

**TIPTON ELEMENTARY SCHOOL DISTRICT
REGULAR BOARD MEETING
AGENDA**

Tuesday, May 5, 2020
7:00 p.m. District Cafeteria

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 - Review of Second Period Interim Report, 2019-2020

3. CONSENT CALENDAR: Action items:

3.1 Minutes of the Regular Board Meeting – April 7, 2020

3.2 Agency Agreement with TCOE for Shared Business Services for the 2019-2020 School Year

3.3 Agency Agreement with TCOE for Library Media Services for the 2019-2020 School Year

4. ADMINISTRATIVE: Action items:

4.1 Tipton Elementary School District Resolution #2019-2020-11 a Resolution for the Suspension of Current District Grading Policy and Adoption of a Temporary Alternative Grading System for Student Distance Learning During School Closure Caused by the Coronavirus (COVID-19) Pandemic

4.2 Resolution #2019-2020-12 In the Matter of Ordering Regular Governing Board Member Elections; Specifications of the Election Order

4.3 Memorandum of Understanding Between Tipton Elementary School District and California School Employees Association (CSEA) and its Tipton Chapter, No. 765

4.4 Consider and Approve Cancellation of June 2, 2020 Regular Board Meeting

5. FINANCE: Action items:

5.1 Vendor Payments

5.2 Budget Revisions

6. INFORMATION: (Verbal Reports & presentations)

6.1 MOT--FOOD SERVICE—PROJECTS

7. **Any Other Business-**
 - 7.1 Review Quarterly Board Policy Updates March 2020 and April 2020

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 Education Code section 35146
Student transfers, inter District request, etc.
 - 8.2 Government Code Section 54957.6
Conference with Labor Negotiators
Agency designated representatives: Superintendent
Employee Organization: CTA
 - 8.3 Government Code section 54957 Public Employee Discipline/Dismissal/Release

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: April 30, 2020

2. Public Input:

2.3 Correspondence - Review of Second Period Interim Report, 2019-2020

Tulare County Office of Education

Committed to Students, Support & Service

Tim A. Hire
County
Superintendent
of Schools

P.O. Box 5091
Visalia, California
93278-5091

(559) 733-6300
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) 302-3633
fax (559) 739-0310

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

Main Locations

**Administration
Building & Conference
Center**
6200 S. Mooney Blvd.
Visalia

Doe Avenue Complex
7000 Doe Ave.
Visalia

**Liberty Center/
Planetarium &
Science Center**
11535 Ave. 264
Visalia

April 15, 2020

Ms. Stacey Bettencourt, Superintendent
Tipton School District
PO Box 787
Tipton, CA 93272

SUBJECT: REVIEW OF SECOND PERIOD INTERIM REPORT, 2019-20

Dear Stacey:

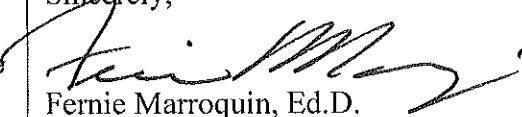
The county office has reviewed the 2019-20 Second Period Interim Report of the Tipton School District, and will be able to certify to the California Department of Education that the district has submitted a positive report for the period ending January 31, 2020.

We find that these documents reflect a satisfactory fiscal position and indicate the district will be able to meet its financial obligations during this fiscal year and the two subsequent years as certified by your governing board. We thank you for the timely filing of your Interim Report with our office. The efforts of your staff in the preparation and submission of this report along with the supporting documentation is appreciated.

Please read our attached addendum for further comments and recommendations.

If you have any concerns or questions about this review, our comments or recommendations, please do not hesitate to call at 733-6474.

Sincerely,


Fernie Marroquin, Ed.D.
Assistant Superintendent, Business Services
Tulare County Office of Education

FM/es
Encls.

cc: Greg Rice, Board President
District Business Manager

BACKGROUND

Our review of the district's 2019-20 Second Period Interim Report and the comments included here are based on the Governor's January 2020 budget proposal for 2020-21. The Governor's State Budget Proposal provides funding for a cost of living adjustment (COLA) to address expenditure growth. The budget also proposes significant investments in Special Education, expansion of early childhood education services, and the introduction of several new categorical programs. The proposals include:

- \$1.2 billion in Prop. 98 funding dedicated to the statutory COLA of 2.29%;
- \$645 million in ongoing special education funding to provide all SELPAs with at least the statewide target rate for base special education funding;
- \$250 million in one-time special education funding to provide services to preschool children ages 3 to 5 with exceptional needs;
- \$75 million in Proposition 98 funds to expand the Inclusive Early Education Expansion Program, which provides funding to LEAs to construct or modify preschool facilities to serve students with exceptional needs or severe disabilities;
- \$900 million in one-time Proposition 98 funding for teacher training and professional development in high-need subjects and high-need areas;
- \$300 million in one-time Proposition 98 funding to establish Opportunity Grants for the state's lowest-performing schools and school districts;
- \$1.5 billion in state bonds sales under Proposition 51 to allow agencies greater access to funds for facilities projects.

Although these proposals provide more revenue and lessen the impact of expenditure increases for schools in their multiyear forecasts, it is critical to note that these proposals were developed and presented prior to the economic downturn caused by the COVID-19 Pandemic. On March 4, 2020 Governor Newsom declared a State of Emergency in response to the spread of the novel COVID-19. In anticipation of the Governor's "Shelter in Place Order" many schools began to close operations in early to mid-March. On March 13, 2020 Governor Newsom signed Executive Order N-26-20 ensuring that California public school districts retain state funding even in the event of physical closures. Even though districts are held harmless for any lost attendance attributable to COVID-19 it is important to note the uncertain economic times we face.

As the economic impact of COVID-19 becomes known, districts should be planning for minimal or possibly a zero COLA for fiscal year 2020-21. All additional funding outlined above for special education, early childhood education services, and new categorical programs should not be considered during 2020-21 budget development. It is imperative that districts closely monitor their cash flow during this time with the understanding that any adjustment down in projected COLA will negatively impact cash flow. Until the Governor's May Revised budget projections are provided we encourage districts to review their current budget and multi-year financial projections with a very conservative lens. Each district faces its own unique set of financial risk factors based on current reserve levels, enrollment trends, bargaining agreements, degree of revenue volatility and various other local and statewide factors. Districts should plan for aforementioned costs as we enter this period of economic uncertainty.

Prior to the COVID-19 Pandemic, the California County Superintendents Educational Services Association (CCSESA)

Business and Administration Steering Committee (BASC) in its latest advisory listed the following additional reasons for fiscal prudence.

- The Governor’s proposed special education reform including additional target rate equalization funding and preschool funding still need to be enacted.
- The Governor’s proposed programs funded by Proposition 98 dollars (Education Expansion Program, Opportunity Grants, and categorical programs directed at professional development) still need to be enacted.
- Full funding of the LCFF is limited to COLA alone at 2.29% (which is not final and will be revised in May), and districts may feel the impact of expenditure increases outpacing the additional dollars received under LCFF in a COLA funded only environment.
- Full funding of the LCFF also requires districts to maintain a 24:1 class size ratio for kindergarten through grade 3 unless a collectively bargained alternative ratio exists. Districts that do not have a bargaining unit must maintain the 24:1 class size ratio for kindergarten through grade 3.
- Full funding of the LCFF equates to supplemental and concentration grants also being fully funded, which will require an increase in expenditures and services principally directed to the unduplicated students who generated those dollars.
- The increasing risk of an economic downturn exists as the expansion cycle exceeds most previous cycles.

RETIREMENT COSTS

The Governmental Accounting Standards Board Statement No. 68 (GASB 68) reporting requirements took effect for the 2014-15 financial statements for State and local government employers. Districts now need to recognize their proportionate share of the net pension liability (NPL) for both CalSTRS and CalPERS retirees in their accrual based financial statements (Audit Reports).

The CalPERS and CalSTRS rates shown for 2019-20 and beyond include a non-Proposition 98 subsidy provided as part of the enacted 2019-20 Governor’s Budget. Specifically, the 2019-20 budget act includes \$244 million to buy down CalPERS employer contribution rates by 1.01% in 2019-20 and 0.9% in 2020-21. The 2019-20 budget act includes \$600 million to buy down STRS employer contribution rates by 1.03% in 2019-20 and 0.7% in 2020-21. The second part of the 2019-20 budget act allocates over \$2.3 billion in non-Proposition 98 funding to pay down long-term unfunded liabilities for both PERS and STRS, which is projected to result in an estimated 0.3% ongoing decrease in rates for both retirement systems.

The CalPERS Board adopted changes to the actuarial assumptions that became effective June 30, 2015. The changes result in a projected increase to the employer contribution rates for 2015-16 and for the following five years. The CalPERS Circular Letter 200-012-14 dated March 10, 2014 provided projected rates for 2014-15 through 2020-21 which were subsequently modified as shown below. As previously mentioned, these rates are still subject to change. The CalPERS rates show for 2019-20 and beyond include the subsidy provided as part of the 2019-20 Governor’s Budget.

CalPERS Actual and Projected Rates						
2015-16 Actual	2016-17 Actual	2017-18 Actual	2018-19 Actual	2019-20 Actual	2020-21 Projected	2021-22 Projected
11.847%	13.888%	15.531%	18.062%	19.721%	22.80%	24.90%

Likewise, Assembly Bill 1469 increased the contribution rates that employers, employees, and the state pay to support

the State Teachers Retirement System. Districts have been faced with rising CalSTRS employer contribution rates over the past six years. In 2013-14, the CalSTRS employer rates were 8.25% and have nearly doubled, rising to 18.062% in 2018-19. Employer rates will continue to increase until 2020-21. Thereafter, the STRS employer rate is set by the CalSTRS board. The CalSTRS rates show for 2019-20 and beyond include the subsidy provided as part of the 2019-20 Governor’s Budget.

CalSTRS Rates per Education Code Sections 22901.7 and 22950.5							
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Employer	10.73%	12.58%	14.43%	16.28%	17.10%	18.40%	18.10%

RESERVES

Reserve Caps – Our office continues to reinforce the need for reserves over the state minimum reserve requirements. Past experience has clearly demonstrated these minimum levels are not sufficient to protect educational programs from severe disruption in an economic downturn. The typical 3% reserve minimum represents less than two weeks of payroll for nearly all districts. Many LEAs have established reserve policies calling for higher than state minimum reserves, recognizing their duty to maintain fiscal solvency.

In October 2017 the Governor signed Senate Bill 751 which made significant changes to the previous Senate Bill 858 reserve cap requirements. These changes became effective January 1, 2018. The cap now allows for 10% of assigned or unassigned ending balances on a more limited number of district funds. It also exempts districts with fewer than 2,501 average daily attendance from the cap requirement.

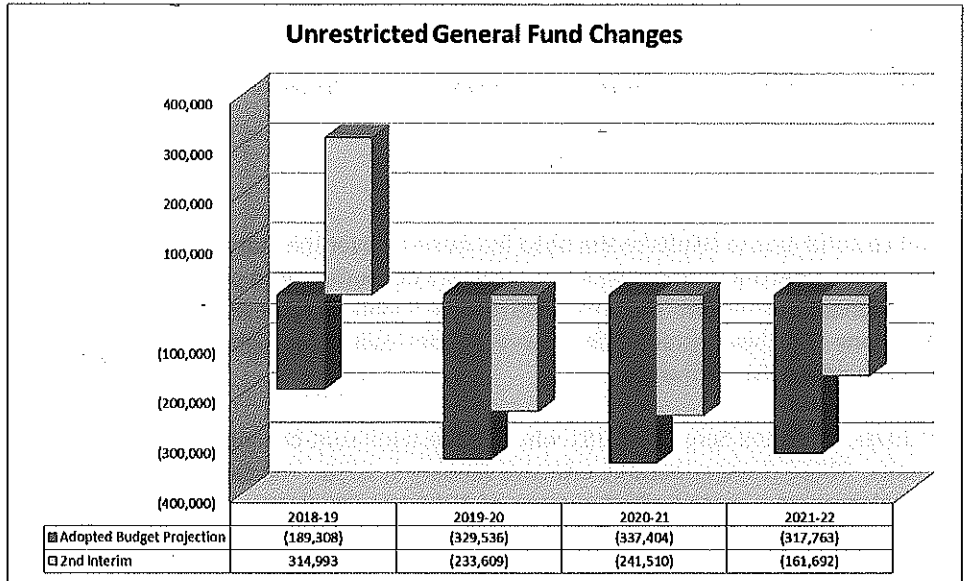
The provisions of SB 751 are not imposed until the year after funds in the Public School System Stabilization Account equals or exceeds 3% of Proposition 98 funding for school districts. The State Superintendent of Public Instruction is required to notify districts and county offices of education when the conditions are met. The \$524 million contribution made as part of the Governor’s 2019-20 budget was short of the \$2.1 billion contribution amount that would have triggered the cap on district reserves in 2020-21. The cap on district reserves is also not projected to be activated for 2020-21.

Full Accrual Financial Position - As audit reports have begun to recognize long-term pension obligations under GASB 68, districts find their annual audit report may reflect a negative unrestricted balance on their Statement of Net Position. Beginning with fiscal year 2017-18, district audit reports will also reflect the full impact of long-term commitments for Other Post-Employment Benefits (Retiree health plans) under GASB 75. This will further reduce a district’s unrestricted net position. This will likely result in public concern over the fiscal management of the school district and higher costs associated with long-term financing. Below is a comparison of the district’s 2018-19 unaudited actual available reserves (modified accrual basis of accounting) compared to the 2018-19 audited unrestricted net position, which includes the full accrual impact of GASB 68 and GASB 75.

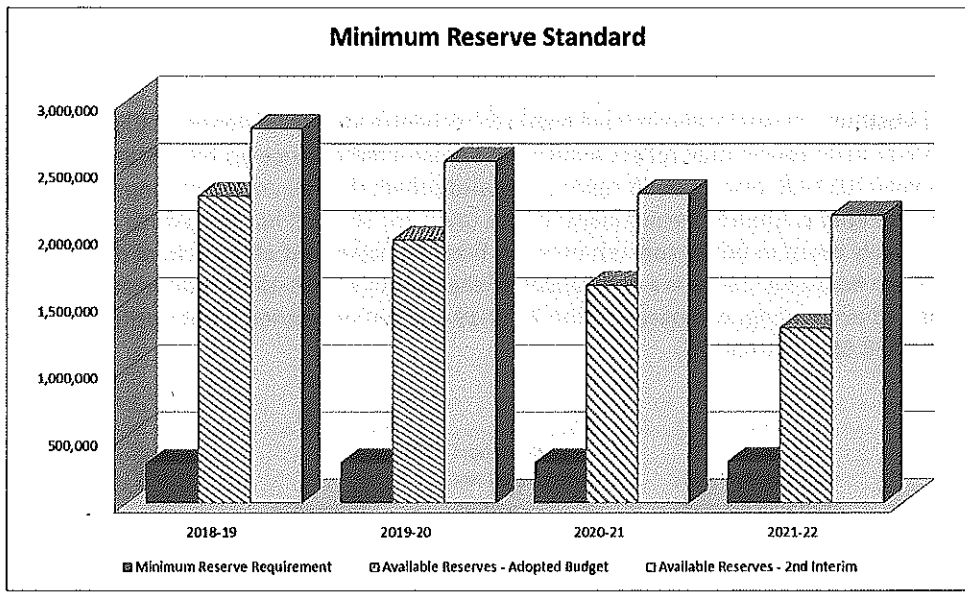
Unaudited Actuals Available Reserves	Audit Report Unrestricted Net Position	Difference
\$2,789,189	-\$2,884,343	-\$5,673,532

LOCAL CONTROL FUNDING FORMULA PROJECTIONS

Below is a comparison of the district's adopted budget and the current interim's anticipated change in the unrestricted general fund balance. The differences primarily represent an updated beginning balance for the year, changes in state LCFF estimates and changes in district provided ADA estimates.



The next graph presents the district's 2019-20 Second Interim reserve status compared with the original adopted budget and state minimum reserve requirement.



COMMENTS AND RECOMMENDATIONS

This section of our letter lists comments and recommendations we consider appropriate as a result of our review and current state budget projections.

- *The district is projecting current and future reserves that reflect a sound fiscal position. We commend the district for maintaining a secure financial position.*
- *The district is projecting deficit spending over the current and subsequent two fiscal years. This trend in declining balances must be addressed by the district to maintain district solvency. Below is a summary of the district's deficit spending pattern and available reserves calculation:*

	2019-20	2020-21	2021-22
Projected general fund deficit spending	(193,862)	(263,695)	(252,384)
Available Reserves \$	2,545,580	2,304,070	2,142,350
Available Reserves %	34.12%	30.92%	27.87%

- *The district has prior year accruals including accounts payable that have not been reversed. We recommend the district review these accruals and reverse balances that are no longer payable.*
- *There are no additional comments or recommendations.*

3. CONSENT CALENDAR: Action items:

3.1 Minutes of the Regular Board Meeting – April 7, 2020

TIPTON ELEMENTARY SCHOOL DISTRICT REGULAR BOARD MEETING

Minutes

Tuesday, April 7, 2020
7:00 p.m. District Cafeteria

1. Call to order- Flag Salute

Board President, Greg Rice, called the meeting to order at 7:02 pm and led the flag salute. Board Members present: Iva Sousa, Fernando Cunha and John Cardoza. Shelley Heeger arrived at 7:05 pm. Guests: Maryann Henry, Cherie Solian.

2. Public Input:

2.1 Community Relations/Citizen Comments

Ms. Henry shared a short video with the Board showing pictures of our food delivery.

2.2 Reports by Employee Units CTA/CSEA

No Comments

3. CONSENT CALENDAR: Action items:

3.1 Minutes of the Regular Board Meeting - March 10, 2020

3.2 Minutes of the Special Board Meeting - March 14, 2020

*Motion to approve to Consent Calendar was made by Fernando Cunha and second by Iva Sousa.
Vote Yea 5/ No 0/ Abstain 0/ Absent 0*

Yea - Iva Sousa, Shelley Heeger, Fernando Cunha, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

4. ADMINISTRATIVE: Action items:

4.1 Adopt District's Initial Proposal to Associated Teachers of Tipton Regarding Certificated Collective Bargaining Agreement Negotiations, for the 2020 - 2021 School Year

Motion to approve Adopting District's Initial Proposal to Associated Teachers of Tipton Regarding Certificated Collective Bargaining Agreement Negotiations, for the 2020 - 2021 School Year was made by Iva Sousa and second by Fernando Cunha.

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

Yea - Iva Sousa, Shelley Heeger, Fernando Cunha, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

4.2 Acknowledgement/Acceptance of the Associated Teachers of Tipton's Initial Proposal to the District Regarding Certificated Collective Bargaining Agreement Negotiations, for the 2020-2021 School Year

Motion to approve Acknowledgement/Acceptance of the Associated Teachers of Tipton's Initial

Proposal to the District Regarding Certificated Collective Bargaining Agreement Negotiations, for the 2020-2021 School Year was made by Iva Sousa and second by Fernando Cunha.

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

Yea - Iva Sousa, Shelley Heeger, Fernando Cunha, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

4.3 Extend the Current School Closure

Motion to approve Extending the Current School Closure until further notice was made by Fernando Cunha and second by John Cardoza.

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

Yea - Iva Sousa, Shelley Heeger, Fernando Cunha, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

4.4 Approval of J-13

Motion to approve J-13 was made by Iva Sousa and second by John Cardoza.

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

Yea - Iva Sousa, Shelley Heeger, Fernando Cunha, 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 Iva Sousa and second by Fernando Cunha.

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

Yea - Iva Sousa, Shelley Heeger, Fernando Cunha, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

5.2 Budget Revisions

Motion to approve Budget Revisions was made by Iva Sousa and second by Fernando Cunha.

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

Yea - Iva Sousa, Shelley Heeger, Fernando Cunha, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

6. INFORMATION: (Verbal Reports & Presentations)

6.1 MOT--FOOD SERVICE—PROJECTS

7. Adjourn to Closed Session: 7:21 pm

8. Reconvene to open session 9:29 pm

9. Report out from Closed Session

7.1 Education Code 35146

Student transfers, inter District etc.

Motion to approve student #20-21007 inter-district request was made by John Cardoza and second by Shelley Heeger.

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

Yea - Iva Sousa, Shelley Heeger, Fernando Cunha, John Cardoza, and Greg Rice

No – 0

Abstain – 0

Absent – 0

Motion to approve student #20-21008 inter-district request was made by John Cardoza and second by Shelley Heeger.

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

Yea - Iva Sousa, Shelley Heeger, Fernando Cunha, John Cardoza, and Greg Rice

No – 0

Abstain – 0

Absent – 0

Motion to approve student #20-21009 inter-district request was made by John Cardoza and second by Shelley Heeger.

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

Yea - Iva Sousa, Shelley Heeger, Fernando Cunha, John Cardoza, and Greg Rice

No – 0

Abstain – 0

Absent – 0

Motion to approve student #20-21010 inter-district request was made by John Cardoza and second by Shelley Heeger.

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

Yea - Iva Sousa, Shelley Heeger, Fernando Cunha, John Cardoza, and Greg Rice

No – 0

Abstain – 0

Absent – 0

Motion to approve student #20-21011 inter-district request was made by John Cardoza and second by Shelley Heeger.

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

Yea - Iva Sousa, Shelley Heeger, Fernando Cunha, John Cardoza, and Greg Rice

No – 0

Abstain – 0

Absent – 0

Motion to approve student #20-21012 inter-district request was made by John Cardoza and second by Shelley Heeger.

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

Yea - Iva Sousa, Shelley Heeger, Fernando Cunha, John Cardoza, and Greg Rice

No – 0

Abstain – 0

Absent – 0

Motion to approve student #20-21013 inter-district request was made by John Cardoza and second by Shelley Heeger.

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

Yea - Iva Sousa, Shelley Heeger, Fernando Cunha, John Cardoza, and Greg Rice

No – 0

Abstain – 0

Absent – 0

Motion to approve student #20-2102 inter-district request was made by John Cardoza and second by Shelley Heeger.

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

Yea - Iva Sousa, Shelley Heeger, Fernando Cunha, John Cardoza, and Greg Rice

No – 0

Abstain – 0

Absent – 0

7.2 Government Code Section 54957.6

Conference with labor negotiators

Agency designated representatives: Superintendent

Employee Organization: CTA

7.3 Government Code Section 54957

Public Employee Discipline/Dismissal/Release/Complaint

Motion to ratify employee # 1392945177, an eighth grade teacher's resignation effective April 7, 2020 and accepted by the Superintendent on April 1, 2020 was made by John Cardoza and second by Fernando Cunha.

Vote Yea 4/ No 0/ Abstain 1/ Absent 0

Yea -Shelley Heeger, Fernando Cunha, John Cardoza, and Greg Rice

No – 0

Abstain – 1 Iva Sousa

Absent – 0

10. Adjournment 9:31pm

Minutes approved May 5, 2020

Greg Rice, President

Iva Sousa, Clerk

Stacey Bettencourt, Secretary

3. CONSENT CALENDAR: Action items:

3.2 Agency Agreement with TCOE for Shared Business Services for the 2019-2020 School Year

**TULARE COUNTY SUPERINTENDENT OF SCHOOLS
AND
TIPTON ELEMENTARY SCHOOL DISTRICT
BUSINESS SUPPORT SERVICES AGREEMENT**

TCOE CONTRACT #:

210007

THIS AGREEMENT, is entered into as of _____, between the TULARE COUNTY SUPERINTENDENT OF SCHOOLS, referred to as SUPERINTENDENT, and **TIPTON ELEMENTARY SCHOOL DISTRICT**, referred to as DISTRICT, with reference to the following:

A. Pursuant to Education Code sections 1260(e), 1262 and 1700, SUPERINTENDENT may provide services to school districts within his jurisdiction.

B. DISTRICT requires business support services.

C. SUPERINTENDENT is willing to provide business support services to DISTRICT upon the terms and conditions of this Agreement.

ACCORDINGLY, IT IS AGREED:

1. **TERM:** This Agreement shall become effective as of **July 1, 2020** and shall expire on **June 30, 2021** unless otherwise terminated as provided in this Agreement. This Agreement may be renewed each year upon written consent of the parties.

2. **ROLE OF SUPERINTENDENT:** SUPERINTENDENT will furnish business support services to DISTRICT during the term of this Agreement under the direction of SUPERINTENDENT as follows:

a. Provide a qualified individual(s) to perform business services as listed on Attachment A. **Service hours will be limited to a maximum of Two Hundred Four Hours (204). Additional hours provided will be billed at \$97.55 per hour of service.**

b. Pay all travel costs incurred by contract staff member(s) to the central office of the DISTRICT to provide services per Attachment A.

c. Pay expenses of contract staff member(s) for approved conferences during the year, not to exceed two (2) days.

d. Provide office space, furniture, equipment, software and other materials used by contract staff member(s) in providing the services under this Agreement.

3. **ROLE OF DISTRICT:** DISTRICT agrees to:

a. Pay all travel costs, directly to the individual, for mileage, travel and conference costs incurred at the specific request of DISTRICT.

b. Recognize the general fiscal monitoring responsibilities of SUPERINTENDENT. This Agreement shall not affect those duties.

