic Information Nondiscrimination Act of 2008*

CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.800 *Family and Medical Leave Act of 1993*

COURT DECISIONS

United States v. Windsor, (2013) 699 F.3d 169

Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864

Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045

Management Resources:

FEDERAL REGISTER

The Family and Medical Leave Act; Final Rule; February 6, 2013. Vol. 78, No. 25, pages 8903-8947

U.S. DEPARTMENT OF LABOR PUBLICATIONS

Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

U.S. Department of Labor, FMLA: <http://www.dol.gov/whd/fmla>

Regulation
approved:

CSBA MANUAL MAINTENANCE SERVICE
July 2015

STAFF DEVELOPMENT

The Governing Board recognizes that classified staff does essential work that supports a healthy school environment and the educational program. Classified staff shall have opportunities to participate in staff development activities in order to improve job skills, learn best practices, retrain as appropriate in order to meet changing conditions in the district, and/or enhance personal growth.

(cf. 3100 - Budget)
(cf. 3350 - Travel Expenses)
(cf. 4200 - Classified Personnel)
(cf. 4261.3 - Professional Leaves)

The Superintendent or designee shall involve classified staff, site and district administrators, and others, as appropriate, in the development of the district's staff development program. He/she shall ensure that the district's staff development program is aligned with district goals, school improvement objectives, the local control and accountability plan, and other district and school plans.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 0420 - School Plans/Site Councils)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)

Staff development may address general workplace skills and/or skills and knowledge specific to the duties of each classified position, including, but not limited to, the following topics: (Education Code 45391)

1. Student learning and achievement
 - a. How paraprofessionals can assist teachers and administrators to improve the academic achievement of students
 - b. Alignment of curriculum and instructional materials with Common Core State Standards
 - c. The management and use of state and local student data to improve student learning
 - d. Best practices in appropriate interventions and assistance to at-risk students

(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6143 - Courses of Study)

STAFF DEVELOPMENT (continued)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)

2. Student and campus safety

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515.3 - District Police/Security Department)
(cf. 3515.5 - Sex Offender Notification)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4157/4257/4357 - Employee Safety)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

3. Education technology, including management strategies and best practices regarding the use of education technology to improve student performance

(cf. 0440 - District Technology Plan)
(cf. 4040 - Employee Use of Technology)
(cf. 6163.4 - Student Use of Technology)

4. School facility maintenance and operations, including best practices in the operation and maintenance of school facilities, such as green technology and energy efficiency, that help reduce the use and cost of energy at school sites

(cf. 3510 - Green School Operations)
(cf. 3511- Energy and Water Management)

5. Special education, including best practices to meet the needs of special education students and to comply with any new state and federal mandates

(cf. 6159 - Individualized Education Program)
(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)

6. School transportation and bus safety

(cf. 3540 - Transportation)
(cf. 3541- Transportation for School-Related Trips)
(cf. 3541.2 - Transportation for Students with Disabilities)
(cf. 3542 - Bus Drivers)
(cf. 3543 - Transportation Safety and Emergencies)

STAFF DEVELOPMENT (continued)

7. Parent involvement, including ways to increase parent involvement at school sites

(cf. 1240 - Volunteer Assistance)

(cf. 6020 - Parent Involvement)

8. Food service, including food preparation to provide nutritional meals, food safety, and food management

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3555 - Nutrition Program Compliance)

(cf. 5030 - Student Wellness)

9. Health, counseling, and nursing services

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Asthma Management)

(cf. 5141.24 - Specialized Health Care Services)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

(cf. 5141.3 - Health Examinations)

(cf. 5141.52 - Suicide Prevention)

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

10. Environmental safety, including pesticides and other possibly toxic substances so that they may be safely used at school sites

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

(cf. 3514.2 - Integrated Pest Management)

(cf. 6161.3 - Toxic Art Supplies)

For classroom instructional aides or other classified staff involved in direct instruction of students, staff development activities may also include academic content of the core curriculum, teaching strategies, classroom management, or other training designed to improve student performance, conflict resolution, and relationships among students. Such professional learning opportunities shall be evaluated based on criteria specified in Education Code 44277 and BP 4131 - Staff Development.

The district's staff evaluation process may be used to recommend additional individualized staff development for individual employees.

(cf. 4215 - Evaluation/Supervision)

STAFF DEVELOPMENT (continued)

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

44277 Professional growth programs for individual teachers

44032 Travel expense payment

45380-45387 Retraining and study leave (classified employees)

45390-45392 Professional development for classified school employees

52060-52077 Local control and accountability plan

56240-56245 Staff development; service to persons with disabilities

GOVERNMENT CODE

3543.2 Scope of representation of employee organization

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085

Management Resources:

WEB SITES

California Association of School Business Officials: <http://www.casbo.org>

California School Employees Association: <http://www.csea.com>

STUDENT USE OF TECHNOLOGY

The Governing Board intends that technological resources provided by the district be used in a safe and responsible manner in support of the instructional program and for the advancement of student learning. All students using these resources shall receive instruction in their proper and appropriate use.

(cf. 0440 - District Technology Plan)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 4040 - Employee Use of Technology)
(cf. 6163.1 - Library Media Centers)

Teachers, administrators, and/or library media specialists are expected to review the technological resources and online sites that will be used in the classroom or assigned to students in order to ensure that they are appropriate for the intended purpose and the age of the students.

The Superintendent or designee shall notify students and parents/guardians about authorized uses of district technology, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with this Board policy and the district's Acceptable Use Agreement.

District technology includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

Before a student is authorized to use district technology, the student and his/her parent/guardian shall sign and return the Acceptable Use Agreement. In that agreement, the parent/guardian shall agree not to hold the district or any district staff responsible for the failure of any technology protection measures or user mistakes or negligence and shall agree to indemnify and hold harmless the district and district staff for any damages or costs incurred.