4. INDEPENDENT CONTRACTOR:

a. This Agreement is entered into by both parties with the express understanding that SUPERINTENDENT will perform all services required under this Agreement as an independent contractor. Nothing in this Agreement shall be construed to constitute SUPERINTENDENT or any of its agents, employees or officers as an agent, employee or officer of DISTRICT.

b. Subject to any performance criteria contained in this Agreement, SUPERINTENDENT shall be solely responsible for determining the means and methods of performing the specified services and DISTRICT shall have no right to control or exercise any supervision over SUPERINTENDENT'S agents, employees or officers as to how the services will be performed. Notwithstanding this independent contractor relationship, DISTRICT shall have the right to monitor and evaluate the performance of SUPERINTENDENT to assure compliance with this Agreement.

c. SUPERINTENDENT is responsible for paying all salary, benefits, entitlements and other costs and expenses of its agents, employees or officers, including those required by state or federal law, including, but not limited to: retirement benefits, statutory benefits, workers compensation and group insurance, FICA (Social Security) taxes, state or federal unemployment insurance contributions, state or federal income taxes, disability insurance contributions, and unemployment compensation insurance.

5. COST OF SERVICES: DISTRICT agrees to pay SUPERINTENDENT the sum of **Nineteen Thousand Four Hundred Sixteen Dollars (\$19,900.00) for the services provided in this Agreement.** SUPERINTENDENT shall transfer this sum from the funds of DISTRICT to the County School Service Fund after January 1, 2021. Specific services to be performed will be at the choice of the DISTRICT.

6. INDEMNIFICATION: SUPERINTENDENT and DISTRICT shall hold each other harmless, defend and indemnify the other, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, including District property, arising from, or in connection with, their performance or their agents, officers and employees under this Agreement. This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

7. TERMINATION:

a. This Agreement may not be terminated prior to the expiration of its term, except that it can be terminated early effective on the 60th day following the mutual written consent of the parties.

b. Effects of Termination: Expiration or termination of this Agreement shall not terminate any obligations to indemnify, to maintain and make available any records pertaining to the Agreement, to cooperate with any audit, to be subject to offset, or to make any reports of pre-termination contract activities.

8. ENTIRE AGREEMENT REPRESENTED: This Agreement represents the entire agreement between SUPERINTENDENT and DISTRICT as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of all parties.

9. NOTICES:

a. Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

SUPERINTENDENT:

Tim Hire
County Superintendent of Schools
P.O. Box 5091
Visalia, California 93278-5091

Phone No.: (559) 733-6301

Fax No.: (559) 737-4378

DISTRICT:

TIPTON ELEMENTARY School District
370 N. Evans
Tipton, California 93272

Phone No.: 559-752-4213

Fax No.: 559-687-2221

b. Notice personally delivered is effective when delivered. Notice sent by facsimile transmission is deemed to be received upon successful transmission. Notice sent by first class mail shall be deemed received on the fifth day after the date of mailing. Either party may change the above address or phone or fax number by giving written notice pursuant to this paragraph.

10. CONSTRUCTION: This Agreement reflects the contributions of all parties and accordingly the provisions of Civil Code Section 1654 shall not apply to address and interpret any uncertainty.

11. NO THIRD PARTY BENEFICIARIES INTENDED: The parties to this Agreement do not intend to provide any other person, including but not limited to contract staff, with any benefit or enforceable legal or equitable right or remedy.

12. EXHIBITS AND RECITALS: The Recitals and the Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

13. CONFLICT WITH LAWS OR REGULATIONS/SEVERABILITY: This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court or other legal authority, or is agreed by the parties, to be in conflict with

any code or regulation governing its subject, the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases the remainder of the Agreement shall continue in full force and effect.

14. FURTHER ASSURANCES: Each party will execute any additional documents and to perform any further acts as may be reasonably required to effect the purposes of this Agreement.

THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

TULARE COUNTY SUPERINTENDENT OF SCHOOLS

Date: _____

BY _____
Tim Hire, County Superintendent of Schools
"SUPERINTENDENT"

TIPTON ELEMENTARY SCHOOL DISTRICT

Date: _____

BY _____
Chairperson, Board of Trustees
"DISTRICT"

CONTRACT FOR BUSINESS SUPPORT SERVICES
ATTACHMENT A

BUSINESS SUPPORT SERVICES

Budget

Assist district superintendent in the development and adoption of the district budget
Advise district superintendent and/or governing board on impact of state budget
Preparation of state required budget documents
Monitor for and advise district superintendent on budget to actual variances
Prepare and input budget revisions under direction of district superintendent
Perform in-depth budget review prior to First and Second Interim reporting
Preparation of state required First and Second Interim documents

Payroll

Serve as backup to district staff for payroll and vendor payment processes
Assist district in implementing and processing settlement agreements
Prepare salary settlement disclosure documents for board presentation

Accounting

Advise district staff on proper coding of financial transactions
Prepare and input Journal Entries
Monitor financial transactions for account code propriety
Assist district in year-end closing of financial records
Assist district in implementation of fixed asset accounting system

Reporting

Prepare state required annual financial reports
Assist district in preparation of GASB 34 required Management Discussion and Analysis document
Assist in submitting data to TCOE required for LCFF revenue calculations
Assist district in preparation of other fiscal reports
Assist district in completion of student attendance reports

Other

Assist district in clearing audit findings with California Department of Education and County Office of Education
Prepare for and present financial information at governing board meetings as needed
Research information and prepare documents for district independent auditors
Train district staff in use of TCOE financial system
Attend TCOE business meetings

The contracting district is responsible for determining the specific support services received under the contract, to be arranged and, as limited by the agreement.

3. CONSENT CALENDAR: Action items:

3.3 Agency Agreement with TCOE for Library Media Services for the 2019-2020 School Year

AGENCY AGREEMENT BETWEEN
TULARE COUNTY SUPERINTENDENT OF SCHOOLS
AND
TIPTON SCHOOL DISTRICT
FOR 2020-2021
LIBRARY MEDIA SERVICES

TCOE OFFICE USE
<input checked="" type="checkbox"/> Supt. receiving funds
<input type="checkbox"/> Supt. expending funds
Vendor # _____
Req. # _____
PO # _____

This agreement is entered into between Tulare County Superintendent of Schools, referred to as SUPERINTENDENT, and **Tipton School District**, referred to as DISTRICT/SCHOOL. SUPERINTENDENT supports disseminating successful practices to improve student achievement, including library instructional media resources and services. Therefore, DISTRICT/SCHOOL and SUPERINTENDENT mutually agree to the provisions described below.

1. **TERM.** This agreement shall be effective **July 1, 2020 – June 30, 2021**.

2. **FEE.** The fee shall be **\$4,576.25**
 - a. The fee is based on the Average Daily Attendance (ADA) **523** x \$8.75. The minimum agreement for a single school site with an ADA \leq 86 is \$750.
 - b. The agreement fee is due upon receipt of invoice and no later than February 2021. Tulare County public DISTRICTS/SCHOOLS authorize transfer to the County School Service Fund from DISTRICT/SCHOOL Instructional Funds. DISTRICT/SCHOOL will be contacted annually to renew access to services.
 - c. The following sites are covered by this agreement: **Tipton School (K-8)**.

3. **SERVICES.**
 - a. SUPERINTENDENT agrees to:
 - i. Provide online access to the Educational Resource Services Multimedia Portal. Digital resources, with correlations to the California Standards, include licensed video streaming, research and reference sources for students, eBooks (many with audio and/or visual enhancement), curriculum builder and differentiation tools.
 - (1) SUPERINTENDENT will provide each teacher and administrator with a username and password to the ERS Portal for access to online subscription content and to reserve materials. Each school will be provided with a generic student login, allowing students access to resources at school and at home; parents have access to the ERS Portal via their student’s login. Login credentials are site/program specific and should only be shared with staff and students at the sites listed in this contract.
 - (2) Annual on-site ERS Portal Presentations, digital citizenship, and information literacy training are available for DISTRICT/SCHOOL staff upon request.
 - ii. Provide circulating access to educational resource materials including print media, STEM kits, robotics, primary document reproductions, art prints, realia, and DVDs.
 - (1) Print media includes core and extended literature in English and Spanish, fiction, informational text, Big Books, and professional development titles.
 - (2) Small group and classroom book/multimedia kits are available, with the option of requesting a customized book/multimedia bundle.
 - (3) In-person access to media at the ERS Library and Multimedia Center is available year round: Monday – Friday, 8:00am – 5:00pm (closed TCOE observed holidays).

- (4) SUPERINTENDENT staff will deliver and pick up circulating materials when materials have been reserved or a pickup has been requested.
 - (a) DISTRICT/SCHOOL staff will reserve materials online, by phone, or in person prior to the scheduled delivery day.
 - (b) DISTRICT/SCHOOL staff will renew their checkouts or return circulating items to a centralized location and submit a pickup request by the due date.
- iii. Provide the services of the ERS Library Media Supervisor, a credentialed librarian and holder of the Library Media Teacher Services Credential, as "Librarian of Record" for any DISTRICT/SCHOOL that does not employ a credentialed librarian. Ed Code 44868 allows a DISTRICT/SCHOOL to employ non-credentialed personnel to assist in the provision of school library services, however these individuals do not supersede the Ed Code requirement that a credentialed librarian provide oversight of school library services. This agreement further fulfills the DISTRICT/SCHOOL's obligation under Education Code, sections 18100 and 18120. A DISTRICT/SCHOOL is in compliance with the law when it contracts for library services with SUPERINTENDENT for the services of a credentialed librarian.
- iv. Provide consultant services relative to the development of library programs, including library facility planning and training of library personnel in provision of library services. These include the use of digital resources, library management software training, and collection development.
 - (1) DISTRICT/SCHOOL will be invited to send library personnel from each contracting site to participate in the ERS Library & Multimedia Center's bi-monthly Library Multimedia Network meetings dedicated to developing Future Ready school library programs, exploring new technologies, and discovering how to promote and use the ERS Portal digital resources.
- v. Provide technology consultation supporting DISTRICT/SCHOOL needs.
 - (1) A maximum of one, free, on-site technology support day per contracting site (see Section 2c) may be used for training DISTRICT/SCHOOL personnel, for technology-focused professional development on a variety of technology tools (e.g. G Suite, Microsoft Office Applications, Robotics/Coding Applications, etc.), and/or for consulting with DISTRICT/SCHOOL administration to assist with planning technology implementation by our Instructional Technology Specialists. As an alternative to the on-site technology day, the ERS Library offers a voucher program allowing up to 12 contracting site personnel to attend designated Tech Tools sessions held at the TCOE Doe Avenue Complex and led by our Educational Technology Specialists.
- vi. The Library and Multimedia Center's Teacher Resource Center (TRC) is open extended hours beyond the classroom day to accommodate teaching schedules. Contracting DISTRICT/SCHOOL staff may bring their own supplies and use TRC equipment. Equipment includes: color and B&W photocopiers, a poster printer, 27" and 42" laminators, 1.25" and 3" button makers, as well as Ellison and AccuCut die-cut shapes. Contracting sites pay a reduced fee for copying, printing, laminating, and button making.
 - (1) The TRC sells pre-designed posters and ready-to-go packs of classroom support materials.
 - (2) The TRC can print posters designed by teachers or the TRC staff can design posters and other materials to teacher specifications (at an additional fee for SUPERINTENDENT staff time).

- (3) TRC-made materials including posters, ready-to-go packs, and other classroom support materials can be delivered after completion on the next scheduled delivery day or by mail (postal shipping fee will apply).

b. DISTRICT/SCHOOL agrees to:

- i. Respond to SUPERINTENDENT'S email request to update the previous year's DISTRICT/SCHOOL staff list within a month of the start of the school year, for ERS Portal username and password assignments. Initial email will be sent by Sara Torabi; return all changes and updates to sara.torabi@tcoe.org. If you have additional questions about submission or format, please call 559-651-3031.
- ii. Reimburse SUPERINTENDENT for the replacement value of any item lost, destroyed, or stolen; and pay for repair costs for items damaged while in its possession.
- iii. Understand and acknowledge that copying of any materials owned or licensed by SUPERINTENDENT under this agreement is prohibited by federal copyright laws. This includes, but is not limited to, videotaping, audio taping, and photocopying.
- iv. Contact Debra Lockwood, Library Media Supervisor, if there are any questions or concerns about the terms of this agreement at 559-651-3042 or debra.lockwood@tcoe.org.

4. INDEMNIFICATION. SUPERINTENDENT and DISTRICT/SCHOOL shall hold each other harmless, defend and indemnify their respective agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, arising out of the activities of SUPERINTENDENT or DISTRICT/SCHOOL or their agents, officers and employees under this agreement. This indemnification shall be provided by each party to the other party regarding its own activities undertaken pursuant to this Agreement, or as a result of the relationship thereby created, including any claims that may be made against either party by any taxing authority asserting that an employer-employee relationship exists by reason of this agreement, or any claims made against either party alleging civil rights violations by such party under Government Code section 12920 et seq. (California Fair Employment and Housing Act). This indemnification obligation shall continue beyond the term of this agreement as to any acts or omissions occurring under this agreement or any extension of this agreement.

5. CANCELLATION OF AGREEMENT. This agreement may be cancelled by SUPERINTENDENT and DISTRICT/SCHOOL if any of the conditions of this agreement are not completed.

6. SPECIAL PROVISIONS. SUPERINTENDENT shall comply with all laws, rules and regulations applicable to such work.

- a. SUPERINTENDENT acknowledges that the services provided by its employees may involve limited contact with students and, as such, each member of the team will have background checks pursuant to the Education Code.
- b. The Agreement may be amended by the mutual written consent of the parties hereto.

THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

DISTRICT/SCHOOL

Stacey Bettencourt, Superintendent
Tipton School District
370 N. Evans (PO Box 787)
Tipton, CA 93272
sbettencourt@tipton.k12.ca.us

By Stacey Bettencourt
Date 4/17/2017

SUPERINTENDENT

Tim A. Hire, County Superintendent of Schools
Tulare County Office of Education
P.O. Box 5091
Visalia, CA 93278-5091

By _____
Date _____

If this agreement meets with your approval, please sign then return a scanned copy via email to:

Sara A. Torabi
Instructional Consultant Support/Library Media Technician
sara.torabi@tcoe.org
(559) 651-3031

A countersigned copy of this agreement will be returned to you as soon as it is available.

TCOE Contact: Debra Lockwood, 559-651-3042
FORM REVISED 3/3/2020

Budget: 010-00242-0-0-242000-86890-0-0-0 100%

4. ADMINISTRATIVE: Action items:

- 4.1** Tipton Elementary School District Resolution #2019-2020-11 a Resolution for the Suspension of Current District Grading Policy and Adoption of a Temporary Alternative Grading System for Student Distance Learning During School Closure Caused by the Coronavirus (COVID-19) Pandemic

**Tipton Elementary School District
Resolution #2019-2020-11**

**A RESOLUTION FOR THE SUSPENSION OF CURRENT DISTRICT GRADING
POLICY AND ADOPTION OF A TEMPORARY ALTERNATIVE GRADING SYSTEM
FOR STUDENT DISTANCE LEARNING DURING SCHOOL CLOSURES CAUSED BY
THE CORONAVIRUS (COVID-19) PANDEMIC**

WHEREAS, on March 4, 2020, the Governor of California declared a State of Emergency due to the outbreak and spread of a novel coronavirus (COVID-19); and

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency arising from COVID-19; and

WHEREAS, on March 13, 2020 the Governor of California issued Executive Order N-26-20 providing that, if schools close to address COVID-19, the District will continue to receive state funding to support the District's programs and services specified in the Executive Order, including, but not limited to, providing distance learning or independent study to impacted students and to pay District employees; and

WHEREAS, on March 14, 2020 the Tipton Elementary School District closed schools to protect students and staff against the spread of COVID-19; and

WHEREAS, on March 19, 2020, in response to the continued and rapid spread of COVID-19, the Governor of California, in coordination with the State Director of Public Health, issued Executive Order N-33-20, which in part directed all individuals living in the State of California to stay home or at their place of residence, with limited exception, until further notice ("Stay-At-Home-Order"); and

WHEREAS, on March 20, 2020, the Governor of California published a list of "Essential Critical Infrastructure Workers" which clarifies the scope of work educational employees are permitted to carry out under the Stay-At-Home Order and provides that workers supporting K-12 schools may continue their work for purposes of distance learning, provision of meals, care and supervision of minors to support essential workforce across all sectors; and

WHEREAS, on March 31, 2020, the State Superintendent of Public Instruction sent a letter to school district superintendents across the State, stating that, due to safety concerns and the need for ongoing social distancing, it appears students will not return to school campuses before the end of the 2019-2020 school year, therefore, school districts should put all efforts into strengthening delivery of education through distance learning; and

WHEREAS, it is necessary to ensure the continuation of public education, to the greatest extent possible, while maintaining the health and safety of the students and staff; and

WHEREAS, the Board is committed to continued teaching and learning, including assessment and evaluation of work, through alternative means during this prolonged period of school closure; and

WHEREAS, it is imperative that the Superintendent have the tools to ensure the health, safety, and well-being of students, staff, and families on and off campuses, and to ensure the educational needs of all students are addressed through alternate locations or virtual learning environments; and

WHEREAS, on April 1, 2020, the California Department of Education (“CDE”) published guidance entitled, “FAQs on Grading and Graduation Requirements” (“CDE Guidance”), which advises school districts on the topics of distance learning in general, grading of distance learning assignments, and potential implications from distance learning on high school graduation requirements; and

WHEREAS, pursuant to the CDE Guidance, school districts may, at their discretion, require graded work from distance learning students, provided that the established grading criteria holds students harmless for their 2020 spring grades; and

WHEREAS, to accomplish the purpose of distance learning during current school closures and to ensure students are held harmless for their grades earned during such time, the CDE Guidance provides that school districts may modify their existing grading systems to adopt alternative grading systems including credit/no credit, pass/fail, modified A-C or A-D, and weighted grades; and

WHEREAS, Article IX, section 14, of the California Constitution declares that “[t]he Legislature may authorize the governing boards of all school districts to initiate and carry on any programs, activities, or to otherwise act in any manner which is not in conflict with the laws and purposes for which school districts are established”; and

WHEREAS, Education Code section 35010 makes clear that every school district is under the control of its governing board and Education Code section 14000 directs and encourages districts and their boards to establish programs to serve unique student needs through full and flexible educational opportunities; and

WHEREAS, Education Code sections 35160 and 35160.1 endow school districts and their governing boards with broad authority and wide discretion in initiating and carrying on programs and activities and otherwise creating unique solutions to meet their diverse needs; and

WHEREAS, Education Code section 49067 grants the governing board of school districts authority to set policy relative to student grades, providing that “[t]he governing board of each school district shall prescribe regulations requiring the evaluation of each pupil’s achievement for each marking period....”; and

WHEREAS, pursuant to the broad grant of authority under Education Code section 49067, the Board has adopted Board Policy (“BP”) 5121 and Administrative Regulation (“AR”) 5121 to establish the District’s grading system, which prescribes a grading scale that, as specifically

applied to student distance learning during current school closures, may not satisfy the CDE's Guidance for grading criteria for 2020 spring courses; and

WHEREAS, pursuant to Board Bylaws ("BB") 9000 and 9310, the Board may adopt, evaluate, and update policies, bylaws, and administrative regulations consistent with the law and the District's visions and goals; and

WHEREAS, in accordance with its broad grant of constitutional and statutory authority, and as provided under BB 9000 and 9310, the Board is authorized to revise or suspend the current grading system as provided by BP 5121 and AR 5121 and to implement an alternative grading system that will accomplish the purpose of holding students harmless for their 2020 spring grades during the school closures caused by COVID-19;

NOW, THEREFORE BE IT RESOLVED, that, in order to ensure uniformity and consistency in grading of distance learning students, and to ensure students are held harmless for their 2020 spring semester grades during this time of school closures, and until further notice, the Board hereby delegates responsibility to the Superintendent or her designee to establish a temporary alternative grading system for distance learning during current school closures caused by COVID-19, consistent with the following :

1. Teachers shall continue to provide instruction, assignments, and assessments using distance learning tools and resources.
2. The Superintendent or designee shall collaborate with school administrators and teachers to develop and regularly review guidelines for attendance during instruction and the assignment of homework through distance learning and alternative means.
3. Pursuant to Education Code 48205 and Board Policy 6154 - Homework/Makeup Work, students shall be given full credit for makeup work satisfactorily completed within a reasonable period of time and shall not be penalized for absences during school closures.
4. Students shall be held harmless for their spring 2020 grades and the transition to distance learning.
5. Board Policy and Administrative Regulation 5121 - Grades/Evaluation of Student Achievement shall be temporarily suspended to the extent that current District grading policies and regulations do not meet the applicable standard for holding students harmless for grades earned during the 2020 spring semester. Such suspension shall be in effect only for the duration of the 2020 spring semester and thereafter as the Board deems appropriate and necessary in its sole discretion in response to the ongoing public health crisis and resulting school closures..
6. Teachers shall assign fourth quarter grades based on students' third-quarter grades or students' grades when the school shutdown occurred, with opportunities to increase the final grade. Students will not receive a final third quarter grade lower than what their

grade was at the time of the school closure. All students may raise their fourth quarter grades and positively impact their GPA by engaging in distance learning.

7. If, as a result of the continuation of the COVID-19 crisis or for any other reason, distance learning is required for any period beyond the spring 2020 semester, the Board hereby reserves the right to reinstate the District's prior grading system as provided in BP 5121 and AR 5121, and to hold students accountable for the learning objectives contained therein.

BE IT FURTHER RESOLVED AND ORDERED that this Resolution shall become effective immediately upon its adoption and shall remain in effect until repealed by formal Board action.

PASSED AND ADOPTED by the Governing Board of Tipton Elementary School District, Tipton, California at a public meeting thereof duly called and held on May 5, 2020.

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

I, Greg Rice, Board President of the Governing Board of the Tipton Elementary School District, do hereby certify that the foregoing is a full and correct copy of a Resolution adopted by the Board at a duly called and conducted meeting held on May 5, 2020.

President, Governing Board

ATTEST:

Secretary of the Governing Board

4. ADMINISTRATIVE: Action items:

4.2 Resolution #2010-2020-12 In the Matter of Ordering
Regular Governing Board Member Elections;
Specifications of the Election Order

Tulare County Office of Education

Committed to Students, Support & Service

Tim A. Hire
County
Superintendent
of Schools

P.O. Box 5091
Visalia, California
93278-5091

(559) 733-6300
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) 302-3633
fax (559) 739-0310

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

Main Locations

**Administration
Building & Conference
Center**
6200 S. Mooney Blvd.
Visalia

Doe Avenue Complex
7000 Doe Ave.
Visalia

**Liberty Center/
Planetarium &
Science Center**
11535 Ave. 264
Visalia

March 30, 2020

TO: All Tulare County School Districts Holding Elections in 2020
FROM: Tim A. Hire, Tulare County Superintendent of Schools
SUBJECT: GOVERNING BOARD ELECTIONS – NOVEMBER 3, 2020

Your district will be among those holding an election this year on November 3, 2020 at the time of the statewide general election.

A sample resolution is enclosed containing the specifications of the election order for your board's use to meet the requirements of Education Code section 5322.

PLEASE SCHEDULE ADOPTION OF THIS RESOLUTION ON YOUR BOARD'S AGENDA FOR MAY 2020. The resolution orders the election, makes certain specifications for County Elections use in arranging for your district's election, consolidates your district's election with the general election, and advises this office of the newspaper in which your district's Notice of Election is to be published.

Also enclosed for your information and guidance is a timetable of deadlines relating to the November election. Dates for candidates to file their declaration of candidacy (nomination papers) at the County Elections office are included on the timetable.

After your board adopts the enclosed resolution, immediately distribute as follows:

**Send a copy of the adopted
resolution to:**

Emily Oliveira, Elections Program Coordinator
Tulare County Elections
5951 S. Mooney Blvd.
Visalia, CA 93277

**Send the ORIGINAL adopted
resolution to:**

Shelly DiCenzo, Business Services
Tulare County Office of Education
P.O. Box 5091
Visalia, CA 93278-5091

**PLEASE SEND THE RESOLUTION TO SHELLY DICENZO AT TCOE
IN BUSINESS SERVICES AND COUNTY ELECTIONS
NO LATER THAN FRIDAY, JUNE 19, 2020**

If you have any question, please contact Shelly DiCenzo at (559)733-6312 or shellyd@tcoe.org

TAH/sd

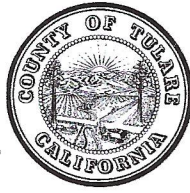
Enclosures: General Election Timetable
Resolution Ordering Election

**GENERAL ELECTION TIMETABLE
TULARE COUNTY SCHOOL DISTRICTS – ELECTION DAY: NOVEMBER 3, 2020**

DATE/NUMBER OF DAYS TO ELECTION	ACTION
AT LEAST 130 DAYS PRIOR TO THE ELECTION – FRIDAY, JUNE 26, 2020 <i>Ed. Code 5323 and 5340</i>	COUNTY SUPERINTENDENT must notify governing boards in writing that a consolidated election is required to be held.
Between MAY 3, 2020 AND JUNE 26, 2020 <i>Between six months and 130 days prior to the election</i> <i>Ed. Code 5093(b)</i>	NO APPOINTMENT OR SPECIAL ELECTION to fill a vacancy for <u>terms not ending this election year only</u> during the period between 6 months and 130 days prior to the election if the position is not scheduled to be filled at such election.
AT MAY OR JUNE BOARD MEETING NOT LATER THAN FRIDAY, JULY 3, 2020 **Please send by Friday, June 19, 2020** <i>Not less than 123 days prior to the election</i> <i>Ed. Code 5322</i>	DISTRICTS ADOPT RESOLUTION ORDERING ELECTION LAST day for districts to deliver resolution to County Superintendent containing the specifications of the election order.
NOT LATER THAN MONDAY, JULY 6, 2020 <i>At least 120 days prior to the election – Ed. Code 5324</i>	LAST day for County Superintendent to deliver to County Elections Official the order of election and formal notice of election.
Between JULY 6, 2020 AND AUGUST 5, 2020 <i>At least 90 days, and not more than 120 days before the election</i> <i>Ed. Code 5363 and Elections Code 12112, 12113</i>	PUBLISH NOTICE OF ELECTION one time in a newspaper of general circulation for all districts holding an election. [County Superintendent’s office will publish school district notices and mail copies to school districts for Election Official. School districts are to post the Notice of Election at their district offices.]
MONDAY, JULY 13, 2020 <i>113th day prior to the election</i> <i>Ed. Code 5014 and Elections Code 10510</i>	FIRST DAY CANDIDATES MAY FILE forms for Declaration of Candidacy (nomination papers) at the County Elections Office. Forms shall be available on the 113 th day prior to the election and must be filed not later than 5 p.m. on the 88 th day prior to the election. <u>CANDIDATE/NOMINATION INFORMATION</u> Contact: Tulare County Registrar of Voters/Elections Office Phone: (559) 624-7300 5951 S. Mooney Blvd., Visalia CA 93277 Office Hours: Mon-Thurs 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 12:00 p.m.
TUESDAY, AUGUST 11, 2020 <i>Within 4 months of the end of the term</i> <i>Ed. Code 5093(a)</i>	NO APPOINTMENT OR SPECIAL ELECTION to fill a vacancy for <u>terms ending this election year only</u> if it occurs within 4 months of the end of the term.
FRIDAY, AUGUST 7, 2020 <i>88 days prior to the date of the election</i> <i>Ed. Code 5322 and Elections Code 10510</i>	LAST DAY TO FILE for a bond measure. LAST DAY TO FILE declaration of candidacy. LAST DAY TO WITHDRAW declaration of candidacy. County Elections Office will be open until 5:00 p.m. on this day.
WEDNESDAY, AUGUST 12, 2020 <i>83rd day before the election</i> <i>Election Code 10516</i>	LAST DAY EXTENDED FILING PERIOD – if a declaration of candidacy for an incumbent is not filed by 5 p.m. on the 88 th day before the election, filing for anyone other than the incumbent shall have until 5 p.m. on the 83 rd day before the election to file a declaration of candidacy. **There is no extension if the incumbent files by the 88th day or if there is no incumbent eligible to be elected.**
Between MONDAY, OCTOBER 5, 2020 AND TUESDAY, OCTOBER 27, 2020 <i>29 days prior to the election</i> <i>Elections Code 3001</i>	APPLY for a vote by mail voter’s ballot to the elections official. Applications shall be made in writing, showing the applicants place of residence, signed by the applicant and received between the 29 th and the 7 th day prior to the election

**TULARE COUNTY
REGISTRAR OF VOTERS**

5951 South Mooney Blvd., Visalia, CA 93277
TEL: (559) 624-7300 FAX: (559) 737-4498
www.tularecoelections.org



MICHELLE BALDWIN
Registrar of Voters

Office Hours: Monday – Thursday 7:30 a.m. to 5:30 p.m.
Friday 8:00 a.m. to 12:00 p.m.

CANDIDATE FILING NOTICE

The Nomination Period for the November 3, 2020, General Election will be from **July 13, 2020 – August 7, 2020**. Nomination documents will be available in the Registrar of Voters office Monday through Thursday 7:30 AM to 5:30 PM and on Fridays 8:00 AM to 12:00 PM. Business hours will be extended on Friday, August 7 until 5:00 PM in order to comply with the last of the nomination period. The Registrar's office is located at 5951 South Mooney Boulevard in Visalia.

The November General Election has a large volume of districts participating in the election and therefore will have a large number of candidates filing nomination documents. Please bring with you a completed Form 700 Statement of Economic Interests. Form 700's are available on the internet at www.fppc.ca.gov or can be obtained by contacting our office.

Candidates arriving to our office with a completed Form 700 can expect the nomination paperwork to be completed in approximately 15 to 25 minutes. Candidates arriving without a completed Form 700 can expect the nomination paperwork to be completed in approximately 35 to 45 minutes or may require a second visit to our office once they have completed their Form 700.

Appointments to complete your nomination documents are available. Making an appointment will allow us to prepare your paperwork in advance so it will be ready when you arrive. To schedule an appointment, please contact Nancy Hernandez at 559-624-7300.

NEW: The County of Tulare passed an Ordinance in October 2019 requiring all campaign disclosure documents to be filed electronically. This means that all candidates filing nomination documents will need to file either a Form 460 or Form 470 using the eCampaign website, <https://www.southtechhosting.com/TulareCounty/eCampaign/>. A user login ID will need to be issued to you prior to you being able to complete your forms online. To request a user login ID, email AV1@co.tulare.ca.us and include in your request your personal/campaign email address and a contact phone number. Please allow at least one business day for your request to be processed and your login ID to be issued to you. Your Form 460 or Form 470 will need to be filed prior to completing your nomination documents.

BEFORE THE BOARD OF TRUSTEES
OF THE TIPTON SCHOOL DISTRICT
TULARE COUNTY, STATE OF CALIFORNIA

In the Matter of Ordering Regular Governing
Board Member Elections; Specifications of
the Election Order

RESOLUTION NO.2019-2020-12

RECITALS

1. Elections Code sections 1302, 10404.5 and 10405.7 authorize school districts and community college districts to establish the election day for governing board members to regularly occur on the same day as the statewide direct primary election, the statewide general election or the general municipal election is held.
2. The Board of Supervisors has received and approved a resolution from this Board establishing election of governing board members on the same day upon which the statewide general election is held.
3. Education Code section 5322 provides that whenever an election for governing board members is ordered, the governing board shall, by resolution, provide for specifications of the election order which shall be delivered to the county superintendent of schools and the officer conducting the election not less than 123 days prior to the date set for the election.
4. Other elections of school districts or other public agencies may be held in whole or part within the territory of this District and it is to the advantage of the District to consolidate therewith.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The above recitals are true and correct.
2. This Board hereby orders an election to be held within the territory included in this District on the 3rd day of November 2020, for the purpose of electing 2 members for 4-year terms to the governing board of the District in accordance with the following specifications:

TIPTON SCHOOL DISTRICT
SPECIFICATIONS OF THE ELECTION ORDER

- A. The election shall be held on Tuesday, November 3, 2020.
- B. The purpose of the election is to choose 2 members of the governing board of this District for 4-year terms.
- C. Adopt i or ii (please check one box in this section):
 i. Candidate statements shall be paid for by the candidate. (*Elections Code section 13309 provides procedures for filing by indigent candidates.*)
 ii. Candidate statements shall be paid for by the District. (*Elections Code section 13307.*)
- D. Adopt i or ii (please check one box in this section):
 i. Candidate statements shall be limited to 200 words.
 ii. Candidate statements shall be limited to 400 words. (*Elections Code section 13307.*)
- E. Adopt i or ii (please check one box in this section):
 i. In the event of a tie vote, the winner of the election shall be determined by lot at a time and place to be designated by this Board.
 ii. In the event of a tie vote, the governing board shall call a runoff election on the sixth Tuesday following the election at which the tie vote occurred. (*Education Code section 5016*) **All costs and expenses of conducting the special runoff election shall be borne by the District.**
3. The District will reimburse the county for the actual cost incurred by the county elections official in conducting the general election upon receipt of a bill stating the amount due as determined by the elections official.
4. This Board hereby requests and consents to the consolidation of this election with other elections to be held in whole or in part in the territory of the District, pursuant to Education Code section 5340 et seq., and Elections Code section 10400 et seq.
5. The Clerk of this Board is ordered to deliver copies of this Resolution, not less than 123 days prior to the date set for the election, to the county superintendent of schools who shall deliver the order of election to the Tulare County elections official and, if applicable, to the election official of any other county in which the election is to be held, as required by Education Code section 5324.
6. This Board requests that the county superintendent of schools publish the notice of election in the following newspaper, which is a newspaper of general circulation that is regularly circulated in the territory: Advance -Register

THE FOREGOING RESOLUTION was adopted upon motion by Trustee _____, seconded by Trustee _____, at a regular/special meeting held on May 5, 2020, by the following vote:

List Board Members Names Below:

AYES:	
NOES:	
ABSENT:	
ABSTAIN:	

I, Stacey Bettencourt, secretary of the governing board of the Tipton Elementary School District, do hereby certify that the foregoing Resolution was duly passed and adopted by said Board, at an official and public meeting thereof, this 5th day of May, 2020.

Date:

Secretary, Board of Trustees

Distribute as follows:

Original to: Shelly DiCenzo, Business Services
Tulare County Office of Education
P.O. Box 5091
Visalia CA 93278-5091

Copy to: Emily Oliveira, Elections Program Coordinator
Tulare County Elections
5951 S. Mooney Blvd.
Visalia CA 93277

4. ADMINISTRATIVE: Action items:

4.3 Memorandum of Understanding Between Tipton Elementary School District and California School Employees Association (CSEA) and its Tipton Chapter, No. 765

MEMORANDUM OF UNDERSTANDING

Between Tipton Elementary School District and
California School Employees Association (CSEA) and its

Tipton Chapter, No. 765

April 21, 2020

CSEA, Chapter 765 and the Tipton Elementary School District agree to the following recommendations:
Incumbent Jessica Aguirre's hours will be increased from three (3) hours to five (5) hours in order to
accommodate the District's need for additional work. Jessica will continue three (3) hours as Special
Friends and the additional two (2) hours as Instructional Aide, pay range will remain the same at range
will remain the same at range column one, step three at \$15.22 per hour. The two additional hours are
for the **2020-2021** school year. It will be termed on June 4, 2021

Dated: April 28, 2020

For the District:

Stacey Bettercourt
Stacey Bettercourt, Superintendent

For the Association:

Virginia Almeida
Virginia Almeida, Chapter President
Priscilla Elliott
Priscilla Elliott, CSEA LRR

5. FINANCE: Action items:

5.1 Vendor Payments

May 5, 2020 Board Meeting

APY List**Date Paid between 3/31/2020 and 4/27/2020**

Vendor No	Vendor Name	Reference Number	Payment Date	Invoice Number/Desc.	AccountCode	Amount
12788	ARAMARK UNIFORM SERVICES INC	201352	4/3/2020	503000021586	010-00000-0-00000-81000-56000-0	\$439.47
12788	ARAMARK UNIFORM SERVICES INC	201353	4/3/2020	503000017127	010-00000-0-00000-81000-56000-0	\$439.47
12788	ARAMARK UNIFORM SERVICES INC	201354	4/3/2020	503000012692	010-00000-0-00000-81000-56000-0	\$439.47
12788	ARAMARK UNIFORM SERVICES INC	201358	4/9/2020	503000021586	010-00000-0-00000-81000-56000-0	\$439.47
12788	ARAMARK UNIFORM SERVICES INC	201359	4/9/2020	503000012692	010-00000-0-00000-81000-56000-0	\$439.47
12788	ARAMARK UNIFORM SERVICES INC	201360	4/9/2020	503000017127	010-00000-0-00000-81000-56000-0	\$439.47
12788	ARAMARK UNIFORM SERVICES INC	201363	4/24/2020	503000025580	010-00000-0-00000-81000-56000-0	\$439.47
12788	ARAMARK UNIFORM SERVICES INC	201415	4/24/2020	503000029460	010-00000-0-00000-81000-56000-0	\$439.47
13904	AT&T	201339	4/3/2020	BAN9391028858	010-00000-0-00000-81000-59000-0	\$184.42
13904	AT&T	201380	4/24/2020	BAN9391028859	010-00000-0-00000-81000-59000-0	\$19.38
13904	AT&T	201417	4/24/2020	BAN9391028858	010-00000-0-00000-81000-59000-0	\$159.07
14101	B&B PEST CONTROL SERVICE	201309	4/3/2020	01-TIP-03-20	010-00000-0-00000-81000-58000-0	\$170.00
13603	BURRELL, GEORGINA	201404	4/24/2020	LOTTERY REIMB	010-11000-0-11100-10000-43000-0	\$100.00
12360	CA Department of Tax and Fee	201427	4/24/2020	57-415488 Q1-20	010-07230-0-00000-36000-58000-0	\$8.50
12548	CALIFORNIA TURF EQUIP. & SUPP.	201364	4/24/2020	450280	010-81500-0-00000-81000-43000-0	\$484.20
12548	CALIFORNIA TURF EQUIP. & SUPP.	201365	4/24/2020	449145	010-81500-0-00000-81000-43000-0	\$146.13
13954	CANBY'S ACS, INC.	201347	4/3/2020	28368	010-81500-0-00000-81000-43000-0	\$60.00
14245	CENTRAL VALLEY REFRIGERATION	201346	4/3/2020	29468	010-00000-0-00000-81000-56000-0	\$387.78
13219	DEPARTMENT OF JUSTICE	201333	4/3/2020	437875	010-00000-0-00000-72000-58000-0	\$32.00
13219	DEPARTMENT OF JUSTICE	201413	4/24/2020	443814	010-00000-0-00000-72000-58000-0	\$49.00
5481	EMPLOYMENT DEVELOPMENT DEP	201361	4/9/2020	94238433 Q1.2020	010-00000-0-00000-00000-95025-0	\$477.06
13983	EWING IRRIGATION	201340	4/3/2020	9133357	010-63870-0-11100-10000-43000-0	\$963.12
14375	F & M VISA s	201434	4/24/2020	8230 SOLIAN	010-00000-0-00000-72000-58000-0	\$0.92
14374	F & M VISA b	201435	4/24/2020	7885 BETTENCOURT	010-56400-0-11100-10000-58000-0	\$65.00
14374	F & M VISA b	201435	4/24/2020	7885 BETTENCOURT	010-00000-0-00000-72000-58000-0	\$7.90
14387	F & M VISA h	201433	4/24/2020	8453 Henry	010-73880-0-00000-37000-43000-0	\$109.94
14387	F & M VISA h	201433	4/24/2020	8453 Henry	010-73880-0-00000-37000-43000-0	\$109.54
14387	F & M VISA h	201433	4/24/2020	8453 Henry	010-73880-0-00000-37000-43000-0	\$120.23
14387	F & M VISA h	201433	4/24/2020	8453 Henry	010-00000-0-00000-72000-58000-0	\$20.58
14387	F & M VISA h	201433	4/24/2020	8453 Henry	010-00000-0-00000-72000-58000-0	\$5.55
14387	F & M VISA h	201433	4/24/2020	8453 Henry	010-00000-0-00000-72000-59000-0	\$330.00
14387	F & M VISA h	201433	4/24/2020	8453 Henry	010-00000-0-00000-00000-95030-0	\$605.27
14373	F & M VISA m	201437	4/24/2020	7893 MARTIN	010-11000-0-11100-10000-43000-0	\$718.00
14102	FOLLETT SCHOOL SOLUTIONS, INC	201341	4/3/2020	1390043	010-07200-0-11100-10000-58000-0	\$199.00
11961	GIOTTOS ALARM TECH	201355	4/3/2020	129554	010-81500-0-00000-81000-58000-0	\$263.40
14164	IEC POWER LLC	201345	4/3/2020	TESD-OM-INV28	010-99900-0-00000-81000-58000-0	\$2,608.37

TIPTON ELEMENTARY SCHOOL DISTRICT

Vendor No	Vendor Name	Reference Number	Payment Date	Invoice Number/Desc.	AccountCode	Amount
13957	INFINITY COMM. & CONSUL., INC.	201335	4/3/2020	10458	010-90100-0-00000-82000-58000-0	\$1,500.00
13957	INFINITY COMM. & CONSUL., INC.	201411	4/24/2020	10788	010-00000-0-00000-71000-58000-0	\$3,375.00
12270	LOZANO SMITH	201428	4/24/2020	2104443	010-00000-0-00000-71000-58000-0	\$2,023.35
12270	LOZANO SMITH	201431	4/24/2020	2106662	010-00000-0-00000-71000-58000-0	\$1,110.38
12270	LOZANO SMITH	201432	4/24/2020	2106663	010-00000-0-00000-71000-58000-0	\$246.75
12270	LOZANO SMITH	201429	4/24/2020	2104444	010-00000-0-00000-71000-58000-0	\$493.50
12270	LOZANO SMITH	201430	4/24/2020	2106661	010-00000-0-00000-71000-58000-0	\$444.15
13461	M. GREEN & COMPANY LLP	201337	4/3/2020	63340	010-00000-0-00000-71910-58000-0	\$1,950.00
14381	MENDOZA, YVONNE	201436	4/24/2020	MAR/APR MILE REIMB	010-00000-0-00000-72000-52000-0	\$36.80
12836	OFFICE DEPOT, INC.	201326	4/3/2020	457167791001	010-11000-0-11100-10000-43000-0	\$44.85
12836	OFFICE DEPOT, INC.	201327	4/3/2020	457170483001	010-11000-0-11100-10000-43000-0	\$10.54
12836	OFFICE DEPOT, INC.	201328	4/3/2020	454315553001	010-11000-0-11100-10000-43000-0	\$167.93
12836	OFFICE DEPOT, INC.	201329	4/3/2020	449045048001	010-60100-0-11100-10000-43000-0	\$7.53
12836	OFFICE DEPOT, INC.	201330	4/3/2020	449044943001	010-60100-0-11100-10000-43000-0	\$49.42
12836	OFFICE DEPOT, INC.	201381	4/24/2020	448509577001	010-07200-0-11100-10000-43000-0	\$5.48
12836	OFFICE DEPOT, INC.	201382	4/24/2020	468478216001	010-11000-0-11100-10000-43000-0	\$15.90
12836	OFFICE DEPOT, INC.	201383	4/24/2020	468865512001	010-11000-0-11100-10000-43000-0	\$194.17
12836	OFFICE DEPOT, INC.	201384	4/24/2020	464453359001	010-11000-0-11100-10000-43000-0	\$99.73
12836	OFFICE DEPOT, INC.	201385	4/24/2020	453570223001	010-11000-0-11100-10000-43000-0	\$133.83
12836	OFFICE DEPOT, INC.	201386	4/24/2020	454607555001	010-11000-0-11100-10000-43000-0	\$25.42
12836	OFFICE DEPOT, INC.	200042	4/24/2020	454607554001	010-11000-0-11100-10000-43000-0	-\$25.42
12836	OFFICE DEPOT, INC.	201387	4/24/2020	457794257001	010-60100-0-11100-10000-43000-0	\$15.66
12836	OFFICE DEPOT, INC.	201388	4/24/2020	457794523001	010-60100-0-11100-10000-43000-0	\$16.15
12836	OFFICE DEPOT, INC.	201389	4/24/2020	469167635001	010-60100-0-11100-10000-43000-0	\$188.51
12836	OFFICE DEPOT, INC.	201390	4/24/2020	457794525001	010-60100-0-11100-10000-43000-0	\$113.15
12836	OFFICE DEPOT, INC.	200043	4/24/2020	472012127001	010-60100-0-11100-10000-43000-0	-\$112.50
12836	OFFICE DEPOT, INC.	200044	4/24/2020	472012128001	010-60100-0-11100-10000-43000-0	-\$0.65
12836	OFFICE DEPOT, INC.	201391	4/24/2020	45782296001	010-11000-0-11100-10000-43000-0	\$98.26
12836	OFFICE DEPOT, INC.	200045	4/24/2020	474441078001	010-11000-0-11100-10000-43000-0	-\$98.26
12836	OFFICE DEPOT, INC.	201392	4/24/2020	457927214001	010-11000-0-11100-10000-43000-0	\$80.86
12836	OFFICE DEPOT, INC.	200046	4/24/2020	474440749001	010-11000-0-11100-10000-43000-0	-\$80.86
12836	OFFICE DEPOT, INC.	201393	4/24/2020	454317948001	010-11000-0-11100-10000-43000-0	\$1.39
12836	OFFICE DEPOT, INC.	201394	4/24/2020	43896738001	010-11000-0-11100-10000-43000-0	\$35.55
12836	OFFICE DEPOT, INC.	201395	4/24/2020	453293249001	010-11000-0-11100-10000-43000-0	\$34.35
12836	OFFICE DEPOT, INC.	201396	4/24/2020	446616007001	010-11000-0-11100-10000-43000-0	\$5.50
12836	OFFICE DEPOT, INC.	201397	4/24/2020	446615806001	010-11000-0-11100-10000-43000-0	\$60.47
14324	PACIFIC WESTERN BANK PAYMENT	201362	4/16/2020	04090109152-01000	010-99900-0-00000-91000-74380-0	\$21,752.13
14324	PACIFIC WESTERN BANK PAYMENT	201362	4/16/2020	04090109152-01000	010-99900-0-00000-91000-74390-0	\$20,000.00
14179	PURCHASE POWER	201416	4/24/2020	8000-9090-0896-7114	010-00000-0-00000-72000-59000-0	\$247.02
13316	SCHOOL INNOVATIONS & ACHIEVE	201332	4/3/2020	0138196-IN	010-00000-0-00000-72000-58000-0	\$3,000.00

<u>Vendor No</u>	<u>Vendor Name</u>	<u>Reference Number</u>	<u>Payment Date</u>	<u>Invoice Number/Desc.</u>	<u>AccountCode</u>	<u>Amount</u>
14111	SISC	201357	4/9/2020	APR HW RET.BRD.ACTV	010-00000-0-00000-71000-34020-0	\$7,242.40
14111	SISC	201357	4/9/2020	APR HW RET.BRD.ACTV	010-00000-0-00000-00000-95028-0	\$6,867.00
14111	SISC	201357	4/9/2020	APR HW RET.BRD.ACTV	010-00000-0-00000-00000-95024-0	\$62,584.56
14111	SISC	201357	4/9/2020	APR HW RET.BRD.ACTV	010-00000-0-00000-00000-95024-0	\$0.56
5388	SOUTHERN CAL GAS	201349	4/3/2020	108 416 9100 8	010-00000-0-00000-81000-55000-0	\$1,292.74
5388	SOUTHERN CAL GAS	201418	4/24/2020	108 416 9100 8	010-00000-0-00000-81000-55000-0	\$1,187.39
5383	SOUTHERN CALIF EDISON CO	201338	4/3/2020	3-003-6474-91	010-00000-0-00000-81000-55000-0	\$499.97
5383	SOUTHERN CALIF EDISON CO	201316	4/3/2020	3-003-6248-80	010-99900-0-00000-81000-55000-0	\$2,916.67
13902	SOUTHWEST SCH. & OFFICE SUPP	201314	4/3/2020	PINV0700563	010-00000-0-11100-10000-43000-0	\$1,374.46
13902	SOUTHWEST SCH. & OFFICE SUPP	201315	4/3/2020	PINV0700564	010-00000-0-11100-10000-43000-0	\$179.94
13902	SOUTHWEST SCH. & OFFICE SUPP	201371	4/24/2020	PINV0677716	010-00000-0-11100-10000-43000-0	\$88.88
13902	SOUTHWEST SCH. & OFFICE SUPP	201372	4/24/2020	PINV0701982	010-00000-0-11100-10000-43000-0	\$115.96
14369	THE HOME DEPOT PRO	201400	4/24/2020	543938450	010-81500-0-00000-81000-43000-0	\$14.48
14369	THE HOME DEPOT PRO	201401	4/24/2020	545150229	010-81500-0-00000-81000-43000-0	\$51.03
14369	THE HOME DEPOT PRO	201402	4/24/2020	545150237	010-81500-0-00000-81000-43000-0	\$875.48
14369	THE HOME DEPOT PRO	200047	4/24/2020	22169155	010-81500-0-00000-81000-43000-0	-\$350.81
14369	THE HOME DEPOT PRO	201409	4/24/2020	542746359	010-81500-0-00000-81000-43000-0	\$495.17
14369	THE HOME DEPOT PRO	201410	4/24/2020	542926100	010-81500-0-00000-81000-43000-0	\$346.15
14369	THE HOME DEPOT PRO	201424	4/24/2020	546242397	010-81500-0-00000-81000-43000-0	\$346.35
14369	THE HOME DEPOT PRO	201425	4/24/2020	537474991	010-81500-0-00000-81000-43000-0	\$33.10
14369	THE HOME DEPOT PRO	201426	4/24/2020	541342739	010-81500-0-00000-81000-43000-0	\$323.58
14369	THE HOME DEPOT PRO	200048	4/24/2020	542669999	010-81500-0-00000-81000-43000-0	-\$134.40
13985	TIFFANI BENEDETTI	201336	4/3/2020	REIMB ED PART	010-11000-0-11100-10000-43000-0	\$259.07
12264	TIPTON AUTO PARTS	201317	4/3/2020	04405	010-81500-0-00000-81000-43000-0	\$29.06
12264	TIPTON AUTO PARTS	201318	4/3/2020	04577	010-81500-0-00000-81000-43000-0	\$8.34
12264	TIPTON AUTO PARTS	201319	4/3/2020	04786	010-81500-0-00000-81000-43000-0	\$9.15
12264	TIPTON AUTO PARTS	201320	4/3/2020	06143	010-81500-0-00000-81000-43000-0	\$16.24
12264	TIPTON AUTO PARTS	201322	4/3/2020	06456	010-81500-0-00000-81000-43000-0	\$4.30
12264	TIPTON AUTO PARTS	201323	4/3/2020	06948	010-81500-0-00000-81000-43000-0	\$44.13
12264	TIPTON AUTO PARTS	201348	4/3/2020	04521	010-81500-0-00000-81000-43000-0	\$219.63
12264	TIPTON AUTO PARTS	201356	4/3/2020	06219	010-81500-0-00000-81000-43000-0	\$54.92
5760	TIPTON COMMUNITY SERVICES DIS	201375	4/24/2020	10040002	010-00000-0-00000-81000-55000-0	\$697.32
13605	TULARE CO. OFFICE OF EDUCATIO	201374	4/24/2020	201717	010-07200-0-11100-10000-58000-0	\$160.00
12324	TULE TRASH COMPANY	201376	4/24/2020	62601	010-00000-0-00000-81000-55000-0	\$862.54
14067	UNIVERSITY OF OREGON	201334	4/3/2020	201-01026	010-07200-0-11100-10000-58000-0	\$68.00
13496	VALLEY PACIFIC PET. SERV., INC	201377	4/24/2020	20-750613	010-07230-0-00000-36000-43000-0	\$887.12
13496	VALLEY PACIFIC PET. SERV., INC	201414	4/24/2020	20-756220	010-07230-0-00000-36000-43000-0	\$475.74
13333	VERIZON WIRELESS	201331	4/3/2020	9850842469	010-00000-0-00000-81000-59000-0	\$556.17
14354	WIZIX TECH GROUP INC	201406	4/24/2020	153004	010-00000-0-11100-10000-58000-0	\$519.75
14354	WIZIX TECH GROUP INC	201407	4/24/2020	153005	010-00000-0-00000-72000-58000-0	\$211.19