(cf. 6162.6 - Use of Copyrighted Materials)

The district reserves the right to monitor student use of technology within the jurisdiction of the district without advance notice or consent. Students shall be informed that their use of district technology, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, is not private and may be accessed by the district for the purpose of ensuring proper use. Students have no reasonable expectation of

STUDENT USE OF TECHNOLOGY (continued)

privacy in use of the district technology. Students' personally owned devices shall not be searched except in cases where there is a reasonable suspicion, based on specific and objective facts, that the search will uncover evidence of a violation of law, district policy, or school rules.

(cf. 5145.12 - Search and Seizure)

The Superintendent or designee may gather and maintain information pertaining directly to school safety or student safety from the social media activity of any district student in accordance with Education Code 49073.6 and BP/AR 5125 - Student Records.

(cf. 5125 - Student Records)

Whenever a student is found to have violated Board policy or the district's Acceptable Use Agreement, the principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the district's equipment and other technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

(cf. 5144 - Discipline)

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

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

The Superintendent or designee, with input from students and appropriate staff, shall regularly review and update procedures to enhance the safety and security of students using district technology and to help ensure that the district adapts to changing technologies and circumstances.

Internet Safety

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 6777; 47 USC 254; 47 CFR 54.520)

To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities.

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

STUDENT USE OF TECHNOLOGY (continued)

The district's Acceptable Use Agreement shall establish expectations for appropriate student conduct when using the Internet or other forms of electronic communication, including, but not limited to, prohibitions against:

1. Accessing, posting, submitting, publishing, or displaying harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

2. Intentionally uploading, downloading, or creating computer viruses and/or maliciously attempting to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking"
3. Distributing personal identification information, including the name, address, telephone number, Social Security number, or other personally identifiable information, of another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting one's own personal identification information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

Legal Reference: (see next page)

STUDENT USE OF TECHNOLOGY (continued)

Legal Reference:

EDUCATION CODE

49073.6 *Student records; social media*

51006 *Computer education and resources*

51007 *Programs to strengthen technological skills*

60044 *Prohibited instructional materials*

PENAL CODE

313 *Harmful matter*

502 *Computer crimes, remedies*

632 *Eavesdropping on or recording confidential communications*

653.2 *Electronic communication devices, threats to safety*

UNITED STATES CODE, TITLE 15

6501-6506 *Children's Online Privacy Protection Act*

UNITED STATES CODE, TITLE 20

6751-6777 *Enhancing Education Through Technology Act, Title II, Part D, especially:*

6777 *Internet safety*

UNITED STATES CODE, TITLE 47

254 *Universal service discounts (E-rate)*

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 *Children's Online Privacy Protection Act*

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 *Internet safety policy and technology protection measures, E-rate discounts*

COURT DECISIONS

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

Management Resources:

CSBA PUBLICATIONS

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

FEDERAL TRADE COMMISSION PUBLICATIONS

How to Protect Kids' Privacy Online: A Guide for Teachers, December 2000

WEB SITES

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

American Library Association: <http://www.ala.org>

California Coalition for Children's Internet Safety: <http://www.cybersafety.ca.gov>

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

Federal Communications Commission: <http://www.fcc.gov>

Federal Trade Commission, Children's Online Privacy Protection:

<http://www.ftc.gov/privacy/privacyinitiatives/childrens.html>

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

ORGANIZATION

Annual Organizational Meeting

Each year, the Governing Board shall hold an annual organizational meeting. In any year in which a regular election of district Board members is conducted, the organizational meeting shall be held within a 15-day period beginning from the date upon which a Board member elected at that election takes office. During non-election years, the meeting shall be held within the same 15-day period on the calendar. (Education Code 35143)

The day and time of the annual meeting shall be selected by the Board at its regular meeting held immediately prior to the first day of the 15-day period. On behalf of the Board, the Superintendent shall notify the County Superintendent of Schools of the day and time selected. Within 15 days prior to the date of the annual meeting, the clerk of the Board, with the assistance of the Superintendent, shall notify in writing all Board members and members-elect of the date and time selected for the meeting. (Education Code 35143)

At this meeting the Board shall:

1. Elect a president and a clerk and/or vice president from its members
2. Appoint the Superintendent as secretary to the Board
3. Authorize signatures
4. Approve a schedule of regular meetings for the year and a Board governance calendar stating the time when the Board will address important governance matters
5. Designate Board representatives to serve on committees or commissions of the district, other public agencies, or organizations with which the district partners or collaborates

(cf. 9140 - Board Representatives)

6. Review and/or consider resources that define and clarify the Board's governance and leadership roles and responsibilities including, but not limited to, governance standards, meeting protocols, Board rules and bylaws, and other Board development materials

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9230 - Orientation)

(cf. 9240 - Board Development)

(cf. 9320 - Meetings and Notices)

(cf. 9323 - Meeting Conduct)

ORGANIZATION (continued)

Election of Officers

The Board shall each year elect its entire slate of officers.

(cf. 9224 - Oath or Affirmation)

The election of Board officers shall be conducted during an open session of the annual organizational meeting.

Legal Reference:

EDUCATION CODE

5017 *Term of office*

35143 *Annual organizational meeting date, and notice*

35145 *Public meetings*

GOVERNMENT CODE

54953 *Meetings to be open and public; attendance*

ATTORNEY GENERAL OPINIONS

68 *Ops. Cal. Atty. Gen. 65 (1985)*

59 *Ops. Cal. Atty. Gen. 619, 621-622 (1976)*