Vendor No	Vendor Name	Reference Number	Payment Date	Invoice Number/Desc.	AccountCode	Amount
14354	WIZIX TECH GROUP INC	201408	4/24/2020	153006	010-00000-0-11100-10000-58000-0	\$431.62
14249	ZEE MEDICAL SULLIVAN CO	201378	4/24/2020	66266399	010-81500-0-00000-81000-43000-0	\$59.59

010-General Fund Total Expenditures:

\$161,110.70

FUND 130 CAFETERIA

CAFETERIA FUND 130

14101	B&B PEST CONTROL SERVICE	201310	4/3/2020	01-TIP-03-20	130-53100-0-00000-37000-58000-0	\$40.00
14387	F & M VISA h	201433	4/24/2020	8453 Henry	130-53100-0-00000-37000-58000-0	\$289.62
14397	FIRST QUALITY PRODUCE	201398	4/24/2020	351010	130-53100-0-00000-37000-47000-0	\$107.50
14397	FIRST QUALITY PRODUCE	201399	4/24/2020	350511	130-53100-0-00000-37000-47000-0	\$249.50
14246	FRESNO PRODUCE INC	201419	4/24/2020	946322	130-53100-0-00000-37000-47000-0	\$658.84
14246	FRESNO PRODUCE INC	201420	4/24/2020	950043	130-53100-0-00000-37000-47000-0	\$57.00
14246	FRESNO PRODUCE INC	201421	4/24/2020	959104	130-53100-0-00000-37000-47000-0	\$57.00
14246	FRESNO PRODUCE INC	201422	4/24/2020	959105	130-53100-0-00000-37000-47000-0	\$867.60
14246	FRESNO PRODUCE INC	201423	4/24/2020	961113	130-53100-0-00000-37000-47000-0	\$552.70
12921	GOLD STAR FOODS INC.	201342	4/3/2020	3138870	130-53100-0-00000-37000-58000-0	\$48.60
12921	GOLD STAR FOODS INC.	201343	4/3/2020	3138412	130-53100-0-00000-37000-58000-0	\$115.20
12921	GOLD STAR FOODS INC.	201344	4/3/2020	3063201	130-53100-0-00000-37000-47000-0	\$0.95
12921	GOLD STAR FOODS INC.	201350	4/3/2020	3272314	130-53100-0-00000-37000-47000-0	\$33.75
12836	OFFICE DEPOT, INC.	201325	4/3/2020	444908397001	130-53100-0-00000-37000-43000-0	\$70.13
14287	P & R Paper Supply Company, In	201313	4/3/2020	10814486-00	130-53100-0-00000-37000-43000-0	\$439.97
13191	PRODUCERS DAIRY FOODS	201311	4/3/2020	48084965085	130-53100-0-00000-37000-47000-0	\$668.19
13191	PRODUCERS DAIRY FOODS	201312	4/3/2020	48084965561	130-53100-0-00000-37000-47000-0	\$387.36
13191	PRODUCERS DAIRY FOODS	201366	4/24/2020	48084967030	130-53100-0-00000-37000-47000-0	\$852.19
13191	PRODUCERS DAIRY FOODS	201367	4/24/2020	48084965751	130-53100-0-00000-37000-47000-0	\$219.50
13130	SYSCO FOOD SERVICES	201368	4/24/2020	284401521	130-53100-0-00000-37000-47000-0	\$4,461.40
13130	SYSCO FOOD SERVICES	201369	4/24/2020	284390377	130-53100-0-00000-37000-47000-0	\$2,971.99
13130	SYSCO FOOD SERVICES	201370	4/24/2020	284385374	130-53100-0-00000-37000-47000-0	\$2,171.48
12324	TULE TRASH COMPANY	201412	4/24/2020	62600	130-53100-0-00000-81000-55000-0	\$1,164.93
12650	VALLEY FOOD SERVICE	201324	4/3/2020	381775	130-53100-0-00000-37000-47000-0	\$785.90
14249	ZEE MEDICAL SULLIVAN CO	201379	4/24/2020	66266398	130-53100-0-00000-37000-43000-0	\$80.97

130-Cafeteria Fund Total Expenditures:

\$17,352.27

TOTAL PAYMENTS \$178,462.97

5. FINANCE: Action items:

5.2 Budget Revisions

Budget Revision Report

Bdg Revision Final

Control Number: 43041999

Account Classification		Approved / Revised	Change Amount	Proposed Budget
Fund: 0100	General Fund			
Revenues				
LCFF Sources				
	010-00000-0-00000-00000-80110-0	\$4,509,100.00	(\$16,753.00)	\$4,492,347.00
	010-00000-0-00000-00000-80410-0	\$744,141.00	(\$18,638.00)	\$725,503.00
	010-14000-0-00000-00000-80120-0	\$808,495.00	\$35,391.00	\$843,886.00
	Total:	\$6,061,736.00	\$0.00	\$6,061,736.00
Other State Revenues				
	010-73880-0-00000-00000-85900-0	\$0.00	\$9,125.00	\$9,125.00
	Total:	\$0.00	\$9,125.00	\$9,125.00
Total Revenues		\$6,061,736.00	\$9,125.00	\$6,070,861.00
Expenditures				
Classified Salaries				
	010-07200-0-11100-31300-22000-0	\$21,923.00	(\$21,923.00)	\$0.00
	Total:	\$21,923.00	(\$21,923.00)	\$0.00
Employee Benefits				
	010-07200-0-11100-31300-32020-0	\$1,802.00	(\$1,802.00)	\$0.00
	010-07200-0-11100-31300-33022-0	\$540.00	(\$540.00)	\$0.00
	010-07200-0-11100-31300-33023-0	\$126.00	(\$126.00)	\$0.00
	010-07200-0-11100-31300-34020-0	\$1,000.00	(\$1,000.00)	\$0.00
	010-07200-0-11100-31300-35020-0	\$9.00	(\$9.00)	\$0.00
	010-07200-0-11100-31300-36020-0	\$320.00	(\$320.00)	\$0.00
	010-07200-0-11100-31300-37020-0	\$80.00	(\$80.00)	\$0.00
	010-07200-0-11100-31300-37520-0	\$200.00	(\$200.00)	\$0.00
	Total:	\$4,077.00	(\$4,077.00)	\$0.00
Books and Supplies				
	010-07200-0-11100-24203-43000-0	\$4,703.00	\$421.00	\$5,124.00
	010-07200-0-11100-24900-43000-0	\$44,316.00	(\$30.00)	\$44,286.00
	010-73880-0-00000-37000-43000-0	\$0.00	\$600.00	\$600.00

Budget Revision Report

Bdg Revision Final

Control Number: 43041999

Account Classification	Approved / Revised	Change Amount	Proposed Budget
010-73880-0-00000-81000-43000-0	\$500.00	\$2,625.00	\$3,125.00
010-73880-0-00000-81000-43000-1	\$1,000.00	(\$1,000.00)	\$0.00
010-73880-0-00000-81000-44000-0	\$0.00	\$3,000.00	\$3,000.00
010-73880-0-11100-10000-43000-0	\$0.00	\$2,400.00	\$2,400.00
010-73880-0-11100-10000-43000-1	\$1,000.00	(\$1,000.00)	\$0.00
Total:	\$51,519.00	\$7,016.00	\$58,535.00
Services, Other Operating Expenses			
010-07200-0-00000-31300-58000-0	\$19,800.00	\$200.00	\$20,000.00
010-07200-0-11100-24203-52000-0	\$688.00	(\$391.00)	\$297.00
010-07200-0-11100-31300-58000-0	\$0.00	\$26,000.00	\$26,000.00
010-90100-0-00000-82000-58000-0	\$4,000.00	\$5,000.00	\$9,000.00
010-90100-0-00000-82000-59000-0	\$5,000.00	(\$5,000.00)	\$0.00
Total:	\$29,488.00	\$25,809.00	\$55,297.00
Other Outgo			
010-00000-0-00000-91000-74380-0	\$23,625.00	(\$707.04)	\$22,917.96
010-99900-0-00000-91000-74380-0	\$60,800.00	\$705.17	\$61,505.17
010-99900-0-00000-91000-74390-0	\$102,240.00	\$1.87	\$102,241.87
Total:	\$186,665.00	\$0.00	\$186,665.00
Total Expenditures	\$293,672.00	\$6,825.00	\$300,497.00
Budgeted Unappropriated Fund Balance before this adjustment:		\$2,968,032.61	
Total Adjustment to Unappropriated Fund Balance:		\$2,300.00	
Budgeted Unappropriated Fund Balance after this adjustment:		\$2,970,332.61	

Budget Revision Report

Bdg Revision Final

Control Number: 43041999

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 _____

7. Any Other Business-

7.1 Review Quarterly Board Policy Updates March 2020
and April 2020

POLICY GUIDE SHEET
March 2020
Page 1 of 3

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

BP/AR 0420.4 - Charter School Authorization

(BP/AR revised)

Policy updated to reflect **NEW LAWS (AB 1505 and 1595)** which extend the timeline for holding a public hearing to determine the level of support for a charter petition, extend the timeline for making a final decision to grant or deny the petition, define receipt of the petition for the purpose of determining the beginning of this time period, and require publishing staff recommendations 15 days prior to the hearing at which the final decision will be made. As amended, criteria for reviewing the petition require consideration of the interests of the community in which the school is proposing to locate and prohibit the approval of a new charter school offering nonclassroom-based instruction until January 1, 2022. Regulation reflects **NEW LAWS (AB 1505 and AB 1595)** which revise the required components of a petition to delete a requirement to include annual goals that apply to the nature of the program operated, add a requirement that the petition describe the means by which the charter school will achieve a balance of special education students and English learners that is reflective of the general population within the district, and require that a petition for a charter school operated by or as a nonprofit public benefit corporation include the names and qualifications of the governing body. Regulation also reflects **NEW LAW (AB 982)** which requires the petition to include requirements for providing homework assignments, upon request, to students who have been suspended for two or more days. Regulation also reflects **NEW LAW (AB 1507)** which limits the ability of a charter school to establish a resource center, meeting space, or other satellite facility used for nonclassroom-based independent study outside district boundaries.

BP/E 0420.41 - Charter School Oversight

(BP/E revised)

Policy updated to reflect **NEW LAWS (AB 1505 and AB 1595)** which require a charter school to request a material revision to its charter whenever it proposes to expand operations at one or more grade levels, and AB 1505 which revises criteria for the provision of technical assistance to charter schools beginning with the 2020-21 school year. Exhibit updated to add new requirements for charter schools pursuant to **NEW LAWS**, including requirements to refrain from discouraging a student from enrolling for any reason (**SB 75**), hold a public hearing when adopting the local control and accountability plan (**SB 75**), provide assistive technology devices to a student at home or a student who transfers to another school (**AB 605**), pay a student's tuition and conduct on-site visits if the charter school has a master contract with a nonpublic, nonsectarian school (**AB 1172**), phase in a requirement for teachers to hold the certificate or permit required for their certificated assignment (**AB 1505**), provide parent/guardian notices in English and in the primary language when 15 percent or more of the students speak a language other than English (**SB 75**), provide students with a meal of their choice regardless of unpaid meal fees (**SB 265**), adopt policy on suicide prevention applicable to grades K-6 (**AB 1767**), print the national domestic abuse hotline number on student identification cards (**SB 316**), post specified information on bullying and harassment prevention (**AB 34**), include the charter school's sexual harassment policy in student orientations and notify students of the policy by posting a poster (**AB 543**), neither expel a student in grades K-12 nor suspend a student in grades K-8 for disrupting school activities or willfully defying the authority of school personnel (**SB 419**), provide a student who is suspended for two or more days with the homework assigned during the period of suspension (**AB 982**), and update and reissue a former student's records to include the student's updated name or gender (**AB 711**). Exhibit also reflects current law requiring charter schools to accept and provide full or partial credit for coursework completed by a foster youth, homeless student, former juvenile court school student, child of a military family, migrant student, or immigrant student participating in a newcomer program at another school.

POLICY GUIDE SHEET
March 2020
Page 2 of 3

BP 0420.42 - Charter School Renewal

(BP revised)

Policy updated to reflect **NEW LAW (AB 1505)** which revises the criteria for granting or denying charter renewals, provides that renewal of a high-performing school may be granted for up to seven years, and provides that a low-performing charter school shall not be granted a renewal unless it adopts a written plan with meaningful steps to address the underlying cause(s) of low performance and there is clear and convincing evidence of either measurable increases in academic achievement or strong postsecondary outcomes, as defined. Policy also reflects **NEW LAWS (AB 1505 and AB 1595)** which extend the timeline for holding a public hearing on the renewal, extend the timeline for making a final decision to grant or deny the renewal, define receipt of the petition for the purpose of determining the beginning of this time period, and require publishing staff recommendations 15 days prior to the hearing at which the final decision will be made. Section on "School Closure" added to clarify that if the charter school is not renewed and ceases operation, the closure procedures specified in the charter will be implemented.

BP 0420.43 - Charter School Revocation

(BP revised)

Policy updated to move up the material regarding immediate revocation of a charter school in the event of a severe and imminent threat to the health or safety of students and to reflect **NEW LAW (AB 1505)** which provides that increases in student achievement for all numerically significant student subgroups should be a factor, but not necessarily the most important factor, in determining whether to revoke a charter. Section on "School Closure" added to clarify that if the charter school is revoked and ceases operation, the closure procedures specified in the charter will be implemented.

BP 3471 - Parcel Taxes

(BP added)

New policy addresses the major requirements of levying, with voter approval, a parcel tax on real property which may be used by the district for any purpose specified in the ballot statement. Policy includes, but is not limited to, the requirement for the board to hold a public hearing; board approval of a resolution for the adoption of a parcel tax; the prohibition against using district funds, services, supplies, or equipment to support the parcel tax; and persons who may be exempted by the board from paying the parcel tax.

BP/AR 3551 - Food Service Operations/Cafeteria Fund

(BP/AR revised)

Policy updated to reflect **NEW LAW (SB 265)** which provides that students with unpaid meal fees must not be denied a reimbursable meal of their choice, eliminating the possibility that any student is required to receive an alternate meal. Policy also reflects a waiver granted by the U.S. Department of Agriculture extending the three-year Administrative Review cycle to a five-year cycle for school years 2017-18 through 2021-22. Regulation updated to reorganize the section on "Unpaid and Delinquent Meal Charges" to emphasize the prohibition against directing any action toward a student to collect unpaid school meal fees and reflect requirements, as amended by SB 265, to treat students with unpaid meal fees the same as other students.

BP 4112.2 - Certification

(BP revised)

Policy updated to clarify the hiring hierarchy if the district is unable to hire a person who possesses a clear or preliminary credential, including one who is approved for a limited assignment option. Policy reflects Commission on Teacher Credentialing (CTC) Coded Correspondence stating that, if the district needs to hire a person who has been granted a credential waiver by CTC, that person must qualify for a "variable term waiver." Policy also expands section on "National Board for Professional Teaching Standards Certification" to add examples of incentives that may encourage teacher participation.

POLICY GUIDE SHEET
March 2020
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E 4112.9/4212.9/4312.9 - Employee Notifications

(E revised)

Exhibit updated to reflect **NEW LAWS** adding requirements to notify employees regarding the district's policy on lactation accommodation (**SB 142**) and the deadline to withdraw funds from a flexible spending account before the end of the plan year (**AB 1554**). Exhibit also revises the policy reference for the March 15 reelection notice for certificated employees, now addressed in BP 4116, and adds the requirement to notify the superintendent at least 45 days before the expiration of the employment contract of any decision not to reemploy the superintendent, as specified in BP 2121.

BP/AR 5141.52 - Suicide Prevention

(BP/AR revised)

Policy and regulation updated to reflect **NEW LAW (AB 1767)** which mandates age-appropriate policy on suicide prevention, intervention, and postvention for students in grades K-6 beginning in the 2020-21 school year. Policy reflects requirements to consult with specified stakeholders on policy development, coordinate with the county mental health plan whenever a referral is made for mental health or related services for a student in grades K-6 who is a Medi-Cal beneficiary, and ensure that employees act within the authorization and scope of their credential or license. Policy also reflects **NEW LAW (AB 34)** which requires the district, beginning in the 2020-21 school year, to post its suicide prevention policy in a prominent location on its web site. Regulation updated to move material regarding the printing of the national suicide hotline number on student identification cards to a new section. Regulation also adds an optional postvention strategy to identify and monitor students significantly affected by suicide and those at risk of imitative behavior.

BP/AR 5144.1 - Suspension and Expulsion/Due Process

(BP/AR revised)

Policy and regulation updated to reflect **NEW LAW (SB 419)** which prohibits districts from suspending students in grades 4-8 for disrupting school activities or willfully defying the authority of school personnel. Policy also references **NEW LAW (AB 982)** which requires a district to provide a student who is suspended for two or more days with the homework assigned during the period of suspension. Regulation adds new section on "Additional Grounds for Suspension and Expulsion: Grades 9-12" reflecting the option to suspend, but not expel, a student in grades 9-12 for disruption or willful defiance.

BP/AR 6172.1 - Concurrent Enrollment in College Classes

(BP/AR revised)

Policy updated to include exceptions in determining the five percent enrollment cap on the number of students at each grade level who may be recommended for community college summer session and to reflect **NEW LAW (AB 1729)** which extends such exceptions through January 1, 2027. Policy reflects **NEW LAW (SB 554)** which authorizes an adult education student pursuing a high school diploma or high school equivalency certificate to attend community college as a special part-time student. Policy and regulation add new sections for districts that wish to establish a College and Career Access Pathways (CCAP) partnership program, in which the board enters into an agreement with the governing board of a community college district to offer or expand dual enrollment opportunities for students who may not already be college bound or are unrepresented in higher education. Regulation clarifies the board's responsibility, whenever a community college class will be offered on a high school campus, to determine the time that the campus is considered open to the general public and available for members of the public to attend such a class at the high school.

CHARTER SCHOOL AUTHORIZATION

The Governing Board recognizes that charter schools may assist the district in offering diverse learning opportunities for students. In considering any petition to establish a charter school within the district, the Board shall give thoughtful consideration to the potential of the charter school to provide students with a high-quality education that enables them to achieve to their fullest potential.

One or more persons may submit a petition to the Board for a charter school to be established within the district or for the conversion of an existing district school to a charter school. (Education Code 47605)

Any petition for a charter school shall include all components, signatures, and statements required by law, as specified in the accompanying administrative regulation. The proposed charter shall be attached to the petition. (Education Code 47605)

The Superintendent or designee shall consult with legal counsel, as appropriate, regarding compliance of the charter petition with legal requirements.

The Superintendent or designee may work with charter school petitioners prior to the formal submission of the petition in order to ensure compliance of the petition with legal requirements. As needed, the Superintendent or designee may also meet with the petitioners to establish workable plans for contracted services which the district may provide to the proposed charter school.

The Board shall not require any district student to attend the charter school nor shall it require any district employee to work at the charter school. (Education Code 47605)

Timelines for Board Action

Within 60 days of receiving a charter petition, the Board shall hold a public hearing on the charter provisions, at which time the Board shall consider the level of support for the petition by teachers, other district employees, and parents/guardians. A petition is deemed received on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)

The Board shall either grant or deny the petition at a public hearing held within 90 days of receiving the petition, or within 120 days with the consent of both the petitioner and the Board. (Education Code 47605)

(cf. 9320 - Meetings and Notices)

CHARTER SCHOOL AUTHORIZATION (continued)

At least 15 days before the public hearing at which the Board will grant or deny the charter, the district shall publish all staff recommendations regarding the petition, including any recommended findings and, if applicable, certification from the County Superintendent of Schools regarding the potential fiscal impact of the charter school on the district. During the public hearing, the petitioners shall have equal time and opportunity to present evidence and testimony in response to the staff recommendations and findings. (Education Code 47605)

The Superintendent or designee shall maintain accurate records, in relation to each charter petition, of documents submitted, the Board's proceedings, and the findings upon which the Board's decision is made.

Approval of Petition

A charter petition shall be granted only if the Board is satisfied that doing so is consistent with sound educational practice and the interests of the community in which the school is proposing to locate. In granting charters, the Board shall consider the academic needs of the students the charter school proposes to serve and shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences for students who are identified by the petitioner as academically low-achieving, based on standards established by California Department of Education (CDE). (Education Code 47605)

Prior to authorizing any charter, the Board shall verify that the charter includes adequate processes and measures for monitoring and holding the school accountable for fulfilling the terms of its charter and complying with all applicable laws, including Education Code 47604.1. Such processes and measures shall include, but are not limited to, fiscal accountability systems, multiple measures for evaluating the educational program, inspection and observations of any part of the charter school, and regular reports to the Board.

(cf. 0420.41 - Charter School Oversight)

The approval or denial of a charter petition shall not be controlled by collective bargaining agreements nor subject to review or regulation by the Public Employment Relations Board. (Education Code 47611.5)

The Board may approve one or more memoranda of understanding to clarify the financial and operational agreements between the district and the charter school. Any such memorandum of understanding shall be annually reviewed by the Board and charter school governing body and amended as necessary.

CHARTER SCHOOL AUTHORIZATION (continued)

The Board may initially grant a charter for a specified term not to exceed five years. (Education Code 47607)

(cf. 0420.42 - Charter School Renewal)

(cf. 0420.43 - Charter School Revocation)

When a petition is approved by the Board, it shall be the responsibility of the petitioners to provide written notice of the Board's approval and a copy of the charter to the County Superintendent of Schools, the CDE, and the State Board of Education (SBE). (Education Code 47605)

Denial of Petition

The Board shall summarily deny any charter petition that proposes to:

1. Operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)
2. Convert a private school to a charter school (Education Code 47602)
3. Serve students in a grade level that is not served by the district, unless the petition proposes to serve students in all the grade levels served by the district (Education Code 47605)
4. Offer nonclassroom-based instruction (Education Code 47612.7)

Regarding all other charter petitions, the Board shall deny a petition only if the Board makes written factual findings specific to the petition that one or more of the following conditions exist: (Education Code 47605; 5 CCR 11967.5.1)

1. The charter school presents an unsound educational program that has a likelihood of physical, educational, or psychological harm to, or which is not likely to provide an educational benefit for, the students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required.

CHARTER SCHOOL AUTHORIZATION (continued)

4. The petition does not contain a clear, unequivocal statement described in Education Code 47605(e), including that the charter school will be nonsectarian and that the school shall not charge tuition or discriminate against any student based on the characteristics specified in Education Code 220.
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(c).
6. The petition does not contain a declaration as to whether or not the charter school shall be deemed the exclusive public employer of the school's employees for purposes of collective bargaining pursuant to Government Code 3540-3549.3.
7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding shall detail specific facts and circumstances regarding:
 - a. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings
 - b. Whether the proposed charter school would duplicate a program currently offered within the district, when the existing program has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate
8. The district is not positioned to absorb the fiscal impact of the proposed charter school. The district meets this criterion if it has a negative interim certification, or has a qualified interim certification and the County Superintendent certifies that approving the charter school would result in the district having a negative interim certification.

The Board shall not deny a petition based on the actual or potential costs of serving students with disabilities, nor shall it deny a petition solely because the charter school might enroll students with disabilities who reside outside the special education local plan area in which the district participates. (Education Code 47605.7, 47647)

(cf. 0430 - Comprehensive Local Plan for Special Education)

CHARTER SCHOOL AUTHORIZATION (continued)

Appeals

If the Board denies a petition, the petitioner may choose to submit the petition to the County Board of Education and, if then denied by the County Board, to SBE. (Education Code 47605)

At the request of the petitioner, the Board shall prepare the documentary record, including a transcript of the public hearing at which the Board denied the charter, no later than 10 business days after the petitioner makes the request. (Education Code 47605)

Within 30 days of receipt of an appeal submitted to SBE, the Board may submit a written opposition to SBE detailing, with specific citations to the documentary record, how the Board did not abuse its discretion in denying the petition. (Education Code 47605)

If either the County Board or SBE remands the petition to the Board because the petition on appeal contains new or different material terms, the Board shall reconsider the petition and grant shall or deny the petition within 30 days. (Education Code 47605)

Legal Reference: (see next page)

CHARTER SCHOOL AUTHORIZATION (continued)

Legal Reference:

EDUCATION CODE

200 *Equal rights and opportunities in state educational institutions*
220 *Nondiscrimination*
1240 *Duties of County Superintendent*
17078.52-17078.66 *Charter schools facility funding; state bond proceeds*
17280-17317 *Field Act*
17365-17374 *Field Act, fitness for occupancy*
32282 *Comprehensive safety plan*
33126 *School Accountability Report Card*
41365 *Charter school revolving loan fund*
42131 *Interim certification*
42238.51-42238.2 *Funding for charter districts*
44237 *Criminal record summary*
44830.1 *Certificated employees, conviction of a violent or serious felony*
45122.1 *Classified employees, conviction of a violent or serious felony*
46201 *Instructional minutes*
47600-47616.7 *Charter Schools Act of 1992*
47640-47647 *Special education funding for charter schools*
47650-47652 *Funding of charter schools*
49011 *Student fees*
51745-51749.6 *Independent study*
52052 *Accountability: numerically significant student subgroups*
52060-52077 *Local control and accountability plan*
56026 *Special education*
56145-56146 *Special education services in charter schools*

CORPORATIONS CODE

5110-6910 *Nonprofit public benefit corporations*

GOVERNMENT CODE

1090-1099 *Prohibitions applicable to specified officers*
3540-3549.3 *Educational Employment Relations Act*
6250-6270 *California Public Records Act*
54950-54963 *Ralph M. Brown Act*
81000-91014 *Political Reform Act of 1974*

CODE OF REGULATIONS, TITLE 5

11700.1-11705 *Independent study*
11960-11968.5.5 *Charter schools*

Legal Reference continued: (see next page)

CHARTER SCHOOL AUTHORIZATION (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 20

7223-7225 Charter schools

COURT DECISIONS

Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986

ATTORNEY GENERAL OPINIONS

Opinion No. 11-201 (2018)

89 Ops.Cal.Atty.Gen. 166 (2006)

80 Ops.Cal.Atty.Gen. 52 (1997)

78 Ops.Cal.Atty.Gen. 297 (1995)

Management Resources:

CSBA PUBLICATIONS

Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018

Charter Schools in Focus, Issue 1: Managing the Petition Review Process, Governance Brief, November 2016

Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast, March 2016

Charter Schools: A Guide for Governance Teams, rev. February 2016

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample Copy of a Memorandum of Understanding

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Program and Regulatory Requirements, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, August 2016

Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014

Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools, December 2011

WEB SITES

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

California Charter Schools Association: <http://www.ccsa.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

National Association of Charter School Authorizers: <http://www.qualitycharters.org>

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

CHARTER SCHOOL AUTHORIZATION

Petition Signatures

A petition for the establishment of a start-up charter school must be signed by either of the following: (Education Code 47605)

1. A number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the school for its first year of operation
2. A number of teachers equivalent to at least one-half of the total number of teachers that the charter school estimates will be employed at the school during its first year of operation

A petition that proposes to convert an existing public school to a charter school must be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605)

(cf. 4116 - Probationary/Permanent Status)

Any petition circulated to collect signatures shall include a prominent statement explaining that a parent/guardian's signature means that the parent/guardian is meaningfully interested in having a child attend the charter school, or a teacher's signature means that the teacher is meaningfully interested in teaching at the charter school. (Education Code 47605)

Staff Advisory Committee

The Superintendent or designee may establish a staff advisory committee to evaluate the completeness of a charter petition based on the requirements in Education Code 47605 and to identify any concerns that should be addressed by the petitioners.

(cf. 2230 - Representative and Deliberative Groups)

Components of Charter Petition

All charter petitions shall comply with the applicable requirements of Education Code 47605, other state and federal laws, and district policies.

The charter petition shall include affirmations that the charter school will be nonsectarian in its programs, admission policies, employment practices, and operations; will not charge

CHARTER SCHOOL AUTHORIZATION (continued)

tuition; and will not discriminate against a student on the basis of characteristics listed in Education Code 220. The petition shall also contain reasonably comprehensive descriptions of: (Education Code 47605)

1. The educational program of the proposed school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners.

The petition shall include a description of the charter school's annual goals for all students and for each numerically significant subgroup of students identified pursuant to Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. These goals shall be aligned with the state priorities listed in Education Code 52060 that apply to the grade levels served. The petition also shall describe specific annual actions to achieve those goals. The petition may identify additional priorities established for the proposed school, goals aligned with those priorities, and specific annual actions to achieve those goals.

(cf. 0420.41 - Charter School Oversight)

(cf. 0460 - Local Control and Accountability Plan)

If the proposed charter school will serve high school students, the petition shall describe the manner in which the school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses approved by the University of California or the California State University as creditable under the "a-g" admissions criteria may be considered to meet college entrance requirements.

2. The measurable student outcomes identified for use by the charter school. *Student outcomes* means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program, including outcomes that address increases in student academic achievement both schoolwide and for each numerically significant subgroup of students served by the charter school. The student outcomes shall align with the state priorities identified in Education Code 52060 that apply for the grade levels served by the charter school.

CHARTER SCHOOL AUTHORIZATION (continued)

3. The method by which student progress in meeting the identified student outcomes is to be measured. To the extent practicable, the method for measuring student outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(cf. 0510 - School Accountability Report Card)

4. The governance structure of the charter school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement.
5. The qualifications to be met by individuals to be employed by the charter school.
6. The procedures that the charter school will follow to ensure the health and safety of students and staff, including the following requirements:
 - a. Each charter school employee shall furnish the school with a criminal record summary as described in Education Code 44237.
 - b. The charter school shall develop a school safety plan which includes the topics listed in Education Code 32282(a)(2)(A)-(J).
 - c. The charter school's safety plan shall be reviewed and updated by March 1 each year.
7. The means by which the charter school will achieve a balance of racial and ethnic students, special education students, and English learner students, including redesignated fluent English proficient students, that is reflective of the general population residing within the district's territorial jurisdiction.
8. The charter school's student admission policy. The petition shall, in accordance with Education Code 47605(e), specify procedures for determining enrollment when the number of applicants exceeds the school's capacity, including requirements for the use of a public random drawing, admission preferences, and priority order of preferences as required by law and subject to Governing Board approval.
9. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the Board's satisfaction.

CHARTER SCHOOL AUTHORIZATION (continued)

10. The procedures by which students can be suspended or expelled for disciplinary reasons or otherwise involuntarily removed for any reason, including an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements as specified in Education Code 47605 and a statement that the suspension procedures will include requirements pertaining to the provision of homework assignments to suspended students as specified in Education Code 47606.2.

Such procedures shall also include processes by which the charter school will notify the superintendent of a district, and by which the charter school may be notified by the superintendent of a district, when a student or former student of the charter school is expelled or subject to any of the circumstances specified in Education Code 47605(e)(3).

11. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.
12. The public school attendance alternatives for students residing within the district who choose to not attend the charter school.
13. A description of the rights of any district employee upon leaving district employment to work in the charter school and of any rights of return to the district after employment at the charter school.
14. The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions.
15. A declaration as to whether or not the charter school will be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code 3540-3549.3.
16. Consistent with 5 CCR 11962, the procedures to be used if the charter school closes, including, but not limited to:
 - a. Designation of a responsible entity to conduct closure-related activities
 - b. Notification to parents/guardians, the Board, the county office of education, the special education local plan area in which the charter school participates,

CHARTER SCHOOL AUTHORIZATION (continued)

the retirement systems in which the school's employees participate, and the California Department of Education, providing at least the following information:

- (1) The effective date of the closure
 - (2) The name(s) and contact information of the person(s) to whom reasonable inquiries may be made regarding the closure
 - (3) The students' districts of residence
 - (4) The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements
- c. Provision of a list of students at each grade level, the classes they have completed, and their districts of residence to the responsible entity designated in accordance with item #16a above
 - d. Transfer and maintenance of all student records, all state assessment results, and any special education records to the custody of the responsible entity designated in accordance with item #16a above, except for records and/or assessment results that the charter may require to be transferred to a different entity
 - e. Transfer and maintenance of personnel records in accordance with applicable law
 - f. Completion of an independent final audit within six months after the closure of the charter school that includes an accounting of all financial assets and liabilities pursuant to 5 CCR 11962 and an assessment of the disposition of any restricted funds received by or due to the school
 - g. Disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed pursuant to 5 CCR 11962
 - h. Completion and filing of any annual reports required pursuant to Education Code 47604.33
 - i. Identification of funding for the activities identified in item #16a-h above

CHARTER SCHOOL AUTHORIZATION (continued)

Charter school petitioners shall provide information to the Board regarding the proposed operation and potential effects of the school, including, but not limited to: (Education Code 47605)

1. The facilities to be used by the charter school, including where the school intends to locate

(cf. 7160 - Charter School Facilities)

2. The manner in which administrative services of the charter school are to be provided
3. Potential civil liability effects, if any, upon the charter school and district
4. Financial statements that include a proposed first-year operational budget, including start-up costs and cash-flow and financial projections for the first three years of operation
5. If the charter school is to be operated by or as a nonprofit public benefit corporation, the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school

Location of Charter School

Unless otherwise exempted by law, the charter petition shall identify a single charter school that will operate within the geographic boundaries of the district. A charter school may propose to operate at multiple sites within the district as long as each location is identified in the petition. (Education Code 47605, 47605.1)

A charter school may establish a resource center, meeting space, or other satellite facility within the jurisdiction of the school district where the charter school is physically located if both of the following conditions are met: (Education Code 47605.1)

1. The facility is used exclusively for the educational support of students who are enrolled in nonclassroom-based independent study of the charter school.
2. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized.

CHARTER SCHOOL OVERSIGHT

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

(cf. 0420.4 - Charter School Authorization)

(cf. 0500 - Accountability)

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

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

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

Waivers

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

(cf. 1431 - Waivers)

Provision of District Services

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

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

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

CHARTER SCHOOL OVERSIGHT (continued)

Material Revisions to Charter

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

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

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

Monitoring Charter School Performance

The Superintendent or designee shall monitor each charter school that is authorized by the district to determine whether it complies with all legal requirements applicable to charter schools, including making all reports required of charter schools in accordance with Education Code 47604.32. Any violations of law shall be reported to the Board.

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

The Board shall monitor the fiscal condition of the charter school based on any financial report or information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, annual update of the charter school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

CHARTER SCHOOL OVERSIGHT (continued)

The district may charge up to one percent of a charter school's revenue for the actual costs of supervisory oversight of the school. However, if the charter school is able to obtain substantially rent-free facilities from the district, the district may charge up to three percent of the charter school's revenue for actual costs of supervisory oversight or, if the facility is provided under Education Code 47614, the pro-rata share facilities costs calculated pursuant to 5 CCR 11969.7. If the district charges the pro-rata share, it may also charge one percent of the charter school's revenue in oversight fees. If the district is given responsibility for supervisory oversight of a charter school that was authorized by SBE on appeal, the district is not limited to these percentages and may charge for the actual costs of supervisory oversight and for the administrative costs necessary to secure charter school funding. (Education Code 47613)

(cf. 7160 - Charter School Facilities)

Technical Assistance/Intervention

Whenever a charter school is identified for technical assistance based on the performance of one or more numerically significant student subgroups on SBE-established criteria, the charter school shall receive technical assistance from the County Superintendent of Schools. Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to, any of the following: (Education Code 45607.3)

1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605. This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.
2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school. Another service provider, including, but not limited to, a school district, county office of education, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.

CHARTER SCHOOL OVERSIGHT (continued)

3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in items #1 and 2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in items #1 and 2 or substantially similar activities, and ongoing communication with the Board to assess the charter school's progress in improving student outcomes.

In addition, if, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student subgroups, or for all of the student subgroups if the school has fewer than three subgroups, in regard to one or more state or school priorities identified in the charter, the district: (Education Code 47607.3)

1. Shall provide technical assistance to the charter school based on the California School Dashboard
2. May request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code 52074

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

(cf. 0420.42 - Charter School Renewal)

(cf. 0420.43 - Charter School Revocation)

Complaints

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

(cf. 1312.3 - Uniform Complaint Procedures)

A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code 52075)

CHARTER SCHOOL OVERSIGHT (continued)

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

School Closure

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

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

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

Legal Reference: (see next page)

CHARTER SCHOOL OVERSIGHT (continued)

Legal Reference:

EDUCATION CODE

- 215 *Suicide prevention policy*
- 215.5 *Student identification cards, inclusion of safety hotlines*
- 220 *Nondiscrimination*
- 221.61 *Posting of Title IX information on web site*
- 221.9 *Sex equity in competitive athletics*
- 222 *Lactation accommodations for students*
- 222.5 *Pregnant and parenting students, notification of rights*
- 231.5-231.6 *Sexual harassment policy*
- 234.4 *Mandated policy on bullying prevention*
- 234.6 *Bullying and harassment prevention information*
- 234.7 *Student protections relating to immigration and citizenship status*
- 17070.10-17079.30 *Leroy F. Greene School Facilities Act*
- 17280-17317 *Field Act*
- 17365-17374 *Field Act, fitness for occupancy*
- 32282 *Comprehensive safety plan*
- 32283.5 *Online training on bullying prevention*
- 33479-33479.9 *The Eric Parades Sudden Cardiac Arrest Prevention Act*
- 35179.4-35179.6 *Interscholastic athletic programs, safety*
- 35183.1 *Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance*
- 35330 *Field trips and excursions; student fees*
- 38080-38086 *School meals*
- 39831.3 *Transportation safety plan*
- 39843 *Disciplinary action against bus driver; report to Department of Motor Vehicles*
- 41024 *Report of expenditure of state facility funds*
- 42100 *Annual statement of receipts and expenditures*
- 44030.5 *Reporting change in employment status due to alleged misconduct*
- 44237 *Criminal record summary*
- 44691 *Information on detection of child abuse*
- 44830.1 *Certificated employees, conviction of a violent or serious felony*
- 45122.1 *Classified employees, conviction of a violent or serious felony*
- 45125.1 *Fingerprinting; employees of contracting entity*
- 46015 *Accommodations for pregnant and parenting students; parental leave*
- 47600-47616.7 *Charter Schools Act of 1992*
- 47634.2 *Nonclassroom-based instruction*
- 47640-47647 *Special education funding for charter schools*
- 47651 *Apportionment of funds, charter schools*
- 48000 *Minimum age of admission for kindergarten; transitional kindergarten*
- 48010-48011 *Minimum age of admission (first grade)*
- 48206.3-48208 *Students with temporary disabilities; individual instruction*

Legal Reference continued: (see next page)

CHARTER SCHOOL OVERSIGHT (continued)

Legal Reference: (continued)

EDUCATION CODE (continued)

- 48850-48859 Educational placement of foster youth and homeless students
- 48901.1 Suspension and expulsion, willful defiance
- 48907 Students' exercise of free expression; rules and regulations
- 48913.5 Suspended students, homework assignments
- 48950 Student speech and other communication
- 48985 Parental notification,
- 49005-49006.4 Seclusion and restraint
- 49011 Student fees
- 49014 Public School Fair Debt Collection Act
- 49061 Student records
- 49062.5 Student records, name or gender changes
- 49070 Challenging student records
- 49073.2 Privacy of student and parent/guardian personal information
- 49076.7 Student records; data privacy; Social Security numbers
- 49110 Authority to issue work permits
- 49381 Human trafficking prevention
- 49414 Epinephrine auto-injectors
- 49414.3 Administration of opioid antagonist
- 49428 Notification of mental health services
- 49430-49434 The Pupil Nutrition, Health, and Achievement Act of 2001, especially:
- 49431.9 Advertisement of non-nutritious foods
- 49475 Health and safety, concussions and head injuries
- 49557.5 Child Hunger Prevention and Fair Treatment Act of 2017
- 49564 Meals for needy students
- 51224.7 Mathematics placement policy
- 51225.1-51225.2 Exemption from local graduation requirements; acceptance of coursework
- 51225.6 Instruction in cardiopulmonary resuscitation
- 51513 Diploma of graduation, without passage of high school exit examination
- 51745-51749.6 Independent study
- 51930-51939 California Healthy Youth Act
- 52052 Accountability; numerically significant student subgroups
- 52060-52077 Local control and accountability plans
- 52075 Uniform complaint procedures
- 56026 Special education
- 56040.3 Availability of assistive technology devices
- 56145-56146 Special education services in charter schools
- 56365-56366.12 Nonpublic, nonsectarian schools

Legal Reference continued: (see next page)

CHARTER SCHOOL OVERSIGHT (continued)

Legal Reference: (continued)

EDUCATION CODE (continued)

60600-60649 *Assessment of academic achievement*

64000 *Categorical programs included in consolidated application*

64001 *School plan for student achievement, consolidated application programs*

65000-65001 *School site councils*

69432.9-69432.92 *Cal Grant program; notification of grade point average and high school graduation*

CORPORATIONS CODE

5110-6910 *Nonprofit public benefit corporations*

GOVERNMENT CODE

1090-1099 *Prohibitions applicable to specified officers*

3540-3549.3 *Educational Employment Relations Act*

6250-6270 *California Public Records Act*

54950-54963 *Ralph M. Brown Act*

81000-91014 *Political Reform Act of 1974*

HEALTH AND SAFETY CODE

104420 *Tobacco Use Prevention Education grant program*

104559 *Tobacco-free schools*

LABOR CODE

1198.5 *Personnel records related to performance and grievance*

PENAL CODE

667.5 *Definition of violent felony*

1192.7 *Definition of serious felony*

VEHICLE CODE

28160 *Child safety alert system*

CALIFORNIA CONSTITUTION

Article 9, Section 5 *Common school system*

Article 16, Section 8.5 *Public finance; school accountability report card*

CODE OF REGULATIONS, TITLE 5

4600-4670 *Uniform complaint procedures*

11700.1-11705 *Independent study*

11960-11969 *Charter schools*

CODE OF REGULATIONS, TITLE 24

101 *et seq.* *California Building Standards Code*

UNITED STATES CODE, TITLE 20

1681-1688 *Title IX of the Education Amendments of 1972; discrimination based on sex*

6311 *State plan*

7221-7221j *Charter schools*

UNITED STATES CODE, TITLE 42

11431-11435 *McKinney-Vento Homeless Assistance Act*

Legal Reference continued: (see next page)

CHARTER SCHOOL OVERSIGHT (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-200.78 Accountability

COURT DECISIONS

Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986

ATTORNEY GENERAL OPINIONS

Opinion No. 11-201 (2018)

89 Ops.Cal.Atty.Gen. 166 (2006)

80 Ops.Cal.Atty.Gen. 52 (1997)

78 Ops.Cal.Atty.Gen. 297 (1995)

CALIFORNIA OFFICE OF ADMINISTRATIVE HEARINGS DECISIONS

Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763

Management Resources:

CSBA PUBLICATIONS

Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018

Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017

Charter Schools: A Guide for Governance Teams, rev. 2016

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Sample Copy of a Memorandum of Understanding

Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017

Special Education and Charter Schools: Questions and Answers, September 10, 2002

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Charter Schools Program: Title V, Part B of the ESEA, January 2014

WEB SITES

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

California Charter Schools Association: <http://www.calcharters.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

National Association of Charter School Authorizers: <http://www.qualitycharters.org>

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

CHARTER SCHOOL OVERSIGHT

REQUIREMENTS FOR CHARTER SCHOOLS

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

Governance

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

Operations

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

Admission/Enrollment

5. Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)

CHARTER SCHOOL OVERSIGHT (continued)

6. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)
7. Serve students with disabilities in the same manner as such students are served in other district schools (Education Code 47646, 56145)
8. Admit all students who wish to attend the charter school, according to the following criteria and procedures:
 - a. Admission to the charter school shall not be determined according to the student's or parent/guardian's place of residence within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within that school's former attendance area. (Education Code 47605)

If a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admission preference for students who are currently enrolled in that public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)
 - b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing, with preference extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5. (Education Code 47605)
 - c. Other admission preferences may be permitted by the Board of the district on an individual school basis consistent with law. (Education Code 47605)
9. Not discourage a student from enrolling or seeking to enroll in the charter school, nor encourage a current student from disenrolling, for any reason, including, but not limited to, the student's academic performance, nationality, race, ethnicity, or sexual orientation or because the student is a student with disabilities, academically low achieving, an English learner, neglected or delinquent, homeless, economically disadvantaged, or a foster youth. The charter school shall not request or require a student's records to be submitted before enrollment. The charter school shall post on

CHARTER SCHOOL OVERSIGHT (continued)

its web site the California Department of Education's (CDE) notice of these requirements and shall provide the notice to parents/guardians or students age 18 and older when the parent/guardian or student inquires about enrollment, before conducting an enrollment lottery, and before disenrollment of a student. (Education Code 47605)

10. Immediately enroll a homeless student, except where such enrollment would conflict with Education Code 47605(d) (Education Code 48850; 42 USC 11431-11435)
11. Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)
12. Allow a student who is enrolled in the charter school but receiving individual instruction at home or a hospital due to a temporary disability to return to the charter school when well enough to do so, provided the student returns during the school year in which the individual instruction was initiated (Education Code 48207.3)

Nondiscrimination

13. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)
14. Adopt policy that is consistent with the model policy developed by the California Attorney General addressing the charter school's response to immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or documents regarding the immigration status of students or their family members, and fulfill other requirements of Education Code 234.7
15. Post specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on the school web site or on the web site of the charter operator (Education Code 221.61)
16. If the charter school offers competitive athletics, annually post on the school's web site or on the web site of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9)

CHARTER SCHOOL OVERSIGHT (continued)

17. Provide specified accommodations to pregnant and parenting students, including, but not limited to, the provision of parental leave and reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. The charter school shall notify pregnant and parenting students and parents/guardians of the rights and options available to pregnant and parenting students. (Education Code 222, 222.5, 46015)
18. If a direct-funded charter school, adopt and implement uniform complaint procedures to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs, in accordance with 5 CCR 4600-4670 (5 CCR 4600)

Tuition and Fees

19. Not charge tuition (Education Code 47605)
20. Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools
21. Not bill, nor take any negative action against, a student or former student for a debt owed to the charter school. The school shall provide an itemized invoice for any amount owed by the parent/guardian on behalf of a student or former student before pursuing payment of the debt and shall provide a receipt to the parent/guardian for each payment made to the school. (Education Code 49014)

School Plans

22. Adopt a local control and accountability plan (LCAP) and update the plan by July 1 each year, after holding a public hearing, consulting with specified stakeholders, and using the template adopted by the State Board of Education (SBE). As part of the LCAP adoption and annual update to the LCAP, the governing body of the charter school shall separately adopt a local control funding formula budget overview for parents/guardians, based on the template developed by the SBE. (Education Code 47604.33, 47606.5, 52064, 52064.1)
23. If the charter school applies for federal and/or state categorical program funding through the state's consolidated application, establish a school site council to develop and annually review a school plan for student achievement, unless the school chooses to use its LCAP for this purpose (Education Code 64000-64001, 65000-65001)

CHARTER SCHOOL OVERSIGHT (continued)

24. Develop a comprehensive safety plan in accordance with Education Code 32282 and review and update the plan by March 1 each year (Education Code 47605)
25. Develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, youth bus, or child care motor vehicle and procedures for designating an adult chaperone, other than the driver, to accompany students on a school activity bus. In addition, ensure that each school bus, student activity bus, youth bus, or child care motor vehicle is equipped with a child safety alert system that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting, unless the student activity bus is exempted by law. (Education Code 39831.3; Vehicle Code 28160)

Curriculum and Instruction

26. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 47612.5)
27. If the charter school offers a kindergarten program, also offer a transitional kindergarten program to students whose fifth birthday is from September 2 through December 2 (Education Code 48000)
28. If the charter school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy with specified components (Education Code 51224.7)
29. If the charter school serves students in any of grades 7-12, provide comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education at least once in junior high or middle school and once in high school (Education Code 51931, 51934)
30. If the charter school serves students in any of grades 6-12, identify and implement methods of informing parents/guardians of human trafficking prevention resources (Education Code 49381)
31. If the charter school provides independent study, meet the requirements of Education Code 51745-51749.6, except that the school may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)

CHARTER SCHOOL OVERSIGHT (continued)

32. Accept and provide full or partial credit for coursework satisfactorily completed by a foster youth, homeless student, former juvenile court school student, child of a military family, migrant student, or a student participating in a newcomer program while attending another school (Education Code 51225.2)
33. Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools (Education Code 47605, 47612.5, 60605)

Special Education

34. Provide assistive technology devices in a student's home or other settings if the individualized education program team determines that such access is necessary. The charter school shall also provide an assistive technology device or comparable device to a student who enrolls in another local educational agency, for two months after the student leaves the charter school or until alternative arrangements can be made, whichever occurs first. (Education Code 56040.3)
35. If the charter school is an independent member of a special education local plan area and has a master contract with a nonpublic, nonsectarian school:
 - a. Pay the full amount of the tuition or fees for students with disabilities enrolled in programs or services provided pursuant to that contract (Education Code 56365)
 - b. Conduct at least one onsite visit to the nonpublic, nonsectarian school prior to a student's placement and at least once each school year (Education Code 56366.1)

High School Graduation

36. Exempt a foster youth, homeless student, former juvenile court school student, child of a military family, or migrant student who transfers between schools after the second year of high school, or a student participating in a newcomer program for newly immigrant students in grades 11-12, from any of the charter school's graduation requirements that exceed state requirements, unless the charter school determines that the student is reasonably able to complete the requirements by the end of the fourth year of high school (Education Code 51225.1, 51225.2)

CHARTER SCHOOL OVERSIGHT (continued)

37. Grant a high school diploma to any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination (Education Code 51413)

Student Expression

38. Allow a student to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies, unless the charter school determines that an item is likely to cause a substantial disruption of, or material interference with, the ceremony (Education Code 35183.1)
39. Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950)

Staffing

40. Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) as required for the teacher's certificated assignment. Teachers employed by the charter school during the 2019-20 school year shall have until July 1, 2025 to obtain the required certificate required. (Education Code 47605, 47605.4)
41. Not hire any person who has been convicted of a violent or serious felony except as otherwise provided by law, and, if the charter school contracts with an entity for specified services, verify that any employee of that entity who will have contact with students has had a criminal background check (Education Code 44830.1, 45122.1, 45125.1)
42. Report to the CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending (Education Code 44030.5)
43. If the charter school chooses to make the state teachers' retirement plan available to its employees, meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)

CHARTER SCHOOL OVERSIGHT (continued)

44. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

Parent/Guardian Involvement

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

Nutrition

48. Provide each eligible student with one nutritionally adequate free or reduced-price meal during each school day, except as provided for a charter school that offers nonclassroom-based instruction (Education Code 47613.5)
49. If the charter school participates in the National School Lunch and/or Breakfast program, not promote any food or beverage during the school day that does not comply with state nutritional standards pursuant to Education Code 49430-49434, and not participate in a corporate incentive program that offers free or discounted non-nutritious foods or beverages as rewards for students who reach certain academic goals (Education Code 49431.9)
50. If the charter school participates in the National School Lunch and/or Breakfast program, notify parents/guardians within 10 days of their child's meal account reaching a negative balance; not take any action directed at a student to collect unpaid school meal fees; ensure that a student with unpaid school meal fees is not denied a meal of the student's choice, shamed, or treated differently; and prohibit student discipline from resulting in the denial or delay of a nutritionally adequate meal (Education Code 49557.5)

CHARTER SCHOOL OVERSIGHT (continued)

51. If the charter school participates in the National School Lunch and/or Breakfast program and is a very high poverty school, as defined, apply to the California Department of Education (CDE) to provide lunch and/or breakfast free of charge to all students under a federal universal service provision (Education Code 49564)

Student Health

52. Adopt a policy on suicide prevention, intervention, and postvention for grades 7-12, and an age-appropriate policy for grades K-6, and review the policy at least every five years (Education Code 215)
53. If the charter school serves grades 7-12 and issues student identification cards, print the telephone numbers of the National Suicide Prevention Lifeline and the National Domestic Violence Hotline on the identification cards (Education Code 215.5)
54. Notify students and parents/guardians at least twice during the school year on how to initiate access to available student mental health services on campus or in the community (Education Code 49428)
55. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on the charter school's behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code 44691)
56. If the charter school offers an athletic program, annually provide information sheets about concussions/head injuries and sudden cardiac arrest to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition. In the event that an athlete is suspected of sustaining a concussion or head injury, passes out, or faints during or immediately after participation in an athletic activity, the student shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until the student is evaluated by a licensed health care provider and receives written clearance to do so. (Education Code 33479-33479.5, 49475)
57. If the charter school offers an interscholastic athletic program, develop and post a written emergency action plan that describes procedures to be followed in the event of sudden cardiac arrest and other medical emergencies, acquire at least one automated external defibrillator (AED) for the school, and make the AED available at on-campus athletic activities or events (Education Code 35179.4, 35179.6)

CHARTER SCHOOL OVERSIGHT (continued)

58. Provide school nurses or other voluntary, trained personnel with emergency epinephrine auto-injectors of the type required pursuant to Education Code 49414 (Education Code 49414)
59. If the charter school chooses to make an opioid antagonist available to persons suffering, or reasonably believed to be suffering, from an opioid overdose, comply with the requirements of Education Code 49414.3, including, but not limited to, providing training to personnel who volunteer to administer the opioid antagonist

Student Conduct/Discipline

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

Student and Parent/Guardian Records

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

CHARTER SCHOOL OVERSIGHT (continued)

66. Upon written request, not include the directory information of a student or the personal information of a parent/guardian, as defined, in the minutes of a meeting of the governing body (Education Code 49073.2)
67. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)
68. If the charter school serves high school students, submit to the Student Aid Commission, for use in the Cal Grant program, the grade point average (GPA) of all students in grade 12 and verification of high school graduation or its equivalent for students who graduated in the prior academic year. However, such information shall not be submitted when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)
69. Upon receipt of government-issued documentation of a change of name or gender or, if such documentation is not available, upon request in accordance with the procedure in Education Code 49070, update and reissue a former student's records to include the student's updated legal name or gender (Education Code 49062.5, 49070)

Facilities

70. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)
 - a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.
 - b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.

CHARTER SCHOOL OVERSIGHT (continued)**Finance**

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

CHARTER SCHOOL OVERSIGHT (continued)

75. If the charter school receives state facilities funding pursuant to the Leroy F. Greene School Facilities Act (Education Code 17070.10-17079.30), annually report a detailed list of all expenditures of state funds and of the school's matching funds for completed projects, and submit an audit of completed facilities projects within one year of project completion (Education Code 41024)

Accountability

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

CHARTER SCHOOL RENEWAL

The Governing Board believes that the ongoing operation of a charter school should be dependent on the school's effectiveness in achieving its mission and goals for student learning and other student outcomes. Whenever a charter school submits a petition for renewal of its charter, the Board shall review the petition thoroughly and in a timely manner. The Board shall consider renewal petitions only of charters originally authorized by the Board itself or by the State Board of Education on appeal after initial denial by the Board.

(cf. 0420.4 - Charter School Authorization)

(cf. 0420.41 - Charter School Oversight)

(cf. 0420.43 - Charter School Revocation)

(cf. 0500 - Accountability)

The Board shall deny the renewal petition of any charter school operated as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604)

When a charter school, concurrently with its renewal petition, proposes to expand operations to one or more additional sites or grade levels, the charter school shall request a material revision to its charter. The material revision may be made only with the approval of the Board and in accordance with the standards and criteria in Education Code 47605 for material revisions. (Education Code 47607)

The Board recommends that a charter school submit its petition for renewal to the Board sufficiently early before the expiration of the term of the charter to allow the Board's deliberations and decision on the renewal petition to be completed with minimal disruption to the charter school's educational program in the renewal year.

The petition for renewal shall include a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. (Education Code 47607; 5 CCR 11966.4)

Criteria for Granting or Denying Renewal

Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605. However, a charter renewal shall not be denied based on the fiscal impact of the charter school on the district or a finding that the charter school is unlikely to serve the interests of the entire community in which the school is located, as described in Education Code 47605. (Education Code 47607)

The signature requirement for charter authorization petitions is not applicable to petitions for renewal. (Education Code 47607)

CHARTER SCHOOL RENEWAL (continued)

In determining whether to grant a charter renewal, the Board shall review both schoolwide performance and the performance of numerically significant student subgroups on the state and local indicators included in the California School Dashboard, giving greater weight to performance on measurements of academic performance. If the Dashboard indicators are not yet available for the most recently completed academic year before renewal, the Board shall consider verifiable data provided by the charter school related to the Dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year. (Education Code 47607)

Following the Board's review, a renewal of the charter petition may be granted in accordance with a three-tiered system based on school performance, as follows:

1. Renewal of Five to Seven Years

A renewal shall be granted for a period of five to seven years to a charter school that is not eligible for technical assistance pursuant to Education Code 47607.3 and that, for two consecutive years immediately preceding the renewal, achieved either of the following: (Education Code 47607)

- a. Received the two highest performance levels schoolwide on all the state indicators included in the Dashboard for which the charter school receives performance levels
- b. For all measurements of academic performance, received performance levels schoolwide that are the same or higher than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average

2. Renewal of Five Years

- a. A renewal shall be granted for five years if clear and convincing evidence, demonstrated by verified data, shows either of the following: (Education Code 47607.2)
 - (1) Measurable increases in academic achievement, as defined by at least one year's progress for each year in school
 - (2) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers

CHARTER SCHOOL RENEWAL (continued)

- b. For any such charter school, the Board may deny the renewal petition upon making written factual findings that the charter school failed to meet or make sufficient progress toward meeting standards that provide a benefit to students at the school, that the closure of the charter school is in the best interest of students, and that the Board's decision provided greater weight to performance on measurements of academic performance. (Education Code 47607.2)
3. Denial with Option for Two-Year Renewal
 - a. The Board shall generally not renew a charter if, for two consecutive years immediately preceding the renewal decision, either of the following applies: (Education Code 47607.2)
 - (1) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the Dashboard for which it receives performance levels.
 - (2) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.
 - b. However, the Board may grant a two-year renewal to any such charter school if the Board makes written factual findings, setting forth specific facts to support the findings, that:
 - (1) The charter school is taking meaningful steps to address the underlying cause(s) of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school.
 - (2) There is clear and convincing evidence, demonstrated by verified data, showing achievement of the criteria specified in item #2a above

CHARTER SCHOOL RENEWAL (continued)

In addition to all the grounds stated above for denial of a charter renewal, the Board may deny renewal of a charter upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors or a finding that the school is not serving all students who wish to attend. When denying a charter renewal for either of these reasons, the Board shall provide the charter school at least 30 days' notice of the alleged violation and a reasonable opportunity to cure the violation, including the submission of a proposed corrective action plan. The renewal shall be denied if the Board finds either that the corrective action proposed by the charter school has been unsuccessful or that the violations are sufficiently severe and pervasive as to render a corrective action plan unviable. Any finding that a school is not serving all students who wish to attend shall specifically identify the evidence supporting the finding. (Education Code 47607)

A charter school that is eligible for the state's Dashboard Alternative School Status shall not be subject to any of the above criteria. Instead, in determining whether to grant a charter renewal for such a charter school, the Board shall consider, in addition to the charter school's performance on the state and local indicators included in the Dashboard, the charter school's performance on alternative metrics applicable to the charter school based on the student population served. The Board shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative metrics to be considered and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The Board may deny a charter renewal only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of students. (Education Code 47607)

Timelines for Board Action

Within 60 days of receiving the renewal petition, the Board shall hold a public hearing to review documentation submitted by the charter school and obtain public input. A petition is deemed received on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)

The Board shall either grant or deny the charter renewal within 90 days of receiving the petition, or within 120 days with the consent of both the petitioner and the Board. (Education Code 47605)

At least 15 days before the public hearing at which the Board will grant or deny the charter petition, the Board shall publish all staff recommendations and recommended findings

CHARTER SCHOOL RENEWAL (continued)

regarding the petition. During the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605)

If the Board fails to make a written factual finding when required for denial of the petition pursuant to the section "Criteria for Granting or Denying Renewal" above within the required time period, the absence of a written factual finding shall be deemed an approval of the renewal petition. (5 CCR 11966.4)

The Superintendent or designee shall provide notification to CDE, within 10 calendar days of the Board's action, whenever a renewal of the charter is granted or denied. (Education Code 47604.32; 5 CCR 11962.1)

If the Board denies a renewal petition, the charter school may submit its application for renewal to the County Board within 30 days of the Board's written factual findings supporting the denial. (Education Code 47605, 47607.5)

School Closure

If a charter is not renewed and the charter school ceases operation, the Board and/or the charter school shall implement the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962. (Education Code 47603.32)

Legal Reference: (see next page)

CHARTER SCHOOL RENEWAL (continued)

Legal Reference:

EDUCATION CODE

47600-47616.7 *Charter Schools Act of 1992*

52052 *Definition of numerically significant student subgroup*

56145-56146 *Special education services in charter schools*

60600-60649 *Assessment of academic achievement*

CODE OF REGULATIONS, TITLE 5

11960-11969 *Charter schools*

UNITED STATES CODE, TITLE 20

7223-7225 *Charter schools*

Management Resources:

CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course

Charter Schools: A Guide for Governance Teams, rev. 2016

WEB SITES

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

California Charter Schools Association: <http://www.calcharters.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

National Association of Charter School Authorizers: <http://www.charterauthorizers.org>

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

CHARTER SCHOOL REVOCATION

The Governing Board expects any charter school it authorizes to provide a sound educational program that promotes student learning and to carry out its operations in a manner that complies with law and the terms of its charter. The Board may revoke a charter in accordance with law.

(cf. 0420.4 - Charter School Authorization)

(cf. 0420.41 - Charter School Oversight)

(cf. 0420.42 - Charter School Renewal)

(cf. 0500 - Accountability)

When the Board determines, in writing, that any violation under Education Code 47607 constitutes a severe and imminent threat to the health or safety of students, the Board may immediately revoke the school's charter. When such a determination is made, the Board shall approve and deliver to the charter school's governing body, the County Board of Education, and the California Department of Education (CDE) a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety. (Education Code 47607; 5 CCR 11968.5.3)

In all other circumstances, the Board may revoke a charter after providing due process and using the procedures described below. The Board may revoke a charter if it makes a written factual finding specific to that charter school and supported by substantial evidence that the charter school has done any of the following: (Education Code 47607)

1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter
2. Failed to meet or pursue any of the student outcomes identified in the charter
3. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement
4. Violated any law

The Board shall also consider revoking the charter of any charter school for which the California Collaborative for Educational Excellence (CCEE) has provided advice and assistance pursuant to Education Code 47607.3 if CCEE has issued either of the following findings: (Education Code 47607.3)

1. That the charter school has failed or is unable to implement the recommendations of the CCEE

CHARTER SCHOOL REVOCATION (continued)

2. That the inadequate performance of the charter school, as based on the California School Dashboard, is so persistent or acute as to require revocation of the charter

In determining whether to revoke a charter, the Board shall consider increases in student academic achievement for all numerically significant groups of students served by the charter school, as defined in Education Code 52052. (Education Code 47607, 47607.3)

Revocation Procedures

If the Board is considering a revocation of a charter school, it shall take action to approve and deliver a Notice of Violation to the charter school's governing body. The Notice of Violation shall identify: (Education Code 47607; 5 CCR 11965, 11968.5.2)

1. The charter school's alleged violation(s).
2. All evidence relied upon by the Board in determining that the charter school committed the alleged violation(s), including the date and duration of the alleged violation(s). The Notice shall show that each alleged violation is both material and uncured and that it occurred within a reasonable period of time before the Notice of Violation is issued.
3. The period of time that the Board has concluded is a reasonable period of time for the charter school to remedy or refute the identified violation(s). In identifying this time period, the Board shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school's estimation as to the anticipated remediation time.

At least 72 hours prior to any meeting at which the Board will consider issuing a Notice of Violation, the Board shall provide the charter school with notice and all relevant documents related to the proposed action. (5 CCR 11968.5.2)

(cf. 9320 - Meetings and Notices)

By the end of the remedy period identified in the Notice of Violation, the charter school's governing body may submit to the Board a detailed written response and supporting evidence addressing each identified violation, including, as applicable, a refutation, remedial action taken, or proposed remedial action. (5 CCR 11968.5.2)

CHARTER SCHOOL REVOCATION (continued)

At the conclusion of the remedy period specified in the Notice of Violation, the Board shall evaluate any response and supporting evidence provided by the charter school's governing body and shall take one of the following actions: (5 CCR 11968.5.2)

1. Discontinue revocation of the charter and provide timely written notice of such action to the charter school's governing body
2. Continue revocation of the charter, by issuing a Notice of Intent to Revoke to the charter school's governing body within 60 calendar days of the conclusion of the remedy period, if there is substantial evidence that the charter school has failed to remedy a violation identified in the Notice of Violation or to refute a violation to the Board's satisfaction. All evidence relied upon by the Board for the decision shall be included in the Notice of Intent to Revoke.

If the Board issues a Notice of Intent to Revoke, it shall hold a public hearing concerning the revocation on the date specified in the notice, which shall be no later than 30 days after providing the notice. Within 30 calendar days after the public hearing, or within 60 calendar days if extended by written mutual agreement of the Board and the charter school, the Board shall issue a final decision on the revocation of the charter. (Education Code 47607; 5 CCR 11968.5.2)

If the Board fails to meet the timelines specified above for issuing a Notice of Intent to Revoke or a final decision, the revocation process shall be deemed terminated. (5 CCR 11968.5.2)

Within 10 calendar days of the Board's final decision, the Superintendent or designee shall provide a copy of the final decision to CDE and the County Board. (Education Code 47604.32; 5 CCR 11968.5.2)

Appeals

If the Board revokes a charter, the charter school may, within 30 days of the Board's final decision, appeal the revocation to the County Board. The County Board's decision may subsequently be appealed to the State Board of Education by either the charter school or the district. However, a revocation based upon the findings of CCEE pursuant to Education Code 47607.3 may not be appealed. (Education Code 47607, 47607.3; 5 CCR 11968.5.3-11968.5.5)

CHARTER SCHOOL REVOCATION (continued)

School Closure

If a charter school ceases operation due to revocation, the Board and/or the charter school shall implement the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962. (Education Code 47603.32)

Legal Reference:

EDUCATION CODE

47600-47616.7 *Charter Schools Act of 1992, especially:*

47607 *Charter renewals and revocations*

52052 *Accountability: numerically significant student subgroups; definition*

CODE OF REGULATIONS, TITLE 5

11960-11969 *Charter schools, especially:*

11968.5.1-11968.5.5 *Charter revocations*

COURT DECISIONS

Today's Fresh Start, Inc. v. Los Angeles County Office of Education (2013) 57 Cal.4th 197

Management Resources:

CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course

Charter Schools: A Guide for Governance Teams, rev. 2016

WEB SITES

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

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California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

National Association of Charter School Authorizers: <http://www.qualitycharters.org>

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

PARCEL TAXES

The Governing Board recognizes its obligation to provide a high-quality educational program within safe facilities and secure campuses, and that additional funds are at times necessary to fulfill this responsibility. The Board may consider appropriate methods of financing and, when it is in the best interest of the district, may order the placement of a parcel tax on the ballot for approval by the voters.

(cf. 3100 - Budget)

(cf. 3470 - Debt Issuance and Management)

(cf. 7110 - Facilities Master Plan)

(cf. 7210 - Facilities Financing)

(cf. 7214 - General Obligation Bonds)

The Board shall hold a noticed public hearing prior to approving a resolution for the adoption of a parcel tax. The resolution shall be approved by a two-thirds vote of the Board in order to be placed on the ballot. The resolution shall include the type and rate of the tax to be levied, the method of collection, and the date upon which an election shall be held to approve the levy of the tax. (Government Code 50077, 53724)

(cf. 9320 - Meetings and Notices)

(cf. 9323.2 - Actions by the Board)

The parcel tax shall apply uniformly to all taxpayers or all real property within the district, except that unimproved property may be taxed at a lower rate than improved property. (Government Code 50079)

The Board shall consult with legal counsel to ensure compliance with all requirements of law, including its determination of the appropriate amount of the proposed parcel tax and whether exemptions from the tax will be granted.

Any parcel tax to be proposed for voter approval shall provide for accountability measures, including, but not limited to, a statement indicating the specific purposes of the special tax and that the proceeds of the tax shall be used only for the specific purposes identified, creation of a separate account into which the proceeds shall be deposited, and annual reporting pursuant to Government Code 50075.3. (Government Code 50075.1)

No district funds, services, supplies, or equipment shall be used to support or defeat a parcel tax ballot measure. The Superintendent or designee may use district resources to provide students, parents/guardians, and community members with fair and impartial information related to a parcel tax ballot measure, including information about the impact of the parcel tax on the district. (Education Code 7054)

(cf. 1160 - Political Processes)

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

Upon approval of the tax by two-thirds of the votes, the district may levy the tax or contract with the county to collect the tax on the district's behalf. (Government Code 50077)

PARCEL TAXES (continued)

Exemptions

The Board may grant an exemption from the parcel tax for any or all of the following: (Government Code 50079)

1. Persons who are 65 years of age or older
2. Persons receiving Supplemental Security Income for a disability, regardless of age
3. Persons receiving Social Security Disability Insurance benefits, regardless of age, whose yearly income does not exceed 250 percent of the 2012 federal poverty guideline issued by the U.S. Department of Health and Human Services

Any exemption granted by the Board shall remain in effect until the taxpayer becomes ineligible. If the taxpayer becomes ineligible for the exemption for any reason, a new exemption may be granted in the same manner. (Government Code 50079)

If the district provides for an exemption from the parcel tax and contracts or enters into an agreement with the county to collect such tax, the district shall annually provide to the tax collector a phone number where requests for exemption information may be directed and the link, if available, to the location on the district's web site that contains exemption information and the application for exemption. (Government Code 50079)

Legal Reference: (see next page)

PARCEL TAXES (continued)

Legal Reference:

EDUCATION CODE

7054 *Prohibition against use of district property for campaigning; informational only*

ELECTIONS CODE

324 *General election, definition*

328 *Local election, definition*

341 *Primary election, definition*

348 *Regular election, definition*

356 *Special election, definition*

357 *Statewide election, definition*

1302 *Local election to select governing board members*

15372 *Elections official certificate statement of election results*

GOVERNMENT CODE

50075-50077.5 *Voter-approved special taxes*

50079 *Qualified special taxes of school district*

53724 *Board resolution for special tax*

54952 *Definition of legislative body, Brown Act*

REVENUE AND TAXATION CODE

2611.6 *County tax bill special tax information*

CALIFORNIA CONSTITUTION

Article 13A *Taxation*

COURT DECISIONS

Borikas v. Alameda Unified School District (2013) 214 Cal.App.4th 135

Management Resources:

CSBA PUBLICATIONS

The Impact of Pension Cost Increases on California Schools, January 2018

Behind the Numbers: The Cold, Hard Facts of California Public School Funding, January 2018

California Education Funding: Students Deserve Better, Fact Sheet, August 2017

California's Challenge: Adequately Funding Education in the 21st Century, December 2015

Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011

WEB SITES

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

U.S. Department of Health and Human Services: <https://www.hhs.gov>

FOOD SERVICE OPERATIONS/CAFETERIA FUND

The Governing Board intends that school food services shall be a self-supporting, nonprofit program. To ensure program quality and increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of foods and supplies, the planning of menus, and the auditing of all food service accounts for the district.

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

(cf. 3311 - Bids)

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

(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)

The Superintendent or designee shall ensure that food service director(s) possess the qualifications required by 7 CFR 210.30 and California Department of Education (CDE) standards.

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

At least once each year, food service administrators, other appropriate personnel who conduct or oversee administrative procedures, and other food service personnel shall receive training provided by CDE. (42 USC 1776)

Meal Sales

Meals may be sold to students, district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)

In addition, meals may be sold to nonstudents, including parents/guardians, volunteers, students' siblings, or other individuals, who are on campus for a legitimate purpose. Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture (USDA) foods.

Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760. Students who are enrolled in the free or reduced-price meal program shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation.

(cf. 3553 - Free and Reduced Price Meals)

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments, including delinquent meal payments. Such procedures shall conform with BP/AR 3553 - Free and Reduced Price Meals, 2 CFR 200.426, and any applicable CDE

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

guidance. The Superintendent or designee shall clearly communicate these procedures to students and parents/guardians, and shall make this policy and the accompanying administrative regulation available to the public pursuant to Education Code 49557.5.

The Superintendent or designee shall ensure that a student whose parent/guardian has unpaid school meal fees or a student who is enrolled in the free or reduced-price meal program is not overtly identified by the use of special tokens, tickets, or other means and is not shamed, treated differently, or denied a meal of the student's choice. (Education Code 49557, 49557.5)

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

(cf. 0415 - Equity)

Cafeteria Fund

The Superintendent or designee shall establish a cafeteria fund independent of the district's general fund.

OPTION 2: The wages, salaries, and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

The Superintendent or designee shall ensure that state and federal funds provided through school meal programs are allocated only for purposes related to the operation or improvement of food services and reasonable and necessary indirect program costs as allowed by law.

(cf. 3230 - Federal Grant Funds)

(cf. 3400 - Management of District Assets/Accounts)

(cf. 3460 - Financial Reports and Accountability)

Contracts with Outside Services

With Board approval, the district may enter into a contract for food service consulting services or management services in one or more district schools. (Education Code 45103.5; 42 USC 1758; 7 CFR 210.16)

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Procurement of Foods, Equipment and Supplies

To the maximum extent practicable, foods purchased for use in school meals by the district or by any entity purchasing food on its behalf shall be domestic commodities or products. *Domestic commodity or product* means an agricultural commodity that is produced in the United States and a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States. (42 USC 1760; 7 CFR 210.21)

A nondomestic food product may be purchased for use in the district's food service program only as a last resort when the product is not produced or manufactured in the United States in sufficient and reasonably available quantities of a satisfactory quality, or when competitive bids reveal the costs of a United States product are significantly higher than the nondomestic product. In such cases, the Superintendent or designee shall retain documentation justifying the use of the exception.

Furthermore, the district shall accept a bid or price for an agricultural product grown in California before accepting a bid or price for an agricultural product grown outside the state, if the quality of the California-grown product is comparable and the bid or price does not exceed the lowest bid or price of a product produced outside the state. (Food and Agriculture Code 58595)

Bid solicitations and awards for purchases of equipment, materials, or supplies in support of the district's child nutrition program, or for contracts awarded pursuant to Public Contract Code 2000, shall be consistent with the federal procurement standards in 2 CFR 200.318-200.326. Awards shall be let to the most responsive and responsible party. Price shall be the primary consideration, but not the only determining factor, in making such an award. (Public Contract Code 20111)

Program Monitoring and Evaluation

The Superintendent or designee shall present to the Board, at least annually, financial reports regarding revenues and expenditures related to the food service program.

The Superintendent or designee shall provide all necessary documentation required for the Administrative Review conducted by CDE to ensure compliance of the district's food service program with federal requirements.

(cf. 3555 - Nutrition Program Compliance)

Legal Reference: (see next page)

BP 3551(d)

Legal Reference:

EDUCATION CODE

38080-38086.1 Cafeteria, establishment and use
38090-38095 Cafeterias, funds and accounts
38100-38103 Cafeterias, allocation of charges
42646 Alternate payroll procedure
45103.5 Contracts for management consulting services; restrictions
49490-49493 School breakfast and lunch programs
49500-49505 School meals
49550-49564.5 Meals for needy students, especially:
49550.5 Universal breakfast
49554 Contract for services
49580-49581 Food recovery program

FOOD AND AGRICULTURE CODE

58595 Preference for California-grown agricultural products

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

PUBLIC CONTRACT CODE

2000-2002 Responsive bidders

20111 Contracts

CODE OF REGULATIONS, TITLE 5

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769j School lunch programs

1771-1793 Child nutrition, including:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 2

200.56 Indirect costs, definition

200.317-200.326 Procurement standards

200.400-200.475 Cost principles

200 Appendix VII Indirect cost proposals

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.33 National School Lunch Program

220.1-220.22 National School Breakfast Program

245.8 Nondiscrimination practices for students eligible for free and reduced price meals and free milk

250.1-250.70 USDA foods

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Food Distribution Program Administrative Manual

Paid Lunch Equity Requirement and Calculation Tool-Updated Guidance for School Year 2019-20, NSD Management Bulletin, SNP-11-2019, May 2019

Professional Standards in the SNP and New Hiring Flexibility, NSD Management Bulletin, SNP-10-2019, April 2019

Senate Bill 250: Child Hunger Prevention and Fair Treatment Act of 2017 and USDA Meal Charge Policy Requirements, NSD Management Bulletin, SNP-05-2018, January 2018

Management Resources continued: (see next page)

BP 3551(e)

Management Resources: (continued)

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS (continued)

Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018

Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, NSD Management Bulletin, SNP-03-2017, April 2017

Procuring and Monitoring of Food Service Management Contracts, NSD Management Bulletin, SNP-13-2015, January 2015

Cafeteria Funds--Allowable Uses, NSD Management Bulletin, NSD-SNP-07-2013, May 2013

Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, NSD Management Bulletin, 00-111, July 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

School Meals - FAQs

Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP 38-2017, June 2017

Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools, SP 29-2017, May 2017

Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017

Indirect Costs: Guidance for State Agencies and School Food Authorities SP 60-2016, September 2016

Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016

Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014

WEB SITES

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California School Nutrition Association: <http://www.calsna.org>

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

Policy
adopted:
Business and Noninstructional Operations

CSBA MANUAL MAINTENANCE SERVICE
March 2020
AR 3551(a)

FOOD SERVICE OPERATIONS/CAFETERIA FUND

Payments for Meals

With the exception of students who are eligible to receive meals at no cost, students may pay on a per-meal basis or may submit payments in advance. The Superintendent or designee shall maintain a system for accurately recording payments received and tracking meals provided to each student.

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

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

At the beginning of the school year, and whenever a student enrolls during the school year, parents/guardians shall be notified of the district's meal payment policies and be encouraged to prepay for meals whenever possible. The Superintendent or designee shall communicate the district's meal payment policies through multiple methods, including, but not limited to:

1. Explaining the meal charge policy within registration materials provided to parents/guardians at the start of the school year
2. Including the policy in print versions of student handbooks, if provided to parents/guardians annually
3. Providing the policy whenever parents/guardians are notified regarding the application process for free and reduced-price meals, such as in the distribution of applications at the start of the school year
4. Posting the policy on the district's web site
5. Establishing a system to notify parents/guardians when a student's meal payment account has a low or negative balance

(cf. 1113 - District and School Web Sites)

(cf. 5145.6 - Parental Notifications)

In any school that uses a system of meal tickets or other similar medium of exchange rather than an electronic point-of-sale system, the Superintendent or designee shall develop a process for providing replacement tickets to any student who reports a ticket as lost or stolen.

However, whenever any student reports an excessive number of lost or stolen tickets, the Superintendent or designee shall notify the parent/guardian and may provide an alternative method of tracking meal usage for that student.

AR 3551(b)

In order to avoid potential misuse of a student's food service account by someone other than the student in whose name the account has been established, the Superintendent or designee shall verify a student's identity when setting up the account and when charging any meal to the account. The Superintendent or designee shall investigate any claim that a bill does not belong to a student or is inaccurate, and shall open a new account as appropriate for a student whose account appears to have been misused.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Any payments made to a student's food service account shall, if not used within the school year, be carried over into the next school year or refunded to the student's parents/guardians.

Unpaid and Delinquent Meal Charges

The district shall not direct any action toward a student to collect unpaid school meal fees. (Education Code 49557.5)

Students who have unpaid meal charges shall be served a meal of their choice throughout the school year regardless of the level of debt incurred by the household. Such students shall not be overtly identified by the use of special tokens, tickets, or other means and shall not be shamed, treated differently, or denied a meal of their choice. (Education Code 49557, 49557.5)

No later than 10 days after a student's school meal account has reached a negative balance, the Superintendent or designee shall so notify the student's parent/guardian. Before sending this notification, the district shall exhaust all options and methods to directly certify the student for free or reduced-price meals. If the district is not able to directly certify the student, the notice to the parent/guardian shall include a paper copy of, or an electronic link to, an application for free or reduced-price meals and the Superintendent or designee shall contact the parent/guardian to encourage submission of the application. (Education Code 49557.5)

The district may attempt to collect unpaid school meal fees from a parent/guardian, but shall not use a debt collector. (Education Code 49557.5)

The Superintendent or designee may enter into an agreement with a student's parent/guardian for payment of the student's unpaid meal charge balance over a period of time. As necessary, the repayment plan may allow the unrecovered or delinquent debt to carry over into the next fiscal year.

The district's efforts to collect debt shall be consistent with district policies and procedures, California Department of Education (CDE) guidance, and 2 CFR 200.426. The district shall not spend more than the actual debt owed in efforts to recover unpaid meal charges.

AR 3551(c)

The Superintendent or designee shall maintain records of the efforts made to collect unpaid meal charges and, if applicable, financial documentation showing when the unpaid meal balance has become an operating loss.

Reimbursement Claims

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free, reduced-price, and full-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to CDE using the online Child Nutrition Information and Payment System.

Donation of Leftover Food

To minimize waste and reduce food insecurity, the district may provide sharing tables where students and staff may return appropriate unused cafeteria food items to be made available to students during the course of a regular school meal time. If food on the sharing tables is not taken by a student, the school cafeteria may donate the food to a food bank or any other nonprofit charitable organization. (Health and Safety Code 114079)

(cf. 3510 - Green School Operations)

Food that may be donated includes prepackaged, nonpotentially hazardous food with the packaging still intact and in good condition, whole uncut produce that complies with Health and Safety Code 113992, unopened bags of sliced fruit, unopened containers of milk that are immediately stored in a cooling bin maintained at 41 degrees Fahrenheit or below, and perishable prepackaged food if it is placed in a proper temperature-controlled environment. The preparation, safety, and donation of food shall be consistent with Health and Safety Code 113980. (Health and Safety Code 114079)

Cafeteria Fund

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. (Education Code 38090, 38093)

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

The cafeteria fund shall be used only for those expenditures authorized by the Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR Part 200 Appendix VII, and the California School Accounting Manual.

With CDE approval, the district may use cafeteria funds to supplement the provision of universal breakfast. On or before July 1 of each year, the district shall submit to CDE a

AR 3551(d)

Board-signed application certifying that breakfast will be provided to all students at no charge and that any cost above the amount provided in federal reimbursement will be covered by the district with nonfederal funds. (Education Code 49550.5)

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the purpose of and basis for the expenditure. (Education Code 38101)

(cf. 3110 - Transfer of Funds)

Indirect costs charged to the food service program shall be based on either the district's prior year indirect cost rate as approved by CDE or the statewide average approved indirect cost rate for the second prior fiscal year, whichever is less. (Education Code 38101)

Net cash resources in the nonprofit school food service shall not exceed three months' average expenditures. (7 CFR 210.14, 220.7)

U.S. Department of Agriculture Foods

The district shall provide facilities for the storage and control of foods received through the U.S. Department of Agriculture (USDA) that protect against theft, spoilage, damage, or other loss. Such storage facilities shall maintain donated foods in sanitary conditions, at the proper temperature and humidity, and with adequate air circulation. The district shall comply with all federal, state, or local requirements related to food safety and health and procedures for responding to a food recall, as applicable, and shall obtain all required health inspections. (7 CFR 250.14)

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

USDA donated foods shall be used in school lunches as far as practicable. USDA foods also may be used in other nonprofit food service activities, including, but not limited to, school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students, provided that any revenues from such activities accrue to the district's nonprofit food service account. (7 CFR 250.59)

Contracts with Outside Services

The term of any contract for food service management or consulting services shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5; 7 CFR 210.16)

AR 3551(e)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Any contract for management of the food service operation shall be approved by CDE and comply with the conditions in Education Code 49554 and 7 CFR 210.16 as applicable. The district shall retain control of the quality, extent, and general nature of its food services, including prices to be charged to students for meals, and shall monitor the food service operation through periodic on-site visits. The district shall not enter into a contract with a food service company to provide a la carte food services, unless the company agrees to offer free, reduced-price, and full-price reimbursable meals to all eligible students. (Education Code 49554; 42 USC 1758; 7 CFR 210.16)

Any contract for consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits, or other terms and conditions of employment of classified food service staff or positions. All persons providing consulting services shall be subject to applicable employment conditions related to health and safety as listed in Education Code 45103.5. (Education Code 45103.5)

(cf. 3312 - Contracts)

(cf. 3515.6 - Criminal Background Checks for Contractors)

(cf. 3600 - Consultants)

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

(cf. 4212 - Appointments and Conditions of Employment)

Regulation
approved:
Certificated Personnel

CSBA MANUAL MAINTENANCE SERVICE
March 2020
BP 4112.2(a)

CERTIFICATION

The Governing Board recognizes that the district's ability to provide a high-quality educational program is dependent upon the employment of certificated staff who are adequately prepared and have demonstrated proficiency in basic skills and in the subject matter to be taught. The Superintendent or designee shall ensure that persons employed to fill positions requiring certification qualifications possess the appropriate credential, permit, or other certification document from the Commission on Teacher Credentialing (CTC) and fulfill any additional state, federal, or district requirements for the position.

(cf. 4111/4211/4311 - Recruitment and Selection)
(cf. 4112.21 - Interns)
(cf. 4112.22 - Staff Teaching English Learners)
(cf. 4112.23 - Special Education Staff)
(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)
(cf. 4113 - Assignment)
(cf. 4121 - Temporary/Substitute Personnel)
(cf. 5148 - Child Care and Development)
(cf. 6178 - Career Technical Education)
(cf. 6200 - Adult Education)

The Superintendent or designee shall provide assistance and support to teachers holding preliminary credentials to enable them to meet the qualifications required for the clear credential.

(cf. 4131 - Staff Development)
(cf. 4131.1 - Teacher Support and Guidance)

Priorities for Hiring Based on Unavailability of Credentialed Teacher

The Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher who is authorized in the subject or setting for each assignment or, when necessary, a fully prepared teacher serving on a local assignment option. Whenever a teacher with a clear or preliminary credential is not available, the Superintendent or designee shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

1. A candidate who enrolls in an approved intern program in the region of the district and possesses an intern credential
2. A candidate who is scheduled to complete preliminary credential requirements within six months and who is granted a provisional internship permit (PIP) or short-term staff permit issued by the CTC

The Board shall approve, as an action item at an open Board meeting, a notice of its intent to employ a PIP applicant for a specific position. (5 CCR 80021.1)

BP 4112.2(b)

CERTIFICATION (continued)

3. An individual who has been granted a credential waiver by the CTC

Prior to requesting that the CTC issue an emergency permit or a limited assignment permit, the Board shall annually approve a Declaration of Need for Fully Qualified Educators. The Declaration of Need shall be approved by the Board as an action item at a regularly scheduled open Board meeting, with the entire Declaration of Need being included in the Board agenda. (Education Code 44225, 44225.7; 5 CCR 80023.2, 80026, 80027, 80027.1)

The Declaration of Need shall certify that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) and that the district has made reasonable efforts to recruit individuals who meet the qualifications specified in items #1-2 above. The Declaration of Need shall also indicate the number and type of emergency permits that the district estimates it will need during the valid period of the Declaration of Need, based on the previous year's actual needs and projections of enrollment. Whenever the actual number of permits needed exceeds the estimate by 10 percent, the Board shall revise and resubmit the Declaration of Need. (5 CCR 80026)

Whenever it is necessary to employ noncredentialed teachers to fill a position requiring certification qualifications, the Superintendent or designee shall provide support and guidance in accordance with law to ensure the quality of the instructional program.

National Board for Professional Teaching Standards Certification

The Superintendent or designee shall promote a career continuum that includes participation of district teachers in professional learning that supports their completion of advanced certification awarded by the National Board for Professional Teaching Standards (NBPTS). The Superintendent or designee may coordinate a cohort of teachers through school or district programs or other available networks.

With Board approval and funding, and consistent with the collective bargaining agreement and applicable law, the Superintendent may provide an incentive program for teacher participation in NBPTS certification, which may include:

1. Defraying, subsidizing, or reimbursing the registration, certification, or maintenance fees for NBPTS certification
2. Providing bonuses, step increases, or differential pay for teachers who maintain their certification and continue to teach in the district, with priority given to teachers at Title I schools and schools serving a majority of low-income students

CERTIFICATION (continued)

3. Providing substitute teachers to provide release time for participating teachers
4. Providing stipends for teacher participation that match other professional development stipends
5. Compensating mentor teachers who support other teachers' professional learning aligned to NBPTS standards

(cf. 4161.3 - Professional Leaves)

Parental Notifications

At the beginning of each school year, the Superintendent or designee shall notify the parents/guardians of each student attending a school receiving Title I funds that they may request information regarding the professional qualifications of their child's classroom teacher including, but not limited to, whether the teacher: (20 USC 6312)

1. Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction
2. Is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived
3. Is teaching in the field of discipline of the teacher's certification

(cf. 5145.6 - Parental Notifications)

In addition, the Superintendent or designee shall notify parents/guardians in a timely manner whenever their child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area to which the teacher has been assigned. (20 USC 6312)

Legal Reference: (see next page)

CERTIFICATION (continued)

Legal Reference:

EDUCATION CODE

8360-8370 *Qualifications of child care personnel*

32340-32341 *Unlawful issuance of a credential*

35186 *Complaints regarding teacher vacancy or misassignment*

44066 *Limitations on certification requirements*

44200-44399.1 *Teacher credentialing, especially:*

44250-44277 *Credential types; minimum requirements*

44300-44302 *Emergency permit*

44325-44328 *District interns*

44330-44355 *Certificates and credentials*

44420-44440 *Revocation and suspension of credentials*

44450-44468 *University intern program*

44830-44929 *Employment of certificated persons; requirement of proficiency in basic skills*

56060-56063 *Substitute teachers in special education*

CODE OF REGULATIONS, TITLE 5

80001-80674.6 *Commission on Teacher Credentialing*

UNITED STATES CODE, TITLE 20

6312 *Title I local educational agency plans; notifications regarding teacher qualifications*

CODE OF FEDERAL REGULATIONS, TITLE 34

200.48 *Parent notification regarding teacher qualifications*

COURT DECISIONS

Association of Mexican-American Educators et al. v. State of California and the Commission on Teacher Credentialing, (1993) 836 F.Supp. 1534

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

CL-667 *Basic Skills Requirement*

CL-856 *Provisional Internship Permit*

CL 858 *Short-Term Staff Permit*

Credential Information Guide

Approved Addition and Amendments to Title 5 of the California Code of Regulations Pertaining to Teaching Permit for Statutory Leave (TPSL), Coded Correspondence 16-10, August 23, 2016

Waiver Requests Guidebook, 2015

Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013

Subject Matter Authorization Guideline Book, 2012

Management Resources continued: (see next page)

CERTIFICATION (continued)

Management Resources: (continued)

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS (continued)

Supplementary Authorization Guideline Book, 2012

California Standards for the Teaching Profession, 2009

The Administrator's Assignment Manual, rev. September 2007

NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS PUBLICATIONS

Considerations for Using Federal Funds to Support National Board Certification, 2018

WEB SITES

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

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

Commission on Teacher Credentialing, *Credential Information Guide (for employers' use only)*:

<http://www.ctc.ca.gov/credentials/cig>

National Board for Professional Teaching Standards: <http://www.nbpts.org>

National Board Resource Center: nbcalistrong.net

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

Policy
adopted:
All Personnel

CSBA MANUAL MAINTENANCE SERVICE
March 2020
E 4112.9(a)
4212.9

EMPLOYEE NOTIFICATIONS

4312.9

Note: The following exhibit lists notices which the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees			
At the beginning of school year or upon employment	Education Code 231.5; Government Code 12950; 2 CCR	AR 4119.11 4219.11 4319.11	The district's policy on sexual harassment, legal remedies, complaints
Annually to all employees, and 72 hours before pesticide application	Education Code 17612	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information
To all employees, prior to implementing year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round program
To all employees, prior to implementing alternative schedule	Education Code 46162	AR 6112	Public hearing on alternative schedule
Annually to all employees	Education Code 49013; 5 CCR 4622	AR 1312.3 BP 0460 BP 3260	Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan
Annually to all employees	Education Code 49414	AR 5141.21	Request for volunteers to be trained to administer epinephrine auto-injectors
At least once per year	Education Code 49414.3	AR 5141.21	Request for volunteers to be trained to administer opioid antagonist

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees (continued)			
To all employees	Government Code 1126	BP 4136 4236 4336	Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal
Prior to beginning employment	Government Code 3102	AR 4112.3 4212.3 4312.3	Oath or affirmation of allegiance required of disaster service workers
To all employees	Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210	BP 4020 BP 4159 4259 4359	District's drug- and alcohol-free workplace; actions to be taken if violated; available employee assistance programs
Upon employment	Government Code 21029	None	Right to purchase PERS service credit for military service performed prior to public employment
Upon placement of automated external defibrillator (AED) in school, and annually thereafter	Health and Safety Code 1797.196	AR 5141	Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan
To all employees, if the district receives Tobacco-Use Prevention Education funds	Health and Safety Code 104420	AR 3513.3	District's tobacco-free schools policy and enforcement procedures
Annually to all employees, or more frequently if there is new information	Health and Safety Code 120875, 120880	AR 4119.43 4219.43 4319.43	AIDS and hepatitis B, including methods to prevent exposure
To all employees, with each paycheck	Labor Code 246	AR 4161.1 4361.1 AR 4261.1	Amount of sick leave available
Upon hire, in employee handbook, and upon request for parental leave	Labor Code 1034	BP 4033	The district's policy on lactation accommodation

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees (continued)			
To covered employees and former employees	Labor Code 2800.2	AR 4154 4254 4354	Availability of COBRA/ Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage
To employees participating in a flexible spending account	Labor Code 2810.7	None	Deadline to withdraw funds from account before the end of the plan year
To every new employee, either at the time employee is hired or by end of first pay period	Labor Code 3551	BP 4157.1 4257.1 4357.1	Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor
Prior to beginning employment	Penal Code 11165.7, 11166.5	AR 5141.4	Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law
Upon employment, and when employee goes on leave for specified reasons	Unemployment Insurance Code 2613	AR 4154 4254 4354	Disability insurance rights and benefits
To all employees and job applicants	2 CCR 11023; 34 CFR 104.8, 106.9	BP 0410 BP 4030	District's policy on nondiscrimination and related complaint procedures
To all employees via employee handbook, or to each new employee	2 CCR 11091, 11095; 29 CFR 825.300	AR 4161.8 4261.8 4361.8	Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible
Annually to all employees	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; inspections, response actions, post-response actions planned or in progress E 4112.9(d) 4212.9

EMPLOYEE NOTIFICATIONS (continued)**II. To Certificated Employees**

To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire	Education Code 22455.5	AR 4121	Criteria for membership in retirement system; right to elect membership at any time
Upon employment of a retired certificated individual	Education Code 22461	AR 4117.14 4317.14	Postretirement earnings limitation or employment restriction; monthly report of compensation
To certificated employees	Education Code 35171	AR 4115 BP 4315	District regulations related to performance evaluations
30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated	Education Code 44663	AR 4115	Copy of employee's evaluation
To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee	Education Code 44664	AR 4115	Notice and description of the unsatisfactory performance
By May 30, if district issues reemployment notices to certificated employees	Education Code 44842	AR 4112.1	Request that the employee notify district of intent to remain in service next year
To certificated employees upon employment, and to nonpermanent employees in July of each school year	Education Code 44916	AR 4112.1 AR 4121	Employment status and salary
By March 15 of employee's second year of employment, in districts that grant permanent status after two years	Education Code 44929.21	BP 4116	Whether or not employee is reelected for next school year

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. To Certificated Employees (continued)			
When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year	Education Code 44934, 44934.1, 44936	BP 4118 AR 4118	Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice
To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings	Education Code 44940.5	AR 4118	Notice of intent to dismiss 30 days from notice unless employee demands hearing
To probationary employees 30 days prior to dismissal during school year, but not later than March 15 for second-year probationary employees	Education Code 44948.3	AR 4118	Reasons for dismissal and opportunity to appeal
By March 15 when necessary to reduce certificated personnel, with final notice by May 15	Education Code 44949, 44955	BP 4117.3	Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination
On or before June 30, to temporary employee who served 75 percent of school year but will be released	Education Code 44954	BP 4121	District's decision not to reelect employee for following school year

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. To Certificated Employees (continued)			
To teacher, when a student engages in or is reasonably suspected of specified acts	Education Code 49079	AR 4158 4258 4358	Student has committed specified act that constitutes ground for suspension or expulsion
To certificated employee upon change in employment status due to alleged misconduct or while allegation is pending	5 CCR 80303	AR 4117.7 4317.7	Contents of state regulation re: report to Commission on Teacher Credentialing
III. To Classified Employees			
To classified employee charged with mandatory leave of absence offense, in merit system district	Education Code 44940.5	AR 4218	Notice of intent to dismiss in 30 days
When classified employee is subject to disciplinary action for cause, in nonmerit district	Education Code 45113	AR 4218	Notice of charges, right to hearing, timeline for requesting hearing
To classified employees at least 60 days prior to layoff, or by April 29 for specially funded program that expires at end of school year	Education Code 45117	AR 4217.3	Notice of layoff and reemployment rights
To classified employees upon employment and upon each change in classification	Education Code 45169	AR 4212	Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek
To classified permanent employee whose leave is exhausted	Education Code 45192, 45195	AR 4261.1 AR 4261.11	Exhaustion of leave, opportunity to request additional leave
To school bus drivers and school activity bus drivers prior to expiration of specified documents	13 CCR 1234	AR 3542	Expiration date of driver's license, driver's certificate and medical certificate; need to renew

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. To Classified Employees (continued)			
To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter	13 CCR 2480	AR 3542	Limitations on vehicle idling; consequences of not complying
To school bus drivers, prior to district drug testing program and thereafter upon employment	49 CFR 382.601	BP 4112.42 4212.42 4312.42	Explanation of federal requirements for drug testing program and district's policy
IV. To Administrative/Supervisory Personnel			
To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract	Education Code 35031	BP 2121 BP 4312.1	Decision not to reelect or reemploy upon expiration of contract or term
Upon request by administrative or supervisory employee transferred to teaching position	Education Code 44896	AR 4313.2	Statement of the reasons for the release or reassignment
By March 15 to employee who may be released/reassigned the following school year	Education Code 44951	AR 4313.2	Notice that employee may be released or reassigned the following school year
V. To Individual Employees Under Special Circumstances			
In the event of a breach of security of district records, to affected employees	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies
Prior to placing derogatory information in personnel file	Education Code 44031	AR 4112.6 4212.6 4312.6	Notice of derogatory information, opportunity to review and comment

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
V. To Individual Employees Under Special Circumstances (continued)			
To employees who volunteer to administer epinephrine auto-injector	Education Code 49414	AR 5141.21	Defense and indemnification from civil liability by the district
To employees returning from military leave of absence, within 30 days of return	Government Code 20997	AR 4161.5 4261.5 4361.5	Right to receive PERS service credit for military service; application form
24 hours before Board meets in closed session to hear complaints or charges against employee	Government Code 54957	BB 9321	Employee's right to have complaints/charges heard in open session
When taking disciplinary action against employee for disclosure of confidential information	Government Code 54963	BP 4119.23 4219.23 4319.23	Law prohibiting disclosure of confidential information obtained in closed session
Within one working day of work-related injury or victimization of crime	Labor Code 3553, 5401	BP 4157.1 4257.1 4357.1	Potential eligibility for workers' compensation benefits, claim form
When adverse employment action is based on DOJ criminal history information or subsequent arrest notification	Penal Code 11105, 11105.2	AR 4112.5 4212.5 4312.5	Copy of DOJ notification
To any employee with exposure to blood or other potentially infectious materials, upon initial employment and at least annually thereafter	8 CCR 3204	AR 4119.42 4219.42 4319.42	The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records
To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation	8 CCR 5191	AR 3514.1	Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
V. To Individual Employees Under Special Circumstances (continued)			
To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area	8 CCR 5194	AR 3514.1	Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights
To employee eligible for military leave	38 USC 4334	AR 4161.5 4261.5 4361.5	Notice of rights, benefits, and obligations under military leave
Within five days of employee's request for FMLA leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave	29 CFR 825.300; 2 CCR 11049, 11091	AR 4161.8 4261.8 4361.8	Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice
Whenever notice of eligibility for FMLA is provided to employee	29 CFR 825.300	AR 4161.8 4261.8 4361.8	Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

SUICIDE PREVENTION

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

In developing policy and strategies for suicide prevention and intervention, the Superintendent or designee shall consult with school and community stakeholders such as administrators, other staff, parents/guardians, and students; school-employed mental health professionals such as school counselors, school psychologists, school social workers, and school nurses; suicide prevention experts such as local health agencies, mental health professionals, and community organizations; law enforcement; and, in developing policy for grades K-6, the county mental health plan. (Education Code 215)

(cf. 1220 - Citizen Advisory Committees)

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

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

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

1. Staff development on suicide awareness and prevention for teachers, school counselors, and other district employees who interact with students, as described in the accompanying administrative regulation

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

(cf. 6142.8 - Comprehensive Health Education)

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

SUICIDE PREVENTION (continued)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

4. The provision of information to parents/guardians regarding risk factors and warning signs of suicide, the severity of the suicide problem among youth, the district's suicide prevention curriculum, basic steps for helping suicidal youth, and/or school and community resources that can help youth in crisis
5. Encouragement for students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions
6. Crisis intervention procedures for addressing suicide threats or attempts
7. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide

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

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

(cf. 5141.6 - School Health Services)

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

The Board shall review, and update as necessary, this policy at least every five years. (Education Code 215)

SUICIDE PREVENTION (continued)

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

Legal Reference:

EDUCATION CODE

215 Student suicide prevention policies

215.5 Suicide prevention hotline contact information on student identification cards

216 Suicide prevention online training programs

234.6 Posting suicide prevention policy on web site

32280-32289.5 Comprehensive safety plan

49060-49079 Student records

49602 Confidentiality of student information

49604 Suicide prevention training for school counselors

GOVERNMENT CODE

810-996.6 Government Claims Act

PENAL CODE

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

5698 Emotionally disturbed youth; legislative intent

5850-5886 Children's Mental Health Services Act

COURT DECISIONS

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2019

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009

NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS PUBLICATIONS

Preventing Suicide: Guidelines for Administrators and Crisis Teams, 2015

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

National Strategy for Suicide Prevention: Goals and Objectives for Action, rev. 2012

Preventing Suicide: A Toolkit for High Schools, 2012

Management Resources continued: (see next page)

SUICIDE PREVENTION (continued)

Management Resources: (continued)

WEB SITES

American Association of Suicidology: <http://www.suicidology.org>

American Foundation for Suicide Prevention: <https://afsp.org>

American Psychological Association: <http://www.apa.org>

American School Counselor Association: <https://www.schoolcounselor.org>

California Department of Education, Mental Health: <http://www.cde.ca.gov/ls/cg/mh>

California Department of Health Care Services, Mental Health Services:

<http://www.dhcs.ca.gov/services/MH>

Centers for Disease Control and Prevention, Mental Health: <http://www.cdc.gov/mentalhealth>

National Association of School Psychologists: <https://www.nasponline.org>

National Institute for Mental Health: <http://www.nimh.nih.gov>

Suicide Prevention Resource Center: <https://www.sprc.org/about-suicide>

Lifeline: <https://suicidepreventionlifeline.org>

Trevor Project: <http://thetrevorproject.org>

U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services

Administration: <http://www.samhsa.gov>

SUICIDE PREVENTION

Staff Development

Suicide prevention training shall be provided to teachers, counselors, and other district employees who interact with students. The training shall be offered under the direction of a district counselor/psychologist and/or in cooperation with one or more community mental health agencies.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Materials for training shall include how to identify appropriate mental health services at the school site and within the community, and when and how to refer youth and their families to those services. Materials also may include programs that can be completed through self-review of suitable suicide prevention materials. (Education Code 215)

Staff development shall include research and information related to the following topics:

1. The higher risk of suicide among certain groups, including, but not limited to, students who are impacted by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning
2. Individual risk factors such as previous suicide attempt(s) or self-harm, history of depression or mental illness, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe stressor or loss, family instability, impulsivity, and other factors

(cf. 5131.6 - Alcohol and Other Drugs)

3. Warning signs that may indicate depression, emotional distress, or suicidal intentions, such as changes in students' personality or behavior and verbalizations of hopelessness or suicidal intent
4. Protective factors that may help to decrease a student's suicide risk, such as resiliency, problem-solving ability, access to mental health care, and positive connections to family, peers, school, and community
5. Instructional strategies for teaching the suicide prevention curriculum and promoting mental and emotional health
6. School and community resources and services, including resources and services that meet the specific needs of high-risk groups

SUICIDE PREVENTION (continued)

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

7. Appropriate ways to interact with a student who is demonstrating emotional distress or is suicidal and procedures for intervening when a student attempts, threatens, or discloses the desire to die by suicide, including, but not limited to, appropriate protocols for monitoring the student while the immediate referral of the student to medical or mental health services is being processed
8. District procedures for responding after a suicide has occurred

Instruction

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

1. Identify and analyze signs of depression and self-destructive behaviors in oneself and others and understand how feelings of depression, loss, isolation, inadequacy, and anxiety can lead to thoughts of suicide
2. Develop coping and resiliency skills and self-esteem
3. Learn to listen, be honest, share feelings, and get help when communicating with friends who show signs of suicidal intent
4. Identify trusted adults, school resources, and/or community crisis intervention resources where youth can get help and recognize that there is no stigma associated with seeking services for mental health, substance abuse, and/or suicide prevention

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5141.6 - School Health Services)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6164.2 - Guidance/Counseling Services)

Student Identification Cards

Student identification cards for students in grades 7-12 shall include the National Suicide Prevention Lifeline telephone number and may also include the Crisis Text Line and/or a local suicide prevention hotline telephone number. (Education Code 215.5)

SUICIDE PREVENTION (continued)

Intervention

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

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

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

(cf. 5141 - Health Care and Emergencies)

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

(cf. 5138 - Conflict Resolution/Peer Mediation)

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

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5141 - Health Care and Emergencies)

SUICIDE PREVENTION (continued)

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

(cf. 5125 - Student Records)

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

(cf. 5141.4 - Child Abuse Prevention and Reporting)

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

Postvention

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

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

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

(cf. 1112- Media Relations)

SUICIDE PREVENTION (continued)

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

SUSPENSION AND EXPULSION/DUE PROCESS

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

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

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

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

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

(cf. 5112.5 - Open/Closed Campus)

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

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

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

Appropriate Use of Suspension Authority

Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

administrative regulation, or when the student's presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

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

OPTION 1: No student in grades K-8 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

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

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

On-Campus Suspension

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

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

Authority to Expel

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

BP 5144.1(c)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

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

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

For all other violations listed in the accompanying administrative regulation, the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

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

A vote to expel a student shall be taken in an open session of a Board meeting.

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

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

BP 5144.1(d)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

No child enrolled in a preschool program shall be expelled except under limited circumstances as specified in AR 5148.3 - Preschool/Early Childhood Education.

(cf. 5148.3 - Preschool/Early Childhood Education)

Due Process

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

(cf. 5119 - Students Expelled from Other Districts)

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

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall maintain outcome data related to student suspensions and expulsions in accordance with Education Code 48900.8 and 48916.1, including, but not limited to, the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period. For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Board annually and to the California Department of Education when so required.

In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference: (see next page)

BP 5144.1(e)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Legal Reference:

EDUCATION CODE

212.5 *Sexual harassment*

233 *Hate violence*

1981-1981.5 *Enrollment of students in community school*

8239.1 *Prohibition against expulsion of preschool student*

17292.5 *Program for expelled students*

32261 *Interagency School Safety Demonstration Act of 1985*

35145 *Open board meetings*

35146 *Closed sessions (regarding suspensions)*

35291 *Rules (for government and discipline of schools)*

35291.5 *Rules and procedures on school discipline*

48645.5 *Readmission; contact with juvenile justice system*

48660-48666 *Community day schools*

48853.5 *Foster youth*

48900-48927 *Suspension and expulsion*

48950 *Speech and other communication*

48980 *Parental notifications*

49073-49079 *Privacy of student records*

52052 *Numerically significant student subgroups*

52060-52077 *Local control and accountability plan*

64000-64001 *Consolidated application*

CIVIL CODE

47 *Privileged communication*

48.8 *Defamation liability*

CODE OF CIVIL PROCEDURE

1985-1997 *Subpoenas; means of production*

GOVERNMENT CODE

11455.20 *Contempt*

54950-54963 *Ralph M. Brown Act*

HEALTH AND SAFETY CODE

11014.5 *Drug paraphernalia*

11053-11058 *Standards and schedules*

LABOR CODE

230.7 *Employee time off to appear in school on behalf of a child*

Legal Reference continued: (see next page)

BP 5144.1(f)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Legal Reference: (continued)

PENAL CODE

- 31 *Principal of a crime, defined*
- 240 *Assault defined*
- 241.2 *Assault fines*
- 242 *Battery defined*
- 243.2 *Battery on school property*
- 243.4 *Sexual battery*
- 245 *Assault with deadly weapon*
- 245.6 *Hazing*
- 261 *Rape defined*
- 266c *Unlawful sexual intercourse*
- 286 *Sodomy defined*
- 288 *Lewd or lascivious acts with child under age 14*
- 288a *Oral copulation*
- 289 *Penetration of genital or anal openings*
- 417.27 *Laser pointers*
- 422.55 *Hate crime defined*
- 422.6 *Interference with exercise of civil rights*
- 422.7 *Aggravating factors for punishment*
- 422.75 *Enhanced penalties for hate crimes*
- 626.2 *Entry upon campus after written notice of suspension or dismissal without permission*
- 626.9 *Gun-Free School Zone Act of 1995*
- 626.10 *Dirks, daggers, knives, razors, or stun guns*
- 868.5 *Supporting person; attendance during testimony of witness*

WELFARE AND INSTITUTIONS CODE

- 729.6 *Counseling*

UNITED STATES CODE, TITLE 18

- 921 *Definitions, firearm*

UNITED STATES CODE, TITLE 20

- 1415(K) *Placement in alternative educational setting*
- 7961 *Gun-free schools*

Legal Reference continued: (see next page)

BP 5144.1(g)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 42

11432-11435 *Education of homeless children and youths*

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 118

Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 348 (1997)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

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

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

WEB SITES

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

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

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

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

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

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

<http://www2.ed.gov/about/offices/list/oese/oshs>

Policy
adopted:

CSBA MANUAL MAINTENANCE SERVICE
March 2020

Students

AR 5144.1(a)

SUSPENSION AND EXPULSION/DUE PROCESS

Definitions

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

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

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

Notice of Regulations

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

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion: Grades K-12

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows and in the sections "Additional Grounds for Suspension and Expulsion: Grades 4-12" and "Additional Grounds for Suspension and Expulsion: Grades 9-12" below:

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))

AR 5144.1(b)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

(cf. 3513.4 - Drug and Alcohol Free Schools)

(cf. 5131.6 - Alcohol and Other Drugs)

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

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

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

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

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

(cf. 5131.62 - Tobacco)

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))
11. Knowingly received stolen school property or private property (Education Code 48900(l))
12. Possessed an imitation firearm (Education Code 48900(m))

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

13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))
14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))
15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))
16. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

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

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

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

placing a reasonable student in fear of harm to self or property; cause the student to experience a substantially detrimental effect on physical or mental health; or cause the student to experience substantial interferences with academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code 48900(r))

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

Bullying also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

Electronic act means the creation or transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to: (Education Code 48900(r))

- a. A message, text, sound, video, or image
- b. A post on a social network Internet web site, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

(cf. 6163.4 - Student Use of Technology)

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

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

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))
19. Made terrorist threats against school officials and/or school property (Education Code 48900.7)

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

Additional Grounds for Suspension and Expulsion: Grades 4-12

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

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

Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - Sexual Harassment)

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

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race,

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

Additional Grounds for Suspension and Expulsion: Grades 9-12

Any student in grades 9-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

Suspension from Class by a Teacher

A teacher may suspend a student from class for the remainder of the day and the following day for any of the acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above or for disruption or willful defiance at any grade level, including grades K-8. (Education Code 48910)

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

As soon as possible after the teacher decides to suspend the student, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension.

AR 5144.1(g)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

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

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

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

Suspension by Superintendent, Principal or Principal's Designee

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

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

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

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

(cf. 5125 - Student Records)

Length of Suspension

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

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, the student may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

(cf. 6184 - Continuation Education)

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

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, including the other means of correction that were attempted before the suspension as required pursuant to Education Code 48900.5, and the evidence against the student, and shall be given the opportunity to present the student's version and evidence. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

- the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference and the conference shall be held within two school days, unless the student waives the right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)
2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
 3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall also be notified in writing of the suspension. (Education Code 48911)

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

In addition, the notice may state the date and time when the student may return to school.
 4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may request a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

If school officials request to meet with the parent/guardian, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)
 5. **Extension of Suspension:** If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed: (Education Code 48911)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

- a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.
- b. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)
- c. If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

(cf. 6173.1 - Education for Foster Youth)

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

(cf. 6173 - Education for Homeless Children)

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

Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," and "Additional Grounds for Suspension and Expulsion: Grades 9-12" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

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

AR 5144.1(k)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

(cf. 9321 - Closed Session)

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

On-Campus Suspension

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

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

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Superintendent or Principal's Authority to Recommend Expulsion

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

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

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

Student's Right to Expulsion Hearing

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

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

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

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

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

Stipulated Expulsion

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

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

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

Rights of Complaining Witness

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

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

AR 5144.1(n)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

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

Written Notice of the Expulsion Hearing

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

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

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

(cf. 5119 - Students Expelled from Other Districts)

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

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

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

Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students

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

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. (Education Code 48918.1)

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

Conduct of Expulsion Hearing

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

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

2. **Record of Hearing:** A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))
3. **Subpoenas:** Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

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

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

4. **Presentation of Evidence:** Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," and "Additional Grounds for Suspension and Expulsion: Grades 9-12" above. (Education Code 48918(h))

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

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

5. **Testimony by Complaining Witnesses:** The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
 - a. Any complaining witness shall be given five days' notice before being called to testify.
 - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during the testimony.
 - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
 - d. The person presiding over the hearing may remove a support person who is disrupting the hearing.
 - e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
 - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.

- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
 - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
 - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which the complaining witness may leave the hearing room.
 - (3) The person conducting the hearing may:
 - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
 - (b) Limit the time for taking the testimony of a complaining witness to normal school hours, if there is no good cause to take the testimony during other hours
 - (c) Permit one of the support persons to accompany the complaining witness to the witness stand
6. **Decision:** The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from school, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

hearing officer. The Board may also appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918)

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

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by the student's parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

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

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

Final Action by the Board

Whether the expulsion hearing is conducted in closed or open session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

agreement, the final action to expel shall be taken by the Board in public. (Education Code 48918(j))

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

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

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

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

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

Written Notice to Expel

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," or "Additional Grounds for Suspension and Expulsion: Grades 9-12" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

Decision to Suspend Expulsion Order

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

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

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

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," or "Additional Grounds for Suspension and Expulsion: Grades 9-12" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

Appeal

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

Notification to Law Enforcement Authorities

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

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

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

Placement During Expulsion

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

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

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

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

Readmission After Expulsion

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

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

6. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

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

Maintenance of Records

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

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

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

(cf. 5119 - Students Expelled from Other Districts)

POLICY GUIDE SHEET

April 2020

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

BP 4113.5/4213.5/4313.5 - Working Remotely

(BP added)

New policy addresses issues applicable to employees who work from home or another remote location, whether due to a school closure resulting from a widespread illness, natural disaster, or other emergency condition or upon the request of an individual employee. Policy clarifies that there is no entitlement to work remotely and that employees who are granted the ability to work remotely are subject to the same compensation, benefits, or other terms and conditions of employment appropriate for the position. Policy also addresses work hours, work environment, use of district equipment, reimbursement of expenses, safeguarding of district records, evaluation of job performance, and discontinuance of the remote work arrangement at the district's discretion.

BP 6157 - Distance Learning

(BP added)

New policy addresses the provision of distance learning opportunities to students, whether to all students due to a school closure or to individual students or classes as an alternative instructional method for academic purposes. Policy presents examples of the types of distance learning opportunities that may be offered, based on the California Department of Education's [COVID-19 Guidance for K-12 Schools](#). Policy also addresses teacher training and support, availability to all students, use of district equipment, communications with students and parents/guardians, and grading criteria. Policy includes additional considerations in the event of a school closure, such as prioritization of content as well as maintenance of continuity, routine, and regular connections with students.

All Personnel

BP 4113.5(a)

4213.5

WORKING REMOTELY

4313.5

The Governing Board recognizes that working remotely at home or at another alternative location may be necessary at times when widespread illness, natural disaster, or other emergency condition makes the school or worksite unsafe or otherwise interrupts the district's ability to effectively conduct operations at the school or worksite. A full-time, part-time, or short-term remote work arrangement may also be granted by the Superintendent or designee to an individual employee, upon request, provided that the position is suitable for remote work, the employee has consistently demonstrated the ability to work independently and meet performance expectations, and the work arrangement does not hinder district operations.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3516.5 - Emergency Schedules)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4113 - Assignment)

(cf. 4157/4257/4357 - Employee Safety)

(cf. 6157 - Distance Learning)

The opportunity to work remotely shall be entirely at the district's discretion, and no grievance or appeal right may arise from district denial of any employee request for remote work.

Employees approved for remote work shall comply with all district policies, administrative regulations, work schedules, and job assignments. Except when specifically agreed, approval of remote work shall not change the compensation, benefits, or other terms and conditions of employment of an employee.

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4151/4251/4351 - Employee Compensation)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

Unless otherwise approved in advance by the Superintendent or designee, employees working remotely shall do so within regular work hours established for the position. Employees are entitled and expected to take appropriate, uninterrupted meal and rest breaks, and shall keep accurate records of the hours they work. Employees shall notify their supervisor when unable to perform work assignments due to illness, equipment failure, or other unforeseen circumstances.

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

(cf. 4261.1 - Personal Illness/Injury Leave)

Employees working remotely are expected to conduct their work in a location that is safe and free of obstructions, hazards, and distractions. Such employees shall report to their supervisor any serious injury or illness occurring in the home workspace or in connection with their employment as soon as practically possible in accordance with Board policy.

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

(cf. 4157.2/4257.2/4357.2 - Ergonomics)

WORKING REMOTELY (continued)

The district shall provide to employees who work remotely all supplies, materials, apparatus, and equipment reasonably necessary to perform their jobs, including, as necessary, a technology device and Internet access. Employees shall use caution in accessing the Internet from public locations and in accessing information from networks outside of the district in order to safeguard confidential information. Employees shall be responsible for maintaining and protecting equipment on loan from the district and shall adhere to the district's Acceptable Use Agreement. The employee's personally owned equipment may only be used for district business when approved by the Superintendent or designee.

(cf. 4040 - Employee Use of Technology)
(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

Work done at a remote work location is considered official public business. District records and communications shall be retained and safeguarded against damage or loss, and shall be kept confidential or made accessible to the public in accordance with law.

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 5125 - Student Records)

Any employee working remotely shall be available during work hours to the employee's supervisor and other staff, students, parents/guardians, and members of the public, as appropriate, via email, phone, or other means. Lack of responsiveness on the part of the employee may result in discipline and/or termination of remote work responsibilities. Employees shall be required to attend virtual or in-person meetings when directed by their supervisor.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Employee productivity shall be evaluated on the basis of time spent on tasks and projects, task completion, and quality of job performance in the same manner as all employees in the same position at the assigned school or office.

(cf. 4115 - Evaluation/Supervision)
(cf. 4215 - Evaluation/Supervision)
(cf. 4315 - Evaluation/Supervision)

Remote work arrangements may be discontinued at any time at the discretion of the Superintendent or designee.

BP 4113.5(c)
4213.5
4313.5

WORKING REMOTELY (continued)

Legal Reference:

GOVERNMENT CODE

6250-6270 *California Public Records Act*

12900-12996 *Fair Employment and Housing Act*

LABOR CODE

226.7 *Mandated meal, rest, or recovery periods*

6400 *Safe and healthful employment and place of employment*

6401 *Unsafe workplace*

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

Management Resources:

WEB SITES

California Department of Industrial Relations: <http://www.dir.ca.gov>

DISTANCE LEARNING

The Governing Board recognizes that distance learning can be a viable alternative instructional strategy that supports student achievement of academic goals. Distance learning opportunities may be offered to students participating in independent study, credit recovery courses, enrichment courses, or other courses identified by the Superintendent or designee, or in the event that a school site is physically closed due to widespread illness, natural disaster, or other emergency.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3516.5 - Emergency Schedules)

(cf. 4113.5/4213.5/4313.5 - Working Remotely)

(cf. 6158 - Independent Study)

The district may offer distance learning through a variety of delivery methods as appropriate for the grade level and subject matter. Distance learning opportunities may include video, audio, and/or written instruction in which the primary mode of communication between the student and teacher is online interaction, instructional television, live or prerecorded video, telecourses, and other instruction that relies on computer or communications technology. They may also include the use of print materials with written or oral feedback.

The Superintendent or designee shall review and select distance learning courses, which may include those taught by district staff or others, that are of high academic quality and are aligned with district standards and curricula. As appropriate, courses may be self-directed to allow students to complete assignments at their own pace and/or may involve real-time interaction among the teacher and students.

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6143 - Courses of Study)

The Superintendent or designee shall, in collaboration with teachers, plan for schoolwide or long-term distance learning in the event of a school closure. In developing the plan, the Superintendent or designee shall analyze the course sequence, prioritize content and standards to be completed, and recommend the grading criteria. In such circumstances, students' social-emotional wellness shall be taken into account, and schedules and learning experiences shall be designed to build continuity, routine, and regular connections with students.

(cf. 5141.5 - Mental Health)

As needed, the Superintendent or designee shall provide teachers with training and ongoing support, including technological support and guidance, to effectively implement distance learning. The district shall also provide opportunities for teachers to communicate and collaborate with each other to exchange information on effective practices.

(cf. 4131 - Staff Development)

DISTANCE LEARNING (continued)

Staff shall comply with all copyright regulations in developing materials to be used in distance education courses.

(cf. 6162.6 - Use of Copyrighted Materials)

The district shall take steps to ensure that distance learning opportunities are available to all students, including economically disadvantaged students, students with disabilities, and English learners. Teachers may use multiple methods of providing instruction to meet student needs. All online programming and Internet content shall meet accessibility standards for students with disabilities, including compatibility with commonly used assistive technologies.

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

(cf. 0415 - Equity)

(cf. 6159 - Individualized Education Program)

(cf. 6174 - Education for English Learners)

The Superintendent or designee shall assess students' access to technological devices and the Internet and, consistent with the district's budget and technology plan, may loan devices to students to use at home and/or assist families in identifying free service providers. Students are expected to use district technology responsibly in accordance with the district's Acceptable Use Agreement. To the extent possible, the district shall make technical and academic support available to students.

(cf. 0440 - District Technology Plan)

(cf. 3311.4 - Procurement of Technological Equipment)

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

(cf. 6163.4 - Student Use of Technology)

Teachers shall provide regular communications to students and parents/guardians about expectations, assignments, and available resources to assist the student in successful completion of distance learning coursework.

(cf. 6020 - Parent Involvement)

Grading of distance learning assignments and assessments of end-of-course knowledge and understanding of the subject matter shall be consistent with district policy on grading for equivalent courses.

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

(cf. 6146.3 - Reciprocity of Academic Credit)

(cf. 6146.11 - Alternative Credits Toward Graduation)

Legal Reference: (see next page)

DISTANCE LEARNING (continued)

Legal Reference:

EDUCATION CODE

35182.5 *Contracts for electronic products or services; prohibitions*

51210-51212 *Course of study for grades 1-6*

51220-51229 *Course of study for grades 7-12*

51740-51741 *Authority to provide instruction by correspondence*

51745-51749.3 *Independent study*

51865 *California distance learning policy*

PUBLIC CONTRACT CODE

20118.2 *Contracting by school districts; technological equipment*

UNITED STATES CODE, TITLE 20

7131 *Internet safety*

UNITED STATES CODE, TITLE 47

254 *Universal service discounts (E-rate); Internet safety*

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

COVID-19 Guidance for K-12 Schools

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

Web Content Accessibility Guidelines

WEB SITES

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

World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